

8-23-88  
Vol. 53 No. 163  
Pages 32029-32194

# Federal Register

Tuesday  
August 23, 1988



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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** September 13; at 9:00 a.m.
- WHERE:** Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC
- RESERVATIONS:** Doris Tucker, 202-523-3419

### CHICAGO, IL

- WHEN:** September 19; at 9:15 a.m.
- WHERE:** Room 3320, Federal Building, 230 S. Dearborn St., Chicago, IL
- RESERVATIONS:** Call the Federal Information Center, Chicago 312-353-5692

# Contents

Federal Register

Vol. 53, No. 163

Tuesday, August 23, 1988

## Agricultural Marketing Service

### PROPOSED RULES

Onions (*Vidalia*) grown in Georgia, 32054

## Agriculture Department

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Food Safety and Inspection Service; Foreign Agricultural Service; Forest Service

### RULES

Organization, functions, and authority delegations: Administration, Assistant Secretary, et al.; relating to drug-free workplace program, 32029

## Animal and Plant Health Inspection Service

### RULES

Interstate transportation of animals and animal products (quarantine):  
Brucellosis—  
Tattoo use restriction for identification of sows and boars; corection, 32029

### NOTICES

Meetings:  
Contagious equine metritis program, 32087

## Coast Guard

### RULES

Tank vessels, etc.:  
Fire rated boundary bulkheads; ventilation penetrations, 32050

## Commerce Department

See also Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration

### NOTICES

Senior Executive Service:  
Performance Review Board; membership, 32088

## Congressional Budget Office

### NOTICES

Balanced Budget and Emergency Deficit Control Reaffirmation Act (Gramm-Rudman-Hollings):  
Sequestration report to Congress and OMB [*Editorial Note:* This document, appearing at page 31970 (not 31968) in the Federal Register of August 22, 1988, was incorrectly listed under Management and Budget Office in that issue's table of contents.]

## Defense Department

See also Defense Logistics Agency

### NOTICES

Agency information collection activities under OMB review, 32090  
(2 documents)

## Defense Logistics Agency

### NOTICES

Privacy Act; systems of records, 32091

## Education Department

### NOTICES

Agency information collection activities under OMB review, 32092  
Grantback arrangements; award of funds:  
New Jersey, 32092  
New York, 32094  
Grants; availability, etc.:  
Handicapped education research program, 32095  
National Institute on Disability and Rehabilitation Research—  
Funding priorities, 32188

## Employment and Training Administration

### NOTICES

Adjustment assistance:  
Atlantic Fuels Marketing Corp., 32119

## Energy Department

See also Federal Energy Regulatory Commission

### NOTICES

Environmental statements; availability, etc.:  
Green River, UT, 32096  
(2 documents)

## Environmental Protection Agency

### RULES

Air quality implementation plans; approval and promulgation; various States:  
Tennessee, 32049

### PROPOSED RULES

Air quality implementation plans:  
Air quality modeling conference, 32081

### NOTICES

Agency information collection activities under OMB review, 32102

## Executive Office of the President

See Management and Budget Office; Presidential Documents

## Export Administration

See International Trade Administration

## Federal Aviation Administration

### RULES

Airworthiness directives:  
Boeing, 32030  
Cessna, 32031  
Control zones, 32033

### PROPOSED RULES

Airworthiness directives:  
Boeing, 32077, 32080  
(2 documents)  
Fokker, 32078

Rulemaking petitions; summary and disposition, 32077

### NOTICES

Exemption petitions; summary and disposition, 32136, 32137  
(2 documents)

**Federal Communications Commission****RULES**

Communications equipment:

Cordless telephones; indefinite extension, 32051

**NOTICES**

Agency information collection activities under OMB review, 32103

(2 documents)

Meetings:

Advanced Television Service Advisory Committee, 32104

**Federal Energy Regulatory Commission****RULES**

Electric utilities (Federal Power Act):

Civil penalties assessment procedures, 32035

**NOTICES**

Electric rate, small power production, and interlocking directorate filings, etc.:

Niagara Mohawk Power Corp. et al., 32100

Natural gas certificate filings:

Interstate Power Co. et al., 32101

Preliminary permits surrender:

Adirondack Hydro Development Corp., 32102

*Applications, hearings, determinations, etc.:*

Mississippi River Transmission Corp., 32102

**Federal Financial Institutions Examination Council****NOTICES**

Bank call report data submission, 32104

**Federal Grain Inspection Service****NOTICES**

Hard Red Spring wheat protein determinations; near infrared reflectance instruments calibration, 32087

**Federal Reserve System****NOTICES**

Meetings; Sunshine Act, 32141

*Applications, hearings, determinations, etc.:*

County Bancorporation, Inc., 32105

Petty, Miller M., et al., 32105

Southern Michigan Bancorp, Inc., 32106

**Food and Drug Administration****NOTICES**

Human drugs:

Export applications—

Recombigen® HIV EIA test kits, 32106

Meetings:

Advisory committees, panels, etc., 32107

Consumer information exchange, 32108

**Food Safety and Inspection Service****PROPOSED RULES**

Meat and poultry inspection:

Imported products; movement prior to reinspection; prohibition, 32060

**Foreign Agricultural Service****NOTICES**

Import quotas and fees:

Dairy import licenses, 32087

**Foreign-Trade Zones Board****NOTICES***Applications, hearings, determinations, etc.:*

Oklahoma—

General Motors Corporation Auto Assembly Plant, 32088

**Forest Service****NOTICES**

Environmental statements; availability, etc.:

Coronado National Forest, AZ; Mt. Graham astrophysical area, 32088

**General Services Administration****PROPOSED RULES**

Federal Information Resources Management Regulation:

ADP equipment—

Paperwork Reduction Reauthorization Act; implementation; correction, 32085

**Health and Human Services Department***See also* Food and Drug Administration; National Institutes of Health**NOTICES**

Federal claims collection; interest rates on overdue debts, 32106

**Indian Affairs Bureau****NOTICES**

Irrigation projects; operation and maintenance charges:

San Carlos Irrigation Project, AZ, 32109

**Interior Department***See also* Indian Affairs Bureau; Land Management Bureau;

Minerals Management Service; National Park Service;

Surface Mining Reclamation and Enforcement Office

**NOTICES**

Privacy Act; systems of records, 32108

**International Trade Administration****NOTICES**

Antidumping:

Anhydrous sodium metasilicate from France, 32089

Petroleum wax candles from China, 32089

**Interstate Commerce Commission****NOTICES**

Railroad operation, acquisition, construction, etc.:

New York, Susquehanna and Western Railway Corp., 32117

Railroad services abandonment:

Mid-Louisiana Rail Corp., 32117

Southern Railway Co., 32118

Southrail Corp., 32119

**Labor Department***See* Employment and Training Administration; Mine Safety and Health Administration**Land Management Bureau****NOTICES**

Alaska Native claims selection:

Cook Inlet Region, Inc., 32110

Doyon, Ltd., 32110

Coal leases, exploration licenses, etc.:

Wyoming, 32110

Environmental statements; availability, etc.:

California Desert District; Army National Training Center, Fort Irwin, CA, 32110

Meetings:

Miles City District Advisory Council, 32111

Oregon; helicopter and motorized vehicle use in gathering wild horses and burros, 32111

**Management and Budget Office**

## NOTICES

Commercial activities performance (Circular A-76), 32128

**Maritime Administration**

## NOTICES

Trustees; applicants approved, disapproved, etc.:

MTrust Corp., 32138

Rhode Island Hospital Trust National Association, 32138

**Mine Safety and Health Administration**

## NOTICES

Safety standard petitions:

Ohio Valley Coal Co., 32120

**Minerals Management Service**

## NOTICES

Outer Continental Shelf; development operations coordination:

Huffco Petroleum Corp., 32112

**Mississippi River Commission**

## NOTICES

Meetings; Sunshine Act, 32141

(4 documents)

**National Communications System**

## NOTICES

Meetings:

National Security Telecommunications Advisory Committee, 32120

**National Institutes of Health**

## NOTICES

Meetings:

National Center for Nursing Research, 32108

National Institute of Diabetes and Digestive and Kidney Diseases, 32108

**National Oceanic and Atmospheric Administration**

## RULES

Fishery conservation and management:

Gulf of Alaska groundfish, 32051

**National Park Service**

## NOTICES

National Register of Historic Places:

Pending nominations—

Alaska et al., 32112

Parklands criteria; management policies, proposed; availability, 32113

**Nuclear Regulatory Commission**

## PROPOSED RULES

Production and utilization facilities; domestic licensing:

Nuclear power reactors; standard design certifications; and combined licenses; early site permits, 32060

## NOTICES

Meetings:

Nuclear Waste Advisory Committee, 32120

Nuclear Waste and Reactor Safeguards Advisory Committees

Proposed schedule, 32121

Meetings; Sunshine Act, 32141

*Applications, hearings, determinations, etc.:*

Consumers Power Co., 32123

Illinois Power Co., 32124

Northeast Nuclear Energy Co., 32124

Wrangler Laboratories et al., 32125

**Office of Management and Budget***See* Management and Budget Office**Personnel Management Office**

## PROPOSED RULES

Employment:

Commercial recruiting firms and nonprofit employment services; Government agency use, 32053

## NOTICES

Excepted service:

Schedules A, B, and C; positions placed or revoked—

Consolidated list, 32144

Update, 32132

**Presidential Documents**

## PROCLAMATIONS

*Special observances:*

Senior Citizens Day, National (Proc. 5847), 32193

**Public Health Service***See* Food and Drug Administration; National Institutes of Health**Research and Special Programs Administration**

## NOTICES

Hazardous materials:

Inconsistency rulings, etc.—

New York, 32184

**Securities and Exchange Commission**

## RULES

Investment advisers:

Advertisements; recordkeeping, 32033

## NOTICES

*Applications, hearings, determinations, etc.:*

Fleet/Norstar Financial Group, Inc., 32133

**Small Business Administration**

## NOTICES

Disaster declaration requests; resumption, 32134

Disaster loan areas:

California, 32134, 32135

(3 documents)

Illinois, 32135

New York, 32135

License surrenders:

Wilshire Capital, Inc., 32135

Meetings; regional advisory councils:

Massachusetts, 32135

Organization, functions, and authority delegations:

Supervisory loan officer; correction, 32135

*Applications, hearings, determinations, etc.:*

Trusty Capital Inc., 32136

**Surface Mining Reclamation and Enforcement Office**

## RULES

Permanent program submission and abandoned mine land reclamation plan submissions:

Alabama; correction, 32049

## NOTICES

Surface coal mining operations; unsuitable lands; petitions, designations, etc.:

Tennessee, 32115

**Transportation Department**

See Coast Guard; Federal Aviation Administration;  
Maritime Administration; Research and Special  
Programs Administration

**Treasury Department****NOTICES**

Agency information collection activities under OMB review,  
32138, 32139  
(2 documents)

**United States Information Agency****NOTICES**

Art objects, importation for exhibition:  
House of Timur: Princely Arts in Fifteenth Century Iran  
and Central Asia, 32139  
Masterpieces from the Von der Heydt-Museum, 32139

**Separate Parts in This Issue****Part II**

Office of Personnel Management, 32144

**Part III**

Department of Transportation, Research and Special  
Programs Administration, 32184

**Part IV**

Department of Education, 32188

**Part V**

The President, 32193

**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.

<b>3 CFR</b>		<b>17 CFR</b>	
Proclamations:		275.....	32033
5847.....	32193	<b>18 CFR</b>	
<b>5 CFR</b>		385.....	32035
Proposed Rules:		<b>30 CFR</b>	
300.....	32053	901.....	32049
<b>7 CFR</b>		<b>40 CFR</b>	
2.....	32029	52.....	32049
Proposed Rules:		Proposed Rules:	
955.....	32054	Ch. I.....	32081
<b>9 CFR</b>		<b>41 CFR</b>	
78.....	32029	Proposed Rules:	
Proposed Rules:		201-1.....	32085
327.....	32060	201-2.....	32085
381.....	32060	201-23.....	32085
<b>10 CFR</b>		201-24.....	32085
Proposed Rules:		<b>46 CFR</b>	
52.....	32060	32.....	32050
<b>14 CFR</b>		72.....	32050
39 (2 documents).....	32030, 32031	92.....	32050
71.....	32033	190.....	32050
Proposed Rules:		<b>47 CFR</b>	
Ch. I.....	32077	15.....	32051
39 (3 documents).....	32077- 32080	<b>50 CFR</b>	
		611.....	32051
		672.....	32051

**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.

# Rules and Regulations

Federal Register

Vol. 53, No. 163

Tuesday, August 23, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 2

#### Revision of Delegations of Authority

**AGENCY:** Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This document revises the delegations of authority from the Secretary of Agriculture and the general officers of the Department to reflect the delegation of certain functions relating to the USDA Drug-Free Workplace Program.

**EFFECTIVE DATE:** August 23, 1988.

**FOR FURTHER INFORMATION CONTACT:**

Larry Wilson, Director, Office of Finance and Management, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-8345.

**SUPPLEMENTARY INFORMATION:** The Department of Agriculture has instituted a Drug-Free Workplace Program which calls for the designation of certain positions within USDA to be included in a group from which random selections will be made for drug testing. Employees holding these positions so designated will be notified and given the opportunity to appeal the inclusion of their position in the drug-testing category. A USDA official is to be designated as the final appeal officer in such cases. This document delegates to the Assistant Secretary for Administration the authority to designate the final appeal officer and designates the Director of the Office of Finance and Management as the final appeal officer. It also delegates to the Assistant Secretary for Administration and the Director, Office of Finance and Management the authority to administer the administrative appeals process related to the inclusion of positions in the Testing Designated Position listing in

the USDA Drug-Free Workplace Program.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required and this rule may be made effective less than 30 days after publication in the Federal Register.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Pub. L. 97-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

#### List of Subjects in 7 CFR Part 2

Authority delegations (Government Agencies).

Accordingly, Part 2, Title 7, Code of Federal Regulations is amended as follows:

#### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for Part 2 continues to read as follows:

**Authority:** 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise stated.

#### Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.25 is amended by adding a new paragraph (b)(23) to read as follows:

#### § 2.25 Delegations of authority to the Assistant Secretary for Administration

\* \* \* \* \*

(b) *Related to finance and management.* \* \* \*

(23) Administer the administrative appeals process related to the inclusion of positions in the Testing Designated Position listing in the USDA Drug-Free Workplace Program and designate the final appeal officer for that Program.

\* \* \* \* \*

#### Subpart J—Delegations of Authority by the Assistant Secretary for Administration

3. Section 2.75 is amended by adding a new paragraph (a)(24) to read as follows:

#### § 2.75 Director, Office of Finance and Management.

(a) *Delegations.* \* \* \*

(24) Administer the administrative appeals process related to the inclusion of positions in the Testing Designated Position listing in the USDA Drug-Free Workplace Program and serve as the final appeal officer for the Program.

For Subpart C:

Date: August 17, 1988.

Peter C. Myers,  
*Acting Secretary of Agriculture.*

For Subpart J:

Date: August 17, 1988.

John J. Franke, Jr.,  
*Assistant Secretary for Administration.*  
[FR Doc. 88-19120 Filed 8-22-88; 8:45 am]  
BILLING CODE 3410-90-M

#### Animal and Plant Health Inspection Service

#### 9 CFR Part 78

[Docket No. 88-085]

#### Brucellosis; Correction

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Technical amendment.

**SUMMARY:** We are correcting an error in the brucellosis quarantine regulations concerning restrictions on the interstate movement of sows and boars for breeding purposes.

**EFFECTIVE DATE:** August 23, 1988.

**FOR FURTHER INFORMATION CONTACT:**

Dr. R.D. Hobbs, Regulatory Communications and Compliance Policy Staff, VS, APHIS, USDA, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8135.

**SUPPLEMENTARY INFORMATION:**

#### Background

The provisions of 9 CFR Part 78 *et seq.* (referred to below as the regulations) restrict the interstate movement of cattle, bison, and swine to prevent the

spread of brucellosis. Subpart D of the regulations (§§ 78.30 through 78.34) contains provisions that are specific to swine. Paragraph (b) of § 78.33 restricts the interstate movement of sows and boars, when transported for breeding purposes.

On January 13, 1987, we published a proposal in the Federal Register (52 FR 1336-1338, Docket No. 85-049) to amend the regulations. The final rule was published in the September 8, 1987, Federal Register (52 FR 33798-33800, Docket No. 87-050).

The final rule differed in certain respects from the original proposal. Most of these differences were explained in the "Supplementary Information" portion of the final rule as being the result of changes made in response to comments from the public. The one exception involved the amendatory language for § 78.33(b). Our proposal included asterisks indicating that paragraph (2) of § 78.33(b) was to remain unchanged. These asterisks were inadvertently omitted from the final rule, resulting in the deletion of paragraph (2).

The provisions that were unintentionally deleted required that any sows and boars moved interstate for breeding purposes be accompanied by a certificate containing certain statements and be:

1. From a validated brucellosis-free herd or state; or
2. Negative to an official test within a certain timeframe.

This correction reinserts these provisions in the regulations, where they are needed to assure that only brucellosis-free sows and boars will be moved interstate for breeding purposes. To accomplish this correction, we are also redesignating current § 78.33(b) as paragraphs (b) and (b)(1) of § 78.33. This redesignation is only a formatting change and does not amend any language currently in the regulations.

#### List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

Accordingly, 9 CFR Part 78 is correctly amended as follows:

#### PART 78—BRUCELLOSIS

1. The authority citation for Part 78 continues to read as follows:

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51 and 371.2(d).

2. Paragraph (b) of § 78.33 is revised to read as follows:

#### § 78.33 Sows and boars.

(b) Sows and boars may be moved in interstate commerce for breeding only if the sows and boars are:

(1) Individually identified by an official eartag, or by ear notching or an ear tattoo that has been recorded in the book of record of a purebred registry association. This identification must be accomplished before movement in interstate commerce and before the sows and boars are mixed with swine from any other source; and

(2) (i) From a validated brucellosis-free herd or a validated brucellosis-free state and accompanied by a certificate which states, in addition to the items specified in § 78.1, that the swine originated in either a validated brucellosis-free herd or a validated brucellosis-free state; or

(ii) Negative to an official test within 30 days prior to interstate movement and accompanied by a certificate which states, in addition to the items specified in § 78.1, the dates and results of the official tests.

Done at Washington, DC, this 18th day of August 1988.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-19118 Filed 8-22-88; 8:45 am]

BILLING CODE 3410-34-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 88-NM-13-AD; Amdt 39-6007]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 737 series airplanes certified for operation above 35,000 feet, which requires replacement of cabin pressure safety relief valves. This amendment is prompted by reports of cabin pressure safety relief valves becoming inoperative due to accumulated moisture freezing in the valves. This condition, if not corrected, could lead to excessive pressure buildup in the airplane in the event of a pressurization system malfunction.

**EFFECTIVE DATE:** October 3, 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 the Seattle Transport Airplane 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 replacement of cabin pressure safety relief valves on Boeing Model 737 series airplanes, was published in the Federal Register on March 18, 1988 (53 FR 8928).

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

The Air Transport Association (ATA) of America, on behalf of its members, commented that the proposed rule addressed airplanes certificated up to 37,000 feet, which could be interpreted to cover all Model 737 airplanes. It requested that the proposed applicability statement be clarified to read "certified for operation above 35,000 feet." The FAA concurs with the recommendation. The intent of this AD action was to address only to those airplanes certificated to the higher altitudes. The final rule has been revised accordingly. 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.

ATA questioned whether the proposed modification would address the problem of "sticky sensors" which the FAA is attempting to solve, and also asked how icing was identified as the problem. It suggested that sticky sensors in these valves have been causing problems for years and requested that the AD permit periodic checking and cleaning of the valves as an alternate means of compliance with the AD. The FAA notes that the testing used to identify the source of the problem was accomplished in the Boeing laboratory and showed clearly that airplanes equipped with pressurization systems certificated for altitudes above 35,000 feet operate at a higher cabin differential pressure when flying at altitudes above 28,000 feet. This higher pressure differential results in the safety valves functioning with the sensor

poppet operating off its seat, thereby passing air and moisture, which condenses and eventually freezes, rendering the valve inoperative. This specific problem is only present on airplanes certificated to operate above 35,000 feet. Therefore, the FAA does not concur with the commenter that the problem is caused by contamination and that periodic cleaning would be a solution.

The ATA also noted that its affected operators will have to modify all their airplanes to maintain safety valve interchangeability with their other Model 737 airplanes, and requested that the FAA change the economic analysis to reflect this increased cost. The FAA does not concur. Since the rule does not require modification of Model 737 airplanes certificated for operation at the lower altitude, such modifications are solely at the option of the operator, and therefore, the associated costs are not attributable to the rule.

Another commenter, the Air Line Pilots Association (ALPA), requested that the FAA verify that the problem with the cabin safety relief valves only occurs on aircraft certificated to 37,000 feet. This commenter recommended that if any doubt exists, the rule should be expanded to require modification of all Model 737 airplanes. For the reasons already discussed, the FAA does not concur with the commenter's recommendation, and the final rule has not been revised.

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 B.

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 the adoption of the proposed rule, with the changes previously noted.

It is estimated that 312 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$49,920.

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 § 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:

**Boeing:** Applies to Model 737 series airplanes, which have been approved for operation above 35,000 feet, certificated in any category. Compliance required within the next 15 months after the effective date of this AD, unless previously accomplished.

To prevent fuselage pressures in excess of design limits due to freezing of cabin pressure safety relief valves if pressurization malfunctions occur, accomplish the following:

A. Replace the cabin pressure safety relief valves (2) in accordance with Boeing Service Bulletin 737-21-1906, dated December 10, 1987.

B. 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 Transport Airplane 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 Transport Airplane Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the 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 Boeing Commercial Airplanes, 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 Transport Airplane Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective October 3, 1988.

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

Thomas E. McSweeney,  
Acting Director, Office of Airworthiness.  
[FR Doc. 88-19027 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 88-CE-08-AD; Amdt. 39-6004]

#### Airworthiness Directives; Cessna Models 402B, 402C, 404, F406, 421C, and 441 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Models 402B, 402C, 404, F406, 421C, and 441 airplanes, which requires structural reinforcement of Enviroform type passenger seats. Reports have been received of seats separating from the seat base. The actions specified in this AD will reinforce this interface, preclude failure of the seats, and help prevent severe injury or fatalities to the occupants in the event of a minor crash.

**DATES:** *Effective Date:* September 22, 1988.

*Compliance:* Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

**ADDRESSES:** Cessna Service Bulletins CAB87-16 and CQB87-5, both dated

December 4, 1987, and MEB87-9, Rev. 1, dated February 19, 1988, applicable to this AD may be obtained from Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67277, or may be examined at the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Lawrence S. Abbott, Wichita Aircraft Certification Office, FAA, Central Region, ACE-120W, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4409.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring structural reinforcement of Enviroform type passenger seats used in certain Cessna Models 402B, 402C, 404, F406, 421C, and 441 airplanes was published in the Federal Register on April 8, 1988 (53 FR 11674). The proposal resulted from reports that have been received of seat tops separating from the seat base. The Enviroform type passenger seats are constructed from two parts of molded composite; consisting of the seat, back and bottom, bonded to the pedestal (bottom) at their interfaces. A failure of the bond causes separation of the seat and pedestal. Such failures resulted in Cessna issuing Service Letter ME77-30, and Service Kits SK 421-72 and SK 421-78, that provided fasteners and a doubler to reinforce the bond. AD 78-06-03, Amendment 39-3162 (43 FR 11969, March 23, 1978) was, in turn, issued to require compliance with the Cessna Service instructions as applicable to those Models 402B, 421B and 421C airplanes equipped for air taxi operation. Cessna did not incorporate the reinforcement in new production seats because the bonding process and acceptance tests had been altered to correct the previous discrepancies. Subsequently, Cessna began production of the Models 402C, 404, F406 and 441 airplanes. These airplanes were not covered by AD 78-06-03. The FAA has learned that there have been three seat failures on the models not covered by AD 78-06-03, all of which were on seats that did not have the interface fasteners. These failures have been attributed in part to tandem mounting which imposes loads on the pedestal-seat interface that are not provided for in Airworthiness Standards. Since failure of these seats can cause severe or even fatal injury to the occupant, Cessna responded by issuing Service Bulletins CAB87-16 and CQB87-5, both dated December 4, 1987, and MEB87-9, Rev. 1, dated February 19, 1988, which provide instructions for the

installation of Service Kit SK 421-135 on Enviroform seats. Since the condition described herein is likely to exist or develop in other Models 402B, 402C, 404, F406, 421C and 441 airplanes of the same design, an AD was proposed that would require modification of the seat per the above applicable service bulletins.

Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly, the proposal is adopted without change.

The FAA has determined that this regulation only involves 771 airplanes (approximately 5400 seats). The cost of modifying these seats as required by the AD is estimated to be \$929.60 per airplane. The total cost is estimated to be \$716,722 to the private sector. Few, if any small entities own more than 5 affected airplanes; therefore, the total cost of this inspection is less than the threshold for a significant economic impact.

The regulations set forth in this amendment are 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.

Therefore, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### 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 FAR 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 AD:

**Cessna:** Applies to the following models and serial numbered airplanes certificated in any category:

#### Model and Serial Numbers

402—402B1047 through 402C1020  
404—404-0001 through 404-0859  
F406—F406-0001 through F406-0021  
421—421C0055 through 421C1807  
441—441-0001 through 441-0362

**Compliance:** Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To assure structural integrity of the bond between the seat and seat back assembly (upper part) to the seat pedestal assembly (bottom part) of Enviroform type passenger seats, accomplish the following:

(a) Install the structural reinforcement provided with Cessna Service Kit SK 421-135, dated December 4, 1987, on each Enviroform type passenger seat in accordance with the applicable Cessna Service Bulletin CAB87-16, or CQB87-5, both dated December 4, 1987, or MEB87-9, Rev. 1, dated February 19, 1988.

(b) The 100 hour compliance time for paragraph (a) of this AD may be extended up to an additional 10 hours time-in-service to allow compliance at previously scheduled maintenance periods.

(c) Airplanes may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(d) An equivalent method of compliance with this AD may be used if approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67277; or may examine these documents at the FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on September 22, 1988.

Issued in Washington, DC, on August 12, 1988.

Thomas E. McSweeney,  
Acting Director, Office of Airworthiness.  
[FR Doc. 88-19025 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71****[Airspace Docket No. 88-ANE-11]****Proposed Control Zone for Boire Field, Nashua, NH****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment designates a control zone to encompass airspace surrounding the airport of Boire Field, Nashua, NH. The action will allow positive control of aircraft operations in the vicinity of the airport during instrument meteorological conditions. Airspace affected by designation of the control zone extends upward from the surface of the ground within a five-mile radius of the airport, with an extension needed to contain IFR arrival and departure operations. The control zone is planned on a part time schedule as follows:

October 1-April 30, from 8:00 a.m. local to 8:00 p.m. local.

May 1-September 30, from 7:00 a.m. local to 9:00 p.m. local.

**EFFECTIVE DATE:** August 23, 1988.

**FOR FURTHER INFORMATION CONTACT:** Charles M. Taylor, Airspace Specialist; Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park; Burlington, MA. 01803; Telephone 617-270-2428.

**SUPPLEMENTARY INFORMATION:****History**

On April 22, 1988, the FAA proposed to amend Part 71 of the Federal Aviation Regulation (14 CFR Part 71) to designate a control zone to encompass airspace surrounding Boire Field, Nashua, NH. This action will allow for positive control of aircraft operations in the vicinity of the airport during instrument meteorological conditions and enhance aviation safety in that area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment objecting to the proposal was received as a result of the Notice of Proposed Rulemaking. The commenter objected to positive control at this field. The FAA believes this designation of a control zone will provide necessary protection to aircraft executing instrument approaches which have been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect aircraft utilizing the instrument approach. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of

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

**The Rule**

This amendment of Part 71 of the Federal Aviation Regulations designates a control zone to encompass airspace surrounding Boire Field, Nashua, NH. This action will allow for positive control of aircraft operations in the vicinity of the airport during instrument meteorological conditions and enhance aviation safety in that Area.

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

**List of Subjects in 14 CFR Part 7**

Aviation safety, Control zone.

**Adoption of the Amendment**

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

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

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

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

**§ 71.171 [Amended]**

2. Section 71.171 is amended as follows:

**Nashua, NH [New]**

Within a 5 mile radius of Boire Field, Nashua, NH [lat. 42°46'54" N., Long. 71°30'55" W] and within 4 miles each side of the Manchester VORTAC 249° radial, extending from the 5-mile radius zone to 3 miles southwest of the VORTAC, excluding that portion within the Manchester Control Zone, and within 3 miles each side of 303° T (319° M) bearing from the Lewis NDB [lat.

42°49'24", long. 71°36'10" W.] extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific days and time established in advance by a Notice to Airmen. The effective days will thereafter be continuously published in the Airport/Facility Directory.

Issued in Burlington, Massachusetts, on August 9, 1988.

James I. Lucas,

Manager, Air Traffic Division.

[FR Doc. 88-19026 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-13-M

**SECURITIES AND EXCHANGE COMMISSION****17 CFR Part 275****[Rel. No. IA-1135; File No. S7-34-87]****Recordkeeping by Investment Advisers****AGENCY:** Securities and Exchange Commission.**ACTION:** Adoption of rule amendments.

**SUMMARY:** The Commission is adopting amendments to the recordkeeping rule under the Investment Advisers Act of 1940. The amendments require registered investment advisers to keep for Commission inspection all of their advertisements and to make and keep all records necessary to form the basis for performance information in their advertisements. The rule amendments permit Commission staff to examine advisers' advertisements and the basis for performance information in their advertisements for compliance with the antifraud provisions of the Investment Advisers Act of 1940.

**EFFECTIVE DATE:** October 20, 1988.

**FOR FURTHER INFORMATION CONTACT:** Dorothy M. Donohue, Attorney, or Robert E. Plaze, Special Counsel, (202) 272-2107, Office of Disclosure and Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Mail Stop 5-2, Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission ("Commission") today is amending Rule 204-2 (17 CFR 275.204-2) under the Investment Advisers Act of 1940 ("Advisers Act") (15 U.S.C. 80b-1 *et seq.*). The amendments, among other things, require an adviser that advertises performance to maintain records substantiating any performance figure.

## Discussion

On November 5, 1987, the Commission proposed amendments to the investment adviser recordkeeping rule that would require registered investment advisers ("advisers") to keep all of their advertisements and all documents necessary to form the basis for performance information in advertisements ("supporting records"). The proposed amendments would require advertisements and supporting records to be kept for five years from the end of the fiscal year in which the advertisement was last published or otherwise disseminated.<sup>1</sup> The Commission received letters from four commenters, all of whom supported the purpose of the proposed rule amendments—to deter the use of false or misleading performance information by advisers.<sup>2</sup> The commenters also suggested specific modifications to the proposed recordkeeping requirements. The Commission has decided to adopt the proposed amendments to the recordkeeping rule substantially as proposed, but modified to reflect several of the comments received.

In the release proposing the amendments, the Commission explained that they were designed to permit examination of adviser advertisements for compliance with Rule 206(4)-1 (17 CFR 275.206(4)-1) under the Advisers Act which, among other things, prohibits false or misleading advertisements by advisers. None of the commenters objected to the requirement that advisers substantiate advertised performance information; three, however, were concerned that the proposed amendments might require advisers advertising the performance of managed accounts to keep all documents of original entry from which information is inputted into an adviser's client accounting system. They asserted that this would require an adviser to retain a considerable amount of paper, the storage of which would be very expensive. To alleviate these concerns, the Commission has clarified the recordkeeping requirement for advisers advertising the performance of managed accounts. Rule 204-2(a)(16), as adopted, permits an adviser to substantiate advertised performance by retaining all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts ("worksheets") and by retaining all account statements, if the statements

reflect all debits, credits, and other transactions in a client's account ("account statements").<sup>3</sup> The Commission believes that account statements prepared for clients contemporaneously with the period reported will ordinarily be sufficient to substantiate advertised performance of managed accounts when accompanied by worksheets that transform the account information into performance figures.

If advertised adviser performance consists of performance other than that of managed accounts,<sup>4</sup> the adviser is required to prepare and retain whatever documents are necessary to substantiate performance data.<sup>5</sup> For example, under the rule as adopted, an adviser advertising the performance of written recommendations is required to document the nature of the recommendations, when they were made, and any assumptions made to compute performance, e.g., that the customer acted on the recommendations at a given time.<sup>6</sup>

Three commenters argued that adoption of the amendments requiring advisers to substantiate their advertised performance would, in effect, preclude advisers who have not retained the required documentation from advertising performance data for periods prior to adoption of the amendments. One pointed out that advisers are only required to keep the type of records necessary to substantiate the performance of managed accounts for the most recent five years.<sup>7</sup> Three commenters pointed

<sup>3</sup> An adviser complying with paragraph (a)(16) by retaining account statements must retain all account statements, whether or not a particular account is included in the computation of a performance figure.

<sup>4</sup> Under the rule, of course, an adviser must be able to substantiate each performance figure advertised.

<sup>5</sup> Investment companies have been able to comply with rule 31a-1(a) (17 CFR 240.31a-1(a)), a similar provision requiring investment companies to retain all "documents . . . which constitute the record forming the basis for financial statements." Rule 31a-1(a) is almost identical to Section 31(a) (15 U.S.C. 80a-31(a)) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*). Paragraph (a)(16) of rule 204-2, as proposed and adopted, is patterned after rule 31a-1(a).

<sup>6</sup> Supporting records for advertised performance must be made contemporaneously with the recommendations or assumptions made. However, data published or generated subsequently but accumulated contemporaneously with the events could be used to compute and substantiate advertised adviser performance (e.g., Standard and Poor Corporation's *Daily Stock Price Record* could be used to document stock prices at which the adviser's recommendations were made or the closing positions of market indices).

<sup>7</sup> See Rule 204-2: paragraph (a)(3) (memoranda of orders and instructions relating to purchases and sales of securities by adviser); paragraph (a)(7) (written communications relating to securities

out, however, that most advisers keep account statements. The Commission believes, therefore, that advisers should be able to meet the revised rule requirements for managed accounts.

Finally, one commenter pointed out that the proposed amendments would require advisers to retain and substantiate performance information in documents not distributed to the public. The Commission has modified the rule amendments to require an adviser to keep all of its advertisements but to except from the recordkeeping and substantiation requirements communications distributed solely to persons connected with the adviser.<sup>8</sup>

## Regulatory Flexibility Act Analysis

A summary of the Initial Regulatory Flexibility Analysis, which was prepared in accordance with 5 U.S.C. 603, was published in Investment Advisers Act Release No. 1093. No comments were received on this analysis. The Commission has prepared a Final Regulatory Flexibility Analysis, a copy of which may be obtained by contacting Dorothy M. Donohue, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Mail Stop 5-2, Washington, DC 20549.

## List of Subjects in 17 CFR Part 275

Investment Advisers, Reporting and recordkeeping requirements.

## Test of Rule

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

## PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

1. The authority citation for Part 275 is amended by adding the following citation:

Authority: Sec. 203, 15 U.S.C. 80b-3; Sec. 204, 15 U.S.C. 80b-4; Sec. 206A, 15 U.S.C. 80b-6A; Sec. 211, 15 U.S.C. 80b-11 \* \* \* Sec. 275.204-2 is also issued under Sec. 206, 15 U.S.C. 80b-6.

2. Section 275.204-2 is amended by revising paragraphs (a)(11) and (e)(1),

recommendations and purchase and sale orders by adviser); paragraph (a)(10) (written agreements between adviser and clients); paragraph (a)(11) (certain advertisements distributed by adviser that recommend the purchase or sale of specific securities); paragraphs (b) (1), (2), and (3) (journals, ledger accounts, and copies of confirmations relating to purchase or sale of certain securities by adviser); and paragraph (c)(1) (records relating to purchase and sale of certain clients' securities by adviser).

<sup>8</sup> See Rule 204-2(a)(11) (17 CFR 275.204-2(a)(11)).

<sup>1</sup> Investment Advisers Act Rel. No. 1093 (Nov. 5, 1987) (52 FR 43343 (Nov. 12, 1987)).

<sup>2</sup> The comment letters and a summary of comments prepared by the Commission staff are contained in File No. S7-34-87.

and adding paragraphs (a)(16) and (e)(3) as follows:

**§ 275.204-2 Books and records to be maintained by investment advisers.**

(a) \* \* \*  
 (11) A copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication that the investment adviser circulates or distributes, directly or indirectly, to 10 or more persons (other than persons connected with such investment adviser), and if such notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication recommends the purchase or sale of a specific security and does not state the reasons for such recommendation, a memorandum of the investment adviser indicating the reasons therefor.

(16) All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of any or all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication that the investment adviser circulates or distributes, directly or indirectly, to 10 or more persons (other than persons connected with such investment adviser); *provided, however*, that, with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this paragraph.

(e)(1) All books and records required to be made under the provisions of paragraphs (a) to (c)(1), inclusive, of this rule (except for books and records required to be made under the provisions of paragraphs (a)(11) and (a)(16) of this rule), shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in an appropriate office of the investment adviser.

(3) Books and records required to be made under the provisions of paragraphs (a)(11) and (a)(16) of this

rule shall be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the investment adviser, from the end of the fiscal year during which the investment adviser last published or otherwise disseminated, directly or indirectly, the notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication.

By the Commission.  
 August 17, 1988.  
 Shirley E. Hollis,  
*Assistant Secretary.*  
 [FR Doc. 88-19067 Filed 8-22-88; 8:45 am]  
 BILLING CODE 8010-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 385

[Docket No. RM87-24-000; Order No. 502]

#### Procedures for the Assessment of Civil Penalties Under Section 31 of the Federal Power Act

Issued August 17, 1988.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final Rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is issuing a final rule to establish procedures for the assessment of civil penalties under section 12 of the Electric Consumers Protection Act of 1986 (ECPA).

Under the final rule, hydroelectric licensees, permittees and exemptees, or any persons who should have a license under or exemption from the Federal Power Act but do not, are subject to civil penalties of up to \$10,000 per day for each violation of Part I of the Act, any rule or regulation issued under Part I of the Act, any term or condition of a license or permit issued under, or exemption issued from, Part I of the Act, or a compliance order issued under section 31(a).

**EFFECTIVE DATE:** This final rule is effective October 24, 1988.

**FOR FURTHER INFORMATION CONTACT:** Julia Lake White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8530.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the Federal Register, the

Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 1000 at the Commission's Headquarters, 825 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this final rule will be available on CIPS for 10 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Before Commissioners: Martha O. Hesse, Chairman; Charles G. Stalon and Charles A. Trabandt.

#### FINAL RULE

##### I. Introduction

The Federal Energy Regulatory Commission (Commission) is issuing final rules establishing procedures for the assessment of civil penalties under section 12 of the Electric Consumers Protection Act of 1986 (ECPA).<sup>1</sup>

##### II. Background

ECPA was enacted on October 16, 1986. Section 12 of ECPA amended the Federal Power Act (Act) by adding a new section 31.<sup>2</sup> Section 31<sup>3</sup> now authorizes the Commission to assess civil penalties in certain circumstances. The Commission issued a notice of proposed rulemaking (NOPR) establishing procedures for the assessment of civil penalties on August 3, 1987. The NOPR was published in the Federal Register on August 6, 1987.<sup>4</sup> Comments were to be received by October 5, 1987. Eight comments were filed.<sup>5</sup> The Commission has reviewed

<sup>1</sup> Pub. L. No. 99-495, 100 Stat. 1243 (1986).

<sup>2</sup> Codified at 16 U.S.C. 823b.

<sup>3</sup> Section references are to sections of the Act unless otherwise indicated.

<sup>4</sup> 52 FR 29,216 (1987).

<sup>5</sup> Comments were received from Alabama Power Co. (Alabama Power), American Public Power Association (APPA), Consumers Power Co. (Consumers Power), Edison Electric Institute (EEI), National Hydropower Association (NHA), Niagara Mohawk Power Corporation (Niagara Mohawk), Orange and Rockland Utilities, Inc. (Orange & Rockland) and Pacific Gas and Electric Co. (PG&E).

these comments and is issuing the rules substantially as proposed. A discussion of the comments with minor clarifications of the rule is provided below.

### III. Summary of the Final Rule

Under the Commission's regulations, licensees, permittees and exemptees, or any persons who should have a license under or exemption from the Act but do not, are subject to civil penalties of up to \$10,000 per day for each violation of Part I of the Act, any rule or regulation issued under Part I of the Act, any term or condition of a license or permit issued under, or exemption issued from, Part I of the Act, or a compliance order issued under section 31(a).<sup>6</sup> The amount of the penalty will reflect the nature and seriousness of the violation and the timely remedial efforts of the person against whom the penalty is proposed. The Commission will consider the person's compliance history, whether the person possessed actual or constructive knowledge of the violation, whether the violation resulted in loss of life, and whether persons, property or the environment were damaged or endangered. In accordance with ECPA, no penalty will be assessed where a license or exemption is revoked.<sup>7</sup>

The Commission will provide notice of the proposed penalty and, where applicable, of the person's right to make an election between the Commission's administrative procedures under section 31(d)(2) and trial court procedures in United States District Court under section 31(d)(3). The person will then have 30 days to elect in writing the procedural course to be followed. An election may be revoked only with the consent of the Commission.

If an election is not made, or if an election is not applicable, then the Commission's administrative procedures will apply. After an opportunity for a hearing, the Commission may issue a civil penalty assessment order. The person against whom the penalty is assessed may appeal to the appropriate United States Court of Appeals within 60 days.<sup>8</sup> If a person fails to pay the civil penalty assessment after a decision by the Court of Appeals, the Commission

will institute an action to recover the penalty plus interest.<sup>9</sup>

If an election is made in favor of the trial court procedures, the Commission will promptly assess the penalty and, if the penalty is not paid within 60 days, initiate an action in United States District Court for an order affirming the civil penalty. If the penalty is not paid within 60 days after the District Court has entered a final judgment in favor of the Commission, the Commission will use applicable court procedures to collect on the judgment plus interest. Finally, the regulations also provide that, in certain circumstances, the Commission may modify a civil penalty.

### IV. Comments

#### A. Scope of the Rule.

Some commenters dispute the Commission's authority to assess civil penalties to persons who, without Commission authorization, construct or operate a hydropower project that requires authorization or who otherwise violate Part I of the Act.<sup>10</sup> They argue that ECPA limited the scope of the civil penalty provision only to those who are licensees, permittees or exemptees. The Commission disagrees. In enacting ECPA, Congress intended to apply the civil penalty provision not only to those who have a license, permit or exemption, but also to those who are required to have a license or exemption.

By strengthening the enforcement provisions of the Federal Power Act, Congress sought to provide the Commission with additional authority to compel operators of hydropower projects to comply with the law and Commission regulations and orders. The legislative history indicates that Congress intended civil penalties to apply not only to authorized operators of hydropower projects but also to those who are required to have a license or exemption but have failed to secure one. The ECPA enforcement provisions originated in the House of Representatives. The House Committee on Energy and Commerce, which drafted the enforcement section, explained that the purpose of the section was to buttress and improve the Commission's enforcement capability in dealing with certain concerns. The very first concern highlighted by the House Report was the problem of unlicensed hydroelectric projects. The report quoted Edward G. Horn, chief ecologist for the New York

State Department of Environmental Conservation, as follows:

*At the present time, numerous hydroelectric stations throughout the country, particularly in the Northeast, are being operated without licenses or exemptions from licensing. Many of these operations are adversely affecting the fulfillment of state and/or federal objectives related to resource enhancement which are embodied as conditions attached to newly-licensed, exempted, or relicensed developments within the same basin. For example, provisions for adequate minimum downstream releases, minimum turbine mortality to fish, construction and operation of upstream and downstream fish passage facilities, water quality, public safety and recreational access to project lands and waters are essential to the completion of ongoing natural resource programs designed to project and enhance indigenous fishery resources and to permit the reestablishment of historic anadromous fisheries. (emphasis in original)*<sup>11</sup>

The Committee further emphasized that it expected "FERC to locate projects that are being operated without legal authority and to enforce the law."<sup>12</sup> In enforcing the law, the new civil penalty tool was clearly intended to be available for any problem covered by subsection (a) of the ECPA enforcement section.<sup>13</sup> The House Committee specified that civil penalties could be applied "for failure or refusal to comply with a subsection (a) order or any matter referenced in subsection (a) or for violations of such matters or orders."<sup>14</sup> There is therefore no support for an argument that Congress reflected its concern about unlicensed operations in subsection (a) but not in subsection (c), the civil penalty provisions. In short, the legislative history shows that Congress was concerned about unlicensed operations, expected the Commission to assure compliance with the licensing structure, and gave the Commission enhanced authority, in the form of civil penalty powers, to enforce the law.

Furthermore, to interpret the civil penalty provision in a manner other than applying to those who have or should have a license as well as those who violate Part I of the Act would not only be contrary to Congressional intent but could lead to the result of encouraging operators of hydropower projects to violate the FPA and operate without a license when they are required to have one. For example, a licensee who constructed a project but

<sup>6</sup> Violations include failures or refusals to comply, as these terms are used interchangeably in section 31.

<sup>7</sup> Codified at 16 U.S.C. 823b (1982).

<sup>8</sup> The rehearing provisions of section 313 remain applicable. Repeals by implication are not favored. *St. Martin Evangelical Lutheran Church v. South Dakota*, 451 U.S. 772, 786 (1981); *Posadas v. National City Bank*, 296 U.S. 497, 503 (1936).

<sup>9</sup> The Commission will collect interest pursuant to the Debt Collection Act, 31 U.S.C. 3717 (1982).

<sup>10</sup> See *NHA, Niagara Mohawk and Orange & Rockland*.

<sup>11</sup> H. R. Conf. Rep. No. 99-507, 99th Congress, 2nd Sess., at 39 (1985).

<sup>12</sup> *Id.*

<sup>13</sup> See note 2.

<sup>14</sup> *Id.* note 11.

who then violated a Commission order and damaged the environment would be subject to civil penalties, while a person who committed the same acts resulting in the same damage but who, in violation of the law, did not have a license, would not be subject to a civil penalty.

The Commission is not compelled by the literal reading of the Act to reach such a result. As the Supreme Court declared in *American Trucking*,

There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning. When that meaning has led to absurd or futile results, however, this Court has looked beyond the words to the purpose of the act. Frequently, however, even when the plain meaning did not produce absurd results but merely an unreasonable one "plainly at variance with the policy of the legislation as a whole" this Court has followed that purpose, rather than the literal words.<sup>15</sup>

Congress did not intend to favor those who do not comply with the law over those who do. The commenters have been unable to cite any legislative history to support their narrow reading of a licensee, permittee or exemptee to exclude those who should have licenses or exemptions. At no point during the hearings that preceded ECPA or during the Committee consideration or floor statements was there any discussion of intent to limit the applicability of the ECPA civil penalty provisions in the manner suggested by the commenters. The Commission's interpretation reflects the Congressional purpose.<sup>16</sup>

#### B. Authority and Identification of Section 31(a) Compliance Orders.

Some commenters assert that orders issued pursuant to delegated authority by technical staff should be clearly identified as compliance orders if the violation of these orders may serve as the basis for civil penalties.<sup>17</sup> These

commenters believe there must be a clear distinction between compliance orders and the more informal correspondence between Commission technical staff and the public.

The Commission or Commission staff will clearly identify any "compliance order". This compliance order will indicate that the order is issued pursuant to section 31(a).

#### C. Consideration of Additional Factors

PG&E argues that the total picture of license activities should be factored into a penalty decision, with both aggravating and mitigating circumstances evaluated. The Commission notes that nothing in the rule precludes the Commission from considering any information submitted to it. The person receiving a notice of proposed penalty has the opportunity to make a submission in its answer.<sup>18</sup> In addition, the Commission's Rules Relating to Investigations also provide for submissions.<sup>19</sup> The list of factors in Rule 1505 is not intended to be exclusive. This will allow the Commission to exercise its discretion whether or not to consider other factors in assessing civil penalties.

EEL asserts that the Commission should not consider past violations when determining a proposed civil penalty amount. EEL argues that the Commission does not have the legal authority to consider past violations and that consideration of these violations contradicts the Commission's decision that it will not assess civil penalties for violations ending prior to the enactment of ECPA. The Commission disagrees. In considering the nature of a present violation, the Commission intends to take into account the violator's compliance history. The Commission believes that an increased penalty is necessary for a repeat violator in order to adequately encourage compliance and to protect the environment and provide greater public safety. The Commission also recognizes that a first-time violator should not necessarily be penalized as severely as a repeat violator.

NHA asserts that the Commission should formally add a criterion to reflect the ability of the licensee or exemptee to pay a proposed penalty.<sup>20</sup> The

Commission declines to do this. Congress did not require the Commission to take ability to pay into account. The Commission notes, however, that the final rule does not preclude the Commission from considering a violator's ability to pay. The Commission merely declines to make this a formal requirement. The Commission's regulations are revised to provide that the Commission may consider other factors in assessing civil penalties. The Commission is simply declining to specify any additional factors as formal factors that must be considered in assessing civil penalties.

#### D. Knowing Violations

PG&E would have the Commission assess penalties only for knowing violations and would exclude violations that a licensee did not know of and could not reasonably be expected to know. The Commission declines to implement such a narrow implementation of section 31. Where Congress intended a "knowing" standard as a limiting condition to the imposition of sanctions under ECPA, it stated so explicitly.<sup>21</sup> It has not done so here. However, in assessing a civil penalty, the Commission will take into account whether the violation was a knowing one. As stated in the proposed and final rule, a knowing violation will generally result in a greater penalty.<sup>22</sup>

#### E. Opportunity to Correct Conduct and Resolve Jurisdictional Disputes

NHA requests that the Commission issue a notice of noncompliance, with an opportunity for the licensee or exemptee either to change its conduct or to contest the issue of noncompliance, prior to triggering liability for civil penalties. Alabama Power and EEL believe that the Commission should resolve all legal and jurisdictional disputes and provide the project operators the opportunity to bring the project into compliance before enforcing the civil penalty provisions.

APPA argues that assessment of civil penalties is an action to which the Commission should only resort when efforts on the Commission's part that are reasonable relative to the nature of the violation involved have failed to produce constructive response on the part of the licensee. APPA believes that civil penalties should not be peremptorily imposed in cases of minor or inadvertent violations.

While the Commission may initially contact persons in an effort to resolve

<sup>15</sup> U.S. v. American Trucking Associations Inc. et al., 310 U.S. 534, 543 (1940).

<sup>16</sup> In a similar situation, the Court of Appeals for the Ninth Circuit has interpreted the phrase "registered under this Act" in the Commodity Exchange Act, 7 U.S.C. § 60(1) (1982), as applying not only to those actually registered but also to those engaged in activities which require registration. The court stated that "[t]he purpose of the statute supports this interpretation of congressional intent. It would be anomalous indeed if an advisor could escape the fiduciary duties of section 40 by avoiding required registration. This would frustrate a principal purpose of the Act." Commodity Futures Trading Commission v. Savage, 611 F.2d 270, 282 (9th Cir. 1980).

<sup>17</sup> See Alabama Power, EEL, Niagara Mohawk and PG&E.

<sup>18</sup> See Rule 1507(a).

<sup>19</sup> See 18 CFR §§ 1b.18-19 (1987).

<sup>20</sup> NHA states that proposed Rule 1505 "provides an appropriate set of considerations for the amount of civil penalties", with the exception of the absence of an explicit "ability to pay" criterion.

<sup>21</sup> See section 31(b)(1).

<sup>22</sup> See Rule 1505.

instances of noncompliance, the Commission declines to institute this approach as a necessary condition before assessing civil penalties. Section 31 does not require this step and the Commission declines to limit its enforcement authority. If the Commission limited the assessment of civil penalties to violations which continued after the person received a notice from the Commission that the person's conduct constituted a violation, this would have the practical effect of limiting the application of civil penalties only to knowing violations. Even knowing violations would be free of civil penalty if the violator later agreed to bring a project into compliance. These results are contrary to the intent of Congress in strengthening the Commission's enforcement powers. The final rules, however, do provide that the Commission will issue a notice of proposed penalty prior to actually assessing a civil penalty.<sup>23</sup> The Commission will also consider timely remedial efforts in all civil penalty assessments.<sup>24</sup>

The Commission notes that it has the discretion to decide not to assess civil penalties. Any determination not to assess civil penalties will be made on a case-by-case basis. The Commission also notes that in most instances the Commission may likely seek compliance prior to issuing a notice of proposed penalty, but it will not be mandatory for the Commission to proceed in this manner. The Commission, therefore, declines to bind itself in a rule to never assessing a civil penalty for so-called "minor" violations.

NHA argues that civil penalties are only legally authorized for failure to comply with compliance orders. The Commission disagrees. The statute does not limit civil penalties to this single type of violation. Section 31(c) clearly indicates that a violation of a compliance order is merely one type of violation which may result in a civil penalty. By its terms, section 31(c) applies to violations of "any rule or regulation \* \* \* any term, or condition of a license, permit, or exemption \* \* \* or any [compliance] order \* \* \*". (emphasis added).

#### F. Informal Discussions.

EEL argues that implementation of section 31 should not adversely affect the ability of licensees and exemptees to work with Commission staff to discuss perceived problems and to develop creative and workable solutions. The

Commission agrees and encourages such dialogues to avoid violations in the first instance as well as to expeditiously remedy violations when they occur. The Commission believes that the potential for civil penalties will encourage early informal discussions as persons seek advice from the Commission or staff where they previously may not have been inclined to seek such advice.

#### G. Coercion.

EEL is concerned that the Commission could use civil penalties to coerce project owners into the Commission's jurisdiction, and that the effect of imposing liability on those who operate unlicensed projects "raises the stakes" in any contest over jurisdiction. Civil penalties do give the Commission greater enforcement authority than before, and the Commission believes that this authority will encourage greater compliance. This is what Congress intended. Because the stakes are now higher, the Commission believes persons will be more inclined to request a determination from the Commission as to whether a project is jurisdictional prior to commencing construction or operation of a hydropower project.

#### H. Exhaustion of Remedies.

EEL and Niagara Mohawk argue that the Commission should not be allowed to assess civil penalties until a party has exhausted appellate remedies before the Commission and the courts. The Commission notes that when Rule 1509 district court procedures are followed, the assessment of civil penalties by the Commission merely triggers the process leading to a *de novo* trial. In the alternative, when Rule 1508 administrative procedures are followed, the civil penalties can only be collected after a decision by the Court of Appeals. The Commission, therefore, does not believe it should delay assessing a civil penalty until appellate remedies before the Commission and the courts are exhausted.

Additionally, while the Commission has the discretion to grant a stay of its orders, and a court may likewise stay the effect of Commission orders, orders are effective in accordance with their terms.<sup>25</sup> Moreover, Rule 713(e) of the

Commission's Rules of Practice and Procedure clearly states that the filing of a request for rehearing does not itself operate to stay an order.<sup>26</sup> In effect, commenters would have the Commission modify existing Rule 713(e) to stay the effect of its orders, including orders finding jurisdiction, until appellate remedies have been exhausted. The Commission declines to do this on a generic basis. Rather, the Commission will exercise its administrative discretion to stay its orders on a case-by-case basis.

#### I. Necessity for Evidentiary Hearing.

Niagara Mohawk argues that when the Commission proceeds under 31(d)(2) it must provide a trial-type hearing unless there are exceptional circumstances. Section 31(d) of the Act requires the Commission to provide an opportunity for an evidentiary hearing before assessing a civil penalty.

Consumers Power argues that the Commission must provide an opportunity for an evidentiary hearing before an administrative law judge before it can issue a compliance order under section 31(a). EEL further argues that the Commission should construe "notice and opportunity for public hearing" in section 31(c) as extending, as a minimum requirement, the right to a hearing in which the licensee's facts can be put into the record prior to the issuance of a compliance order issued pursuant to section 31(a). The Commission disagrees. The Commission does not propose to require an evidentiary hearing prior to issuing a section 31(a) compliance order. Congress did not intend cumbersome procedures at this preliminary stage of the civil penalty assessment process.<sup>27</sup> A compliance order issued by the Commission or its delegate pursuant to section 31(a) will be proceeded by an opportunity to respond in writing, with written submissions placed into the public record, to satisfy the notice and hearing requirement of the preliminary stage of the compliance process. The Commission also notes that a person will have an opportunity, as required by section 31(c) and (d)(2)(A), for a trial-type hearing later in the proceeding

<sup>26</sup> 18 CFR 385.713(e) (1987).

<sup>27</sup> See, e.g., *U.S. v. Florida East Coast Railway*, 410 U.S. 224, 234 (1973), and *Commodity Exchange, Inc. v. CFTC*, 543 F. Supp. 1340 (S.D.N.Y. 1982). For statutes enacted after the Administrative Procedure Act, inclusion of the precise phrase "on the record after opportunity for an agency hearing" is evidence of the need for more formal trial-type proceedings. The Commission notes that this phrase appears only in section 31(d) for assessing civil penalties, and not in section 31(a) for issuing compliance orders.

<sup>23</sup> See Rule 1506.

<sup>24</sup> See Rule 1505. The Commission may also modify a civil penalty. See Rule 1510.

<sup>25</sup> Section 309 of the FPA provides that orders of the Commission will be effective on the date and in the manner the Commission prescribes. Section 313(c) of the FPA provides that the filing of an application for rehearing will not, unless specifically ordered by the Commission, operate as a stay of the Commission order.

before the Commission assesses the civil penalty.

#### J. Pursuit of Appeal Rights.

EEL asserts that pursuit of appeal rights should not be construed as conduct which is subject to civil penalties or which increases the amount of civil penalties. The Commission does not intend to punish persons because they have filed an appeal. At the same time, the mere filing of an appeal does not free any person from liability for engaging in unlawful conduct that is subject to civil penalty. For example, unless a compliance order is stayed, a violation of that order may serve as the basis for a civil penalty. While the Commission intends to review expeditiously appeals and requests for stay of compliance orders, persons are on notice that they are at substantial risk if they continue to violate a compliance order that is ultimately upheld. The Commission fully expects persons to obey its orders.

#### K. Collection Actions.

Niagara Mohawk and Consumers Power assert that the Commission is precluded by section 31(d)(5) from initiating a collection action in U.S. District Court at the same time it institutes a *de novo* action in U.S. District Court to affirm a civil penalty assessment. When filing an action in district court, the Commission will include in that pleading a request to the district court to order the defendant to pay a civil penalty. District courts permit applicants to incorporate into one pleading both a petition affirming a civil penalty assessment and a petition ordering the recovery of the civil penalty assessment.

#### V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (RFA) requires a description and analysis of final rules that will have a "significant economic impact on a substantial number of small entities."<sup>28</sup> An agency is not required to make an RFA analysis, however, if it certifies that the rule will not have such an impact.

For the reasons discussed in the NOPR, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### VI. The National Environmental Policy Act Statement

The Commission concludes that promulgating this rule does not

represent a major Federal action having significant adverse effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act.<sup>29</sup> The Commission believes this rule is procedural in nature and therefore falls within the categorical exemptions provided in the Commission's regulations.<sup>30</sup> Consequently, neither an environmental impact statement nor an environmental assessment are required.

#### VII. Effective Date

This final rule is effective October 24, 1988.

#### List of Subjects in 18 CFR Part 385

Administrative practice and procedure, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Part 385, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission.

Commissioner Trabandt dissented with a separate statement attached.

Lois D. Cashell,

Acting Secretary.

#### PART 385—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for Part 385 is revised to read as follows:

**Authority:** Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp. p. 142; Administrative Procedure Act, 5 U.S.C. 551-557 (1982); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Federal Power Act, 16 U.S.C. 791-825r (1982) as amended by Electric Consumers Protection Act; Natural Gas Act, 15 U.S.C. 717-717w (1982); Natural Gas Policy Act, 15 U.S.C. 3301-3432 (1982); Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645 (1982); Interstate Commerce Act, 49 U.S.C. 1-27 (1976).

2. Subpart O is added to Part 385 to read as follows:

#### Subpart O—Procedures for the Assessment of Civil Penalties Under Section 31 of the Federal Power Act

Sec.

385.1501 Scope (Rule 1501).

385.1502 Persons subject to civil penalties (Rule 1502).

385.1503 Actions subjecting persons to civil penalties (Rule 1503).

385.1504 Maximum civil penalty (Rule 1504).

385.1505 Determination of proposed penalty amount (Rule 1505).

Sec.

385.1506 Notice of proposed penalty (Rule 1506).

385.1507 Election of procedures and answer (Rule 1507).

385.1508 Commission administrative procedures (Rule 1508).

385.1509 District court procedures (Rule 1509).

385.1510 Modification of civil penalty (Rule 1510).

385.1511 Collection of civil penalties (Rule 1511).

#### Subpart O—Procedures for the Assessment of Civil Penalties Under Section 31 of the Federal Power Act

##### § 385.1501 Scope (Rule 1501).

The rules in this subpart apply to and govern proceedings for the assessment of civil penalties pursuant to section 31 of the Federal Power Act, 16 U.S.C. 823b.

##### § 385.1502 Persons subject to civil penalties (Rule 1502).

(a) Any licensee or permittee under the Federal Power Act, or exemptee from any requirement of Part I of the Federal Power Act, may be subject to civil penalties; and

(b) Any person who must have a license under, or exemption from, the Federal Power Act, but does not, may be subject to civil penalties.

##### § 385.1503 Actions subjecting persons to civil penalties (Rule 1503).

(a) The actions that subject persons to civil penalties are violations of:

(1) Any rule or regulation issued under Part I of the Federal Power Act;

(2) Any term or condition of a license or permit issued under Part I of the Federal Power Act or an exemption issued from any provision of Part I of the Federal Power Act;

(3) Any compliance order issued under section 31(a) of the Federal Power Act; or

(4) Any requirement of Part I of the Federal Power Act.

(b) Only actions occurring on or after October 16, 1986, may subject a person to civil penalties.

##### § 385.1504 Maximum civil penalty (Rule 1504).

(a) Except as provided in paragraph (b) of this section, the Commission may assess a civil penalty of up to \$10,000 for each day that the violation continues.

(b) No civil penalty may be assessed where a license or exemption is ordered revoked.

##### § 385.1505 Determination of proposed penalty amount (Rule 1505).

(a) In determining the amount of a proposed penalty, the Commission will consider the nature and seriousness of

<sup>28</sup> 52 FR 47,897 (Dec. 17, 1987), III FERC Stats. & Regs. ¶ 30,783 (Dec. 10, 1987).

<sup>30</sup> 18 CFR 380.4(a)(2)(ii) (1987).

<sup>29</sup> 5 U.S.C. §§ 801-812 (1982).

the violation, and the efforts of the licensee, exemptee, permittee or one who should possess appropriate authority but does not, to remedy the violation in a timely manner.

(b) In making its determination under paragraph (a), the Commission will consider the following factors:

- (1) Whether the person had actual knowledge of the violation;
- (2) Whether the person had constructive knowledge of the violation deemed to be possessed by a reasonable individual acting under similar circumstances;
- (3) Whether the person has a history of previous violations;
- (4) Whether the violation caused loss of life or injury to persons;
- (5) Whether economic benefits were derived because of the violation;
- (6) Whether the violation caused damage to property or the environment;
- (7) Whether the violation endangered persons, property or the environment;
- (8) Whether there were timely remedial efforts;
- (9) Whether there were untimely remedial efforts;
- (10) Whether there were no remedial efforts; and
- (11) Whether there are any other pertinent considerations.

**§ 385.1506 Notice of proposed penalty (Rule 1506).**

(a) Before issuing an order assessing a civil penalty under this subpart against any person, the Commission will provide to the person notice of the proposed penalty.

(b) The notice of proposed penalty will:

- (1) Include the amount of the proposed penalty;
- (2) Include a statement of the material facts constituting the alleged violation; and
- (3)(i) Inform the person of the opportunity to elect in writing within 30 days of receipt of the notice to have the procedures of Rule 1509 (in lieu of those of Rule 1508) apply with respect to the assessment, or,
- (ii) If a final compliance order is issued under section 31(a) of the Federal Power Act, no notice of election will be provided for a violation of, or a failure or refusal to comply with, the final order.

**§ 385.1507 Election of procedures and answer (Rule 1507).**

(a) If the respondent receiving the notice of proposed penalty wishes to have the procedures of Rule 1509 apply, then the respondent must file with the Commission, within 30 days of receipt of the notice, a notification of the election

in accordance with Subpart T, Part 385 of this chapter. The notification may include an answer setting forth factual or legal reasons why the proposed assessment order should not be issued, should be reduced in amount, or should otherwise be modified. If a person fails to file an answer within the 30-day time limit, all material facts stated in the Commission's notice will be deemed admitted.

(b) Any election to have the procedures of Rule 1509 apply may not be revoked after the 30-day election period in paragraph (a) of this section, without the consent of the Commission.

**§ 385.1508 Commission administrative procedures (Rule 1508).**

(a) If the respondent is not entitled to an election pursuant to Rule 1506(b)(3)(ii) or does not timely elect to have the procedures of Rule 1509 apply, the Commission will commence a proceeding in accordance with the provisions of Subpart E of this chapter.

(b) The Commission's Rules of Practice and Procedure in Part 385 of this chapter will apply, as appropriate, to any evidentiary proceeding to assess a civil penalty.

(c) An assessment order under this section shall include the administrative law judge's findings and the basis for such assessment.

**§ 385.1509 District court procedures (Rule 1509).**

(a) After receipt of the notification of election to apply the provisions of this section pursuant to Rule 1507, the Commission will promptly assess the penalty it deems appropriate, in accordance with Rule 1505.

(b) If the civil penalty is not paid within 60 calendar days after the assessment order is issued under paragraph (a) of this section, the General Counsel, unless otherwise directed by the Commission, will institute an action in the appropriate United States District Court for an order affirming the assessment of the civil penalty.

**§ 385.1510 Modification of civil penalty (Rule 1510).**

(a) The Commission may compromise, modify, or remit, with or without conditions, any civil penalty (with leave of court if necessary).

(b) In exercising its authority under paragraph (a) of this section, the Commission may consider the nature and seriousness of the violation, and the efforts of the licensee, exemptee, permittee, or one who should possess appropriate authority but does not, to remedy the violation in a timely manner.

(c) The Commission's authority to compromise, modify or remit a civil penalty may be exercised at any time prior to a final decision by the United States Court of Appeals if Rule 1508 procedures are utilized, or prior to a final decision by the United States District Court if Rule 1509 procedures are utilized.

**§ 385.1511 Collection of civil penalties (Rule 1511).**

If any person fails to pay a civil penalty assessment, the Commission will seek to recover the amount of the penalty plus interest in any appropriate District Court of the United States. Interest will begin to accrue on the date the Commission issues a final order under Rule 1508 or the date on which the appropriate District Court enters final judgment in favor of the Commission under Rule 1509.

[Editorial Note: The following dissenting opinion will not appear in the Code of Federal Regulations]

*Dissenting Opinion of Commissioner Charles A. Trabandt*

*Table of Contents*

1. *Kamargo and Apples vs. Oranges: Commission exceeds its FPA authority by banning oranges again*
2. The statutory scheme: the plain meaning is obvious
3. Statutory construction: the plain meaning controls
4. Final Rule: fictional Congressional intent drawn from fabricated legislative history
5. The real legislative history: express support for the plain meaning and a report to the House Committee on the alleged problem of unlicensed hydroelectric projects
6. The NOPR public comments: civil penalties as a cudgel to coerce unlicensed projects in *terrorem* to accept FERC jurisdiction
7. *SCPSA and Harmony vs. False Note: the Commission's false note in exceeding its FPA authority again*
8. Final Rule rationale: FERC's institutional obsession with unlicensed hydroelectric operations
9. Final Rule: a stay is justified and necessary
10. Other features of the Final Rule: harsh avoidance of the statutory due process requirements
11. Conclusion: Final Rule is egregious in its arrogance and pernicious in its effect

*Dissenting Opinion of Commissioner Charles A. Trabandt*

I dissent strongly to the provisions of this Final Rule which apply civil

penalties to those parties who are not licensees, permittees or exemptees under the Federal Power Act (FPA), as amended by the Electric Consumers Protection Act of 1986 (ECPA), and other features of the rule. It is unambiguously clear by any current standard of statutory construction that ECPA only grants the Commission the legal authority to apply the civil penalty provisions to parties who are licensees, permittees or exemptees. Furthermore, the majority's claim that Congress intended to apply those provisions not only to licensees, permittees or exemptees, but also to those who are required to have a license or exemption, is pure unadulterated fiction fashioned out of legislative history whole cloth.

1. *Kamargo* and apples vs. oranges: Commission exceeds FPA authority again by "banning oranges."

The U.S. Court of Appeals for the District of Columbia Circuit in *Kamargo Corporation, et al. v. FERC*, No. 87-1352, Decided August 9, 1988, may have characterized best the result here in its discussion of the Commission's similarly failed attempt in that case to fabricate non-existent legal authority under another provision of ECPA to prohibit certain new permits. The Court stated as follows, at pages 12 to 14 of the slip opinion.

Of course, an agency is entitled to considerable deference in interpreting a statute it is authorized to administer. *FEC v. Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 31-32 (1981), and we therefore may not quarrel with its interpretation so long as it is reasonable. *Chevron U.S.A. Inc., v. NRDC*, 467 U.S. 837, 843-45 (1984). But in this case, we are hard put to see much merit in FERC's construction of ECPA. The statute does not even purport to deal with original licenses or preliminary permits. \* \* \*

[N]either the language nor the legislative history permits the construction FERC adopts: that ECPA precludes granting preliminary permits to develop excess capacity at or near an existing project at a time close to relicensing. Since ECPA did not address this point either explicitly or implicitly, the Commission has, it seems to us, pushed beyond the outer limits of *Chevron* by making a policy choice supposedly supported by provisions of a statute that do not apply to the issue. If Congress, for example, banned only the importation of apples, an agency charged with carrying out this hypothetical statute would be unjustified if, based on the statute, it decided to ban the importation of oranges as well. (Emphasis added, footnote omitted).

At bottom, the Commission in this final rule (using the example of the Court) has decided to ban the importation of oranges (civil penalties for those who are not licensees,

permittees, or exemptees) based on purported authority in ECPA, even though Congress only banned the importation of apples (with penalties only for those who are licensees, permittees or exemptees). Any objective review of the statute and the relevant legislative history would reach that conclusion, just as surely as apples are different from oranges. ECPA, as a matter of fact, did not address either expressly or implicitly civil penalties for those not licensees, permittees or exemptees, and the statute does not even purport to deal with the issue, to paraphrase the *Kamargo* court. Consequently, here, as in *Kamargo*, the Commission again has pushed beyond the outer limits of *Chevron* by making a policy choice supposedly supported by provisions of ECPA that clearly do not apply to the issue. And, as a result, any reviewing court would be hard put, as in *Kamargo* to see much merit here in FERC's construction of ECPA. Or, put another way, apples are no more oranges in this case than they were in *Kamargo*, and the Commission has no legal authority under ECPA to apply civil penalties to parties who are not licensees, permittees or exemptees. It is very unfortunate, if not more disturbing, that the majority in this case has chosen to ignore completely the Court's analysis in *Kamargo* and proceed anyway to attempt blatantly again to seize authority not delegated by Congress—this time to impose civil penalties of up to \$10,000 per violation per day on parties beyond the scope of the statute.

2. The statutory scheme: The plain meaning is obvious.

We should begin our analysis with a review of the statutory language at issue. Section 12 of ECPA amended the Federal Power Act by adding a new "Section 31. Enforcement," at the end of the Act. Section 31 has the following provision in subsection (c).

(C) CIVIL PENALTY.—Any licensee, permittee, or exemptee who violates or fails or refuses to comply with any rule or regulation under this part, any term, or condition of a license, permit or exemption under this part, or any order issued under subsection (a) shall be subject to a civil penalty in an amount not to exceed \$10,000 for each day that such violation or failure or refusal continues. Such penalty shall be assessed by the Commission after notice and opportunity for public hearing. In determining the amount of a proposed penalty, the Commission shall take into consideration the nature and seriousness of the violation, failure, or refusal and the efforts of the licensee to remedy the violation, failure, or refusal in a timely manner. No civil penalty shall be assessed where revocation (or a license, permit or exemption) is ordered. (Emphasis added; parenthetical added to last sentence.)

Section 18 of ECPA, entitled "Effective Date," provides in pertinent part that:

The amendments made by sections 6 and 12 of this Act shall apply to licenses, permits, and exemptions without regard to when issued. (Emphasis added.)

New subsection 31(c) is quite clear and unambiguous as to its scope of authority. A "licensee, permittee or exemptee \* \* \* shall be subject to a civil penalty \* \* \*". And, "the Commission shall take into consideration \* \* \* the efforts of the licensee to remedy the violation, failure or refusal in a timely manner." And, further, "[n]o civil penalty shall be assessed where revocation [of a license, permit or exemption] is ordered." The provision contains four sentences and three of them expressly refer to licensees, permittees, exemptees or the revocation of their respective licenses, permits or exemptions. Section 18 of ECPA expressly refers to the application of Section 12 to all licenses, permits and exemptions. There is no express mention nor implied reference to any other parties being subject to civil penalties on the face of subsection 31(c) of the FPA or Section 18 of ECPA. The plain meaning of the statute could not be more plain in this case: to wit, civil penalties apply only to licensees, permittees and exemptees (the apples, as it were, in the *Kamargo* opinion).

It is well settled under current standards of statutory construction that the plain meaning of a statute must control its interpretation in the absence of an ambiguity or unreasonable result, even where the Congressional Conference Report expressly calls for a contrary result from the statutory provision. Here the Conference Report, other than a passing reiteration of the Section 18 Effective Date for Section 12, is silent on the civil penalty provision in subsection 31(c).

3. Statutory construction: the plain meaning controls.

The applicable case law on the central statutory construction issue in this case is clear and unambiguous. The U.S. Court of Appeals for the District of Columbia Circuit has ruled repeatedly on this issue in support of the plain meaning doctrine. "We find no mandate in logic or in case law for reliance on legislative history to reach a result contrary to the plain meaning of a statute, particularly where that plain meaning is in no way unreasonable." *United Air Lines, Inc. v. CAB*, 569 F.2d 640, 647 (D.C. Cir. 1977), (emphasis in the original). The Supreme Court has ruled that a court interpreting a statute is bound by the "literal or usual meaning

of its words" unless this would lead to "absurd results \* \* \* or would thwart the obvious purpose of the statute \* \* \*". *Trans Alaska Pipeline Rate Cases*, 436 U.S. 631, 643 (1978) quoting *Commissioner of Internal Revenue v. Brown*, 380 U.S. 563, 571 (1965).

The District of Columbia Circuit Court of Appeals has been confronted with arguably analogous situations in several recent cases. In *National Small Shipments Traffic Conference Inc. v. CAB*, 618 F.2d 819 (D.C. Cir. 1980), the Court sustained the plain meaning of the statute, explaining that "[t]his case does not present an instance in which a literal interpretation of the language leads to an absurd result or conflicts with the obvious purpose of the Act." In that case, the CAB had acted in a manner that was directly contrary to an express statement in the Conference Report that the Managers did not contemplate that the Board would take such action under the new Public Law (exempting certain air carriers from the requirement of filing tariffs). The Court quoted the statement above from the *United Air Lines* opinion and went on to note "that interest groups who fail to persuade a majority of the Congress to accept particular statutory language often are able to have inserted in the legislative history of the statute statements favorable to their position, in the hope that they can persuade a court to construe the statutory language absent clear contrary evidence of legislative intent."

The Court analyzed further that there the plain language of the statute should control because there was no "clear contrary evidence of legislative intent," citing to *National Railroad Passenger Corp. v. National Association of Railroad Passengers*, 414 U.S. 452 (1974), (emphasis added). The Court concluded that the statement in the Conference Report that the Managers did not contemplate such action, was "not the type of clear indication of legislative intent that can justify a decision to disregard the plain language of a statute," and "[w]e must assume that if Congress had intended" that result "it would have said so in unmistakable language," i.e. in the statute itself, 618 F.2d 819, 828 (footnote omitted).

The same Court more recently in *Eagle-Picher Industries v. United States E.P.A.*, 759 F.2d 922 (D.C. Cir. 1985) was confronted with a statutory provision which appeared to have been drafted inconsistent with an express statement in the Senate Report as to the intended definition of a "hazardous substance". The Court there made several comments which are relevant to the instant case. In

a footnote to the applicable discussion, the Court noted that although the definition originated in the Senate, did not come from the Conference Report "and thus should be accorded more weight than an ordinary Senate report \* \* \* [sic] [n]evertheless, it is section 101(14), not the report of one body, that was passed by the entire Congress." The Court emphasized that the statute could have been drafted to achieve the result stated in the Senate Report "[i]f a rational draftsman had indeed intended that" result, but the statute there did not achieve that result. The Court stated:

We thus are faced with a conflict between the language and structure of the statute on the one hand, and one portion of its legislative history on the other. It is clear to us that when such a conflict exists, the statute must control. It was, after all, section 101(14) that was enacted by Congress and became law.

759 F.2d 922, 929.

Also applicable to this case is *Montgomery Charter Service Inc. v. Washington Metropolitan Area Transit Commission*, 325 F.2d 230, 233 (D.C. Cir. 1963), where the Court said "[i]t is elementary in the law of statutory construction that, absent ambiguity or unreasonable result, the literal language of a statute controls and resort to the legislative history is not only unnecessary but improper." (quoting *Elm City Broadcasting Corp. v. United States*, 235 F.2d 811, 816 (D.C. Cir. 1956) (emphasis added). See also Sutherland, *Statutes and Statutory Construction* § 46.01 (4th Ed.).

4. Final Rule: fictional Congressional intent drawn from fabricated legislative history.

The majority attempts vainly to fabricate a different analytical result by highly selective and misleading citations to various portions of the legislative history of the civil penalties provision in the bill passed by the House of Representatives. At the outset, it must be noted that the House-passed civil penalties provision was modified in the House-Senate Conference in a manner that re-emphasized the express limitation to licensees, permittees and exemptees. Nevertheless, the Final Rule, in discussion beginning at 5 of the Slip Opinion, attempts to avoid that result by making much of a wholly unrelated discussion in the House Committee Report about "[t]he very first concern highlighted by the House Report was the problem of unlicensed hydroelectric projects" (emphasis added) and a quote of a House witness on that subject. The discussion, at page 6, notes that "[t]he Committee further emphasized that it expected FERC to locate projects that

are being operated without legal authority and to enforce the law," but fails to indicate that the quote was from another section of the report.

The discussion then emphasizes that the House report called for use of civil penalties for violations of orders and matters referenced in subsection (a). The discussion conveniently fails to explain that subsection (a) calls for the monitoring and investigation of compliance with each license, permit and exemption and to issue orders to require compliance with the terms and conditions of such licenses, permits and exemptions. Furthermore, the discussion ignores completely subsection (b), which provides for revocation of a license or exemption, where any licensee or permittee is found by the Commission *inter alia* to have knowingly violated an order under subsection (a) requiring compliance with the terms and conditions of the license or exemption. See subsections 31 (a) and (b) of ECPA for the full text of these provisions.

Thus, the statutory scheme of Section 31 is quite clear beginning with (1) subsection (a) monitoring, investigation and compliance orders; (2) subsection (b) revocation orders; and (3) subsection (c) civil penalties—all for enforcement of licenses, permits and exemptions. The Final Rule, at page 6, ignores all of this related statutory language and accurate legislative history in grandly pronouncing that Congress gave the Commission civil penalty authority to address its concern about unlicensed operations. A fitting retort could be that the partial testimony of one Congressional witness and a couple of spurious citations do not create a brand new civil penalty authority for the Commission. Of course, the Congress is well aware that the Commission under other provisions of the FPA has authority to make and enforce jurisdictional determinations for unlicensed operations in any event, without resort to the use of civil penalties under subsection (c). To argue that the cited portions of the House legislative history require application of civil penalties to unlicensed operations under these facts is completely farcical and unpersuasive.

The discussion, thus having failed miserably as a matter of law, turns next to the policy argument that having civil penalties only for licensees, permittees and exemptees "could lead to the result of encouraging operators to violate the FPA and operate without a license when they are required to have one." And so, the argument runs, "Congress did not intend to favor those who do not comply with the law over those who do."

Necessarily, then, civil penalties have to apply to unlicensed operations to prevent (1) favoritism to those who must not have complied with the law (or they seemingly would be licensed) and (2) encouragement of those unlicensed operators to continue to violate the FPA. The order also rebuts opposing public comments on the grounds that they have not been able to cite any specific legislative history to support their literal reading of the statute and its plain meaning. That is a nifty shifting of the burden of analytically showing the plain meaning is unacceptable, which would mean more generally that the plain meaning of a statute only controlled when there was express legislative history to support it. Such a result would turn upside down the entire current body of judicial opinion on statutory construction discussed above.

Finally, as the statutory construction *coup de grace*, the order reaches deep into legal annals to pull out *U.S. v. American Trucking Associations Inc. et al.*, 310 U.S. 534, 543 (1940) for the proposition that the Commission is not compelled by the literal reading of the Act to reach a result contrary to the aforementioned policy argument, because that would be plainly at variance with the policy of the legislation as a whole—as established by the thoroughly discredited legislative history analysis. This effort to pull a precedential "rabbit out of a hat" is another nifty analytical trick. It is no secret, however, that there have been a series of Supreme Court cases in the 48 years since *American Trucking*, which have sharpened the focus on the plain meaning of the statute, as discussed above.

The last gasp analytically, as it were, appears in footnote 16, at page 8 of the Slip Opinion, where the order cites to *Commodity Future Trading Commission v. Savage*, 611 F.2d 270, 282 (9th Cir. 1980). The order argues that there was a similar situation under an interpretation of the term "registered under this Act" in the Commodity Exchange Act, wherein the term was held to include those not registered, but engaged in the activities requiring registration. The Court found that the broader interpretation was necessary to effectuate Congressional intent, while the narrower interpretation would frustrate a principal purpose of the Act. The discussion fails to describe the factual circumstances surrounding the Court opinion, particularly the fact that Congress amended the law to codify the broader interpretation in the statute at the time of the judicial proceedings. Also, that Act in several important ways

is not analogous to the structure of the FPA, its licensing provisions, and its enforcement provisions. Thus, the asserted similarity is of little analytical significance or value in this case and is not persuasive for the proposition that, as arguably occurred in *Savage*, the terms "licensees, permittees and exemptees" really includes all other parties who are not licensees, permittees and exemptees. That result in *Savage*, as a practical matter, was the product of Congressional amendment of the law, and not a new theory of statutory construction or analysis.

5. The real legislative history: express support for the plain meaning and a report to the House Committee on the *alleged* unlicensed project problem.

The highly selective and misleading nature of the discussion about the House legislative history becomes apparent upon more careful review of the House and Senate legislative history for Section 31. Section 5 of the House legislation included new "Section 31. ENFORCEMENT." The section included: (1) subsection (a) on monitoring and investigation of compliance with licenses, permits and exemptions and issuance of orders requiring such compliance; (2) subsection (b) on revocation of licenses, permits and exemptions for knowing violators of orders issued under subsection (a); and (3) subsection (c) on civil penalties for licensees, permittees and exemptees. Not surprisingly, the House report explains that "Section 5 adds new Section 31 to the Federal Power Act that provides the Commission with additional enforcement authority to ensure that license, exemption or permit conditions are met." (Emphasis added). The report continues, "the amendments are not intended to reduce, restrict, or limit the authority of the Commission under other sections of the Act \* \* \* [i]t supplements that authority including Section 309 of the Federal Power Act." Thus, the much vaunted House Committee report on its face confirms that Section 31 Enforcement, including civil penalty authority, is for the *sole* purpose of supplementing existing authority to ensure that license, exemption or permit conditions are met. Where is the clear legislative intent that civil penalties also must or should apply to unlicensed hydroelectric operations? It's quite simply not there, because it obviously does not exist as a matter of fact.

The House Committee Report does quote from the witness in the hearing, Mr. Horn. Strikingly, however, the quotation in this order is only partial

and off the main point of the full quotation in the report. The full quotation focuses directly on the need perceived by the witness for FERC to "aggressively monitor compliance with the terms and conditions attached to a license or exemption." (Emphasis added.) His key recommendation, emphasized in italics by the Committee, was that "therefore, the FERC should be directed by Congress to upgrade its current monitoring and compliance program, in cooperation with the states, to ensure full compliance with the conditions established in a license or an exemption."

The Committee Report in the next paragraph makes absolutely clear that "subsection (a) requires that FERC monitor and investigate compliance, not just with regard to large projects or those under construction [but] [a]ll projects, including those exempted from licensing, must be watched to ensure compliance (i.e., with terms and conditions of licenses, permits and exemptions) \* \* \* The subsection authorizes FERC to issue, after notice and an opportunity for public hearing, orders, subject to judicial review, to require compliance with license, permit and exemption terms and conditions." (Emphasis added.) "Subsection (c) provides a new enforcement tool in the form of civil penalties for failure or refusal to comply with a subsection (a) order or any matter referenced in subsection (a) or for violations of such matter or orders" (i.e., FERC actions requiring compliance with license, permit and exemption terms and conditions).

There is not one reference to unlicensed hydroelectric operations, because that clearly was not the intent of the House Committee. In fact, the intent of the House Committee with regard to unlicensed hydroelectric operations was made abundantly clear in two sentences found in the middle of the paragraph discussing subsection(a). The Committee stated its intent as follows, "the Committee also expects FERC to locate projects that are being operated without legal authority [i.e. licensing or exemption under the FPA] and to enforce the law [which would be by making jurisdictional determinations under existing authority] [and] [t]he Committee expects FERC to report to the Committee within six months about this *alleged problem*." (Emphasis added.) The Committee's admonition also to locate projects operated without legal authority and enforce the law and the requirement to make a report about the *alleged problem* are a far, far cry from the obviously fabricated

Congressional intent in the order based on the highly selective and misleading citations and quotation from the Committee Report. The Committee categorically did *not* grant authority for civil penalties applicable to unlicensed hydro projects. All the Committee did was to note in passing the allegations in witness Horn's testimony about unlicensed operations, to admonish FERC to address the issue, and, in the penultimate directive to the Commission, to make a report to the Committee in six months on the "alleged problem." To attempt to bootstrap that relative crumb of Congressional interest all the way into a demonstrated, affirmative Congressional intent to apply civil penalties to unlicensed hydroelectric projects is akin to fabricating a new NASA Space Shuttle out of a paper airplane—it just won't fly. Or, as they reportedly say in Texas, that dog just don't hunt.

The companion Senate provision was contained in Section 12 of the Senate bill, which would add new subsections 26(b) and 26(c) to the FPA. Those subsections would provide the Commission with authority to revoke for significant violation of its terms any permit, license or exemption and also to issue orders to ensure compliance, with enforcement of orders by proceedings in Federal district courts. The Senate Committee Report, as did the House Report, makes clear that the new authority is exclusively for the purpose of issuing orders requiring compliance and revoking a permit, exemption or license for a significant violation of its terms. There is no suggestion of any kind that the new authority is intended by the Committee to have any application to parties other than licensees, permittees or exemptees. The exclusive focus of the discussion is on ensuring compliance with the terms and conditions of licenses, permits and exemptions, and the Committee emphasized that it "would expect FERC to give the licensees, exemptee, or permittee a reasonable time to remedy any violations which may occur."

And, of course, the Conference Report was silent on the substance of the new Section 31. ENFORCEMENT which melded together the companion provisions of the House and Senate bills. The respective Floor Statements of Chairman Dingell in the House of Representatives and Chairman McClure in the Senate with regard to the Conference Report only reiterated the positions of each body, without a single reference of any kind to the "alleged problem" of unlicensed hydroelectric operations. There can be absolutely no

doubt, therefore, that the sole and exclusive focus of the Congressional intent in Section 31 was compliance by licensees, permittees and exemptees with the terms and conditions of their licenses, permits and exemptions, and the necessary enforcement authority for the Commission to ensure that compliance occurs—and nothing more.

6. The NOPR public comments: civil penalties as a cudgel to coerce unlicensed projects *in terrorem* to accept FERC jurisdiction.

The public comments filed in response to the Notice of Proposed Rulemaking (NOPR) in this docket add great weight to these concerns. For example, the Edison Electric Institute points out, at page 4, that there could be "serious negative consequences" from the rule's application of civil penalties to unlicensed operators. The jurisdictional question is often complex and difficult with tough factual issues. Thus, the effect of imposing civil penalties and imposing potential liability back to the date of enactment of ECPA would raise the stakes immensely in a jurisdictional dispute at the rate of \$10,000 per day over several years. As EEI points out, "[t]his will almost assuredly have a chilling effect on the owner's willingness to pursue his [legal] rights \* \* \* [because], in effect, the Commission could use the civil penalty provisions as a cudgel to coerce project owners into the Commission's Section 23 jurisdictional fold despite reasonable grounds to contest such jurisdiction." And, I would note, that is just exactly what the objective of the Commission is in this Final Rule—to seize unlawfully the cudgel to coerce project owners to accept jurisdictional status. Interestingly, EEI also notes in footnote 4 that the citation in the NOPR from the legislative history in the House Committee Report has been misconstrued, as discussed above. There is no question, therefore, that the Commission has been notified of that fatal flaw, which is perpetuated in the Final Rule.

The National Hydropower Association comment bluntly stated, "the statute means what it says" and "the Commission's attempt to amend the statute to include, in the words of the notice, a person who engages in conduct requiring a license or exemption but fails to obtain one is unlawful and inappropriate." NHA, at pages 5 and 6, disposes effectively with the woefully misbegotten claim of Congressional intent in the NOPR supporting application of civil penalties to unlicensed operators. NHA continues importantly to address the perceived

rationale for such an effort, at page 7, as follows.

[T]he Commission's claim to civil penalty authority over the owners/operators of unlicensed projects would give the Commission an unwarranted, coercive weapon with which to threaten such project owners who might otherwise contest the Commission's jurisdiction in good faith. It is clear, NHA believes, that the Commission has recently embarked on a program to expand hither to accepted limits of its Part I jurisdiction. Confronted with the possibility of as much as \$10,000 per day in payments to the federal government for continued operation, an owner may decide to submit to FERC jurisdiction, even with substantial doubt as to the legitimacy of the Commission's assertion of jurisdiction. The coercive effect, in such a case, violates due process considerations to the extent that the threat of civil penalties would preclude project owner's contesting FERC jurisdiction, by appeal or otherwise.

I believe that NHA, as did EEI, has identified correctly the Commission management's objective in this Final Rule. I also would note that the rule provides for a civil penalty of \$10,000 per day per violation, which could be even more coercive in its practical effect. I also agree with NHA's belief about the Commission's effort to expand the limits of its jurisdiction, as set forth in my separate opinions in the *Fairfax County Water Authority* case and the *Delegation Rule*, discussed below.

Niagara Mohawk Power Corporation, at page 8, opposes the NOPR proposal to include unlicensed hydro operators within the scope of civil penalties. Niagara Mohawk cites to the "creative bit of statutory construction" in the notice where, as in the Final Rule, the House report's suggestion that FERC "enforce the law" with regard to projects operated without legal authority is bootstrapped into expansion of the civil penalty coverage of the statute. Niagara Mohawk points out that the "plain meaning of the statute limits its application to licensees, permittees and exemptees" and "[a] passing reference in a Committee Report \* \* \* cannot expand the coverage of the statute." Niagara Mohawk also notes that the NOPR "seeks to justify this leap by claiming that a Congressional intent to omit those who have 'ignored licensing requirements' would be 'irrational' [but] such an omission would be less irrational than the approach taken by the Notice. . . ." Niagara Mohawk explains that the NOPR could result in the imposition of "massive civil penalties," with a penalty exceeding \$3 million already accrued against an unlicensed party by the time the comments were filed in October 1987—

and another \$3 million in the intervening ten months since then. Niagara Mohawk continues, "Congress could not have meant the Commission to subject to civil penalties persons who in good faith question jurisdiction over them, and the language of the statute itself bears out this conclusion."

Niagara Mohawk importantly then addresses the statutory scheme of the FPA, beginning at page 7, footnotes omitted.

An amendment to an existing statute must be read in the context of the statute. The Notice takes the remarkable position, however, that the enactment of Section 31 silently swept away the half century of history represented by such provisions as Section 4(g) of the Act, which authorizes FERC to investigate unlicensed projects and to issue "such order(s) as it may find appropriate, expedient, and in the public interest;" Section 314, which authorizes FERC to seek an injunction against any violation of the Act or FERC rules, regulations or orders; and Section 316, which establishes criminal penalties for violations of the Act. These provisions amply equip the Commission to compel those who should be licensed to secure licenses, while permitting respondents to assert their rights free from the *in terrorem* effect that the proposed rule would impart to Section 31. The position of the Notice that civil penalties may be imposed on those who should be licensed, but are not, is at odds with the face of the statute, the limited Congressional intent that can be discerned and the overall enforcement scheme of the Act.

Niagara Mohawk has covered well the salient arguments in opposition to the position adopted in the Final Rule. It is noteworthy that the Final Rule did not directly address these arguments, other than the reiteration of the legislative history and the passing citation in footnote 10, at page 4.

Orange and Rockland joined the chorus of opposition to the NOPR's expansion of the statutory scope to include unlicensed operators. In an expansive and well-reasoned review of recent court opinions on statutory construction (rather than the Final Rule's reliance on the 1940 *American Trucking* decision), Orange and Rockland proceeds to dismember analytically the NOPR's flimsy attempt to invoke statutory construction principles to overturn the plain meaning of the statute. Orange and Rockland establishes conclusively that Congress did not intend to subject parties other than licensees, permittees or exemptees to civil penalties "and the Commission may not substitute its judgment for that of Congress with respect to the scope of the statute's enforcement provisions." Orange and Rockland points out that Congress expressly included parties in section 23(b) who should have licenses.

So it is clear that "Congress clearly knew how to and did in fact subject persons who 'should have' licenses to the Commission's jurisdiction when it so desired, [but] it did not choose to do so with respect to the imposition of civil penalties, and the Commission may not appropriate to itself such authority." (Citing also to another illustration in Sec. 23(b), in footnote 4, at page 5.)

Orange and Rockland next persuasively dismisses the House Committee's general statement of "concern" about unlicensed projects as entirely inadequate to justify regulations which exceed the statutory mandate, noting that such concern was not addressed by Congress otherwise nor even discussed in the Conference Report. (As discussed separately, the House Committee, in fact, called for a report from the Commission on the "alleged problem" in six months.) Orange and Rockland correctly opines that FERC is not authorized to regulate on the basis of what Congress "should have done" or "meant to do" but rather is limited to the mandate of Congress expressed in the statute itself.

Orange and Rockland next analyzes the impact of the Court of Appeals decision in *American Mining Congress v. EPA*, 824 F.2d 1177 (D.C. Cir. 1987) on the NOPR, because it involved a similar attempt by EPA to expand the coverage of its statutory jurisdiction over certain categories of solid waste. Orange and Rockland asserts persuasively that application of the holding and the rationale of *American Mining Congress* to the facts here, establishes that FERC cannot under any circumstances apply civil penalties to unlicensed projects and "the holding of *American Mining Congress* incontrovertibly supports the proposition that the Commission will impermissibly exceed the scope of its statutory authority if it attempts to promulgate § 385.1501(b) as currently proposed," which the Final Rule of course does.

Orange and Rockland buttresses strongly its argument by analysis of the Supreme Court decision in *Board of Governors v. Dimension Financial Corporation*, 474 U.S. 361, 106 S. Ct. 681 (1986), where "the Supreme Court cautioned that the 'plain purpose' of legislation should not be invoked at the expense of the actual terms of the statute," Orange and Rockland concludes that, "the Court's admonition applies with particular force to the Commission's attempt to extend its jurisdiction despite the clear limitations set forth in the statute itself (and) [a]ccordingly the Commission is not authorized to promulgate § 385.1502(b) as proposed (which it now has) unless

and until Congress explicitly confers on the agency the authority to enforce the statute's provisions against persons who 'should be' licensees or exemptees." I could not agree more with that analysis and that conclusion.

The public comments discussed above provide a powerful and persuasive—and for the Commission, extremely embarrassing—rebuttal of the arguments in the NOPR, which have been reiterated with nothing new or more in the Final Rule. The original public comments for all practical purposes have the analytical effect of preemptively negating the hollow response in the Final Rule. Those comments also add great weight to my modest analysis of the legislative history and complement very well the analysis of the *Kamargo* court. Taken together in the aggregate, these separate analytical pieces build an absolutely overwhelming case for the fatally flawed nature of the Final Rule adopted here. There cannot be a shadow of a doubt here that the Commission is attempting again to ban the importation of oranges, in the words of the *Kamargo* court's illustration.

7. SCPSA and harmony vs. false note: the Commission's false note exceeding its FPA authority again.

I should also note in passing the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *South Carolina Public Service Authority v. FERC*, No. 871146, Decided July 5, 1988 (SCPSA). The Commission in that case attempted to use general conditioning power under the FPA to require that the State agree to provide compensation for all foreseeable property damage caused by any seismically induced dam failure, as an alternative to requiring the State to rebuild the impoundment structure found to be susceptible potentially to earthquake induced failure. The Court, "agreed with the State that the licensing authority granted to the Commission under the Act does not include the power to displace existing State tort law with its own rules of liability for damages caused by licensees," even under the unique facts of the SCPSA case. (Slip opinion, at 2).

The Court noted that, Acting Chairman Sousa dissented on the ground that "a license condition requiring SCPSA to compensate property owners for damages caused by dam failure [is] a usurpation of authority left to the States by Congress, beyond the Commission's authority." (Slip opinion, at 5). The Court effectively agreed and stated, "[t]hus there is no need to believe that Congress intended

its words to have anything but their 'obvious meaning' in order for the Act to work in conformance with its declared purposes [and] [w]here means and ends sing in such harmony, the Commission's false note sounds false indeed." The Court concluded that, "when examined in light of traditional principles of statutory construction, the Federal Power Act reveals that Congress did not intend to authorize the Commission to displace State tort laws applicable to licensees. (Slip opinion, at 12).

Later, under the heading "III. Conclusion," the Court summarized as follows:

In sum, the clear import of the statute is at one with its legislative history: while the Commission may require its licensees to abide by rules and regulations promoting safety, the liability of those licensees for damages caused by their projects is a matter left by Congress to State law. The Commission therefore exceeded its authority under the Act when it attempted to replace the tort law of South Carolina with its own principle of compensation, which it considered to be the more "fair and equitable." (Slip opinion, at page 16; footnote omitted).

I believe *SCPSA* and *Kamargo* are both relevant to this order, because they point out serious flaws in the statutory construction of the Federal Power Act by the Commission in recent cases. In both *SCPSA* and *Kamargo*, the Court of Appeals for the District of Columbia Circuit has found that the Commission exceeded its authority under the FPA, respectively, by imposing its own rules of liability displacing State tort law and by precluding preliminary permits authorized by the statute. These cases, coupled now with this order, point out there seems to be a developing pattern of the Commission "singing a false note" as to the relevant Congressional intent, as in *SCPSA*, to claim authority not found in the FPA by the courts to carry out its own self-initiated policy objectives. That is a practice which, beginning with this case, must be halted by the Commission. Now is the time to bring to an immediate halt the Commission's recurring efforts, seemingly at any time and in any case, to exceed its statutory authority under the FPA, whenever the Commission deems it appropriate.

8. Final Rule rationale: FERC's institutional obsession with unlicensed hydroelectric operations.

ECPA, therefore, does not grant the Commission any authority to apply civil penalties to parties other than licensees, permittees and exemptees. Here, as in *Kamargo*, the majority has pushed beyond the outer limits of *Chevron* by making a policy decision supposedly

supported by provisions of ECPA that do not apply to the issue. And, there really can be no reasonable doubt about that conclusion, notwithstanding the arguments to the contrary in the Final Rule. Why then does the majority here, as did the majority in *Kamargo*, legally attempt to turn apples into oranges (so to speak) and find such authority? The answer is plain and simple, but probably not quite obvious. The Commission and its management are institutionally obsessed with the issue of unlicensed hydroelectric project operations. The discussion in the Final Rule reviewed above focused on that issue.

The Commission orders in *Fairfax County Water Authority*, 43 FERC 61,062 (1988) and the *Regulations Delegating Authority*, Order No. 492, FERC Statutes and Regulations (April 5, 1988) are examples of that obsession, as I documented at length in my separate opinions in those cases. The saga of the unlicensed hydro program set forth in those two orders is a hallmark of legally unauthorized activity by the Commission staff at the direction of the Commission management. Briefly, the Commission staff was directed in early 1987, without any knowledge of the Full Commission, to begin an exhaustive nationwide investigative program of existing, but Federally unlicensed, hydroelectric projects across the country to determine if they were jurisdictional. The Full Commission only became aware of the program this spring, when the Fairfax County Water Authority appealed illegal staff action to require licensing of its project. The Commission found out then that the Commission staff had already investigated about 100 projects in various parts of the country and without any legal authority issued 38 unauthorized jurisdictional determinations, of which the Fairfax County Authority was one.

Budget documents submitted to the Office of Management and Budget by Commission management document that the Commission staff has concluded that there are at least 500 projects that require jurisdictional determinations nationwide. Current plans call for the Commission staff to assert new Federal jurisdiction over 92 additional non-Federal projects in Fiscal Year 1989, beginning October 1, 1988, leading to a six-fold increase in the number of applications for constructed projects between Fiscal Year 1987 and Fiscal Year 1989. Outside contractors will be funded to assist the staff in conducting research and investigation and making jurisdictional findings as part of an overall increase of at least five percent in the current workload.

The staff at the March 30, 1988, Commission meeting conceded that there had not been a single instance where a project under investigation constituted an immediate threat to human life, health, property or the environment, which required emergency action without the knowledge or prior action of the Commission, otherwise required by the then-effective Commission regulations. To date, there has not been any persuasive justification for the initiation of this program, particularly without the knowledge of the Full Commission, let alone the concerted efforts to prevent the Full Commission from finding out about it. The program, however, will divert substantial staff and budget resources from high priority activity in the areas of hydroelectric relicensing and environmental assessment to support licensing, again without any systematic analysis of the costs and benefits of the program. The program was initiated by Commission management fiat with no underlying justification and that situation continues today.

Correspondence from the Commission to the Chairman of the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce in response to inquiries resulting from the *Fairfax County Water Authority* case have attempted to paint a more moderate picture of this program. The correspondence indicates that the rationale for the program is dam safety of projects which now should be licensed under current case law and further that the scope of the program is being reduced to a lower number of projects. Nevertheless, the correspondence acknowledges that it is anticipated that 70% of the reviews will lead to jurisdictional determinations requiring licensing of existing projects. Many of these older projects were legally constructed when FPA jurisdiction was more limited in scope, but now arguably may be subject to jurisdiction because of later court rulings or certain post-1935 construction activities.

Notwithstanding protestations to the contrary in the correspondence, it is clear on the basis of the sorry record of this program, that the underlying objective is largely, if not solely, jurisdictional in nature. There has not been any systematic and objective analysis of either safety or environmental problems, in the context of the 1986 House Committee report's identification of an *alleged* problem. At the very heart of this program remains nothing more than the fiat of

Commission management unsupported by analysis or fact. That is the context in which the unauthorized application of civil penalties to unlicensed projects in this Final Rule must be considered, as urged by the several public comments filed in this docket. The past history of the unlicensed hydroelectric program lends strong credence to the concerns of the commenters about the intended coercive use of the civil penalty authority as a cudgel to force unlicensed operators *in terrorem* to accept FERC jurisdiction without good faith challenge or protest.

The Commission here is desperately seeking a legitimized authority to impose civil penalties on unlicensed hydroelectric project operators and the desperation of the effort demonstrates that this is not an academic exercise. In fact, the Commission staff apparently plans to initiate civil penalty proceedings against a significant number of unlicensed project operators as soon as this order has issued. Originally, in that same spirit, the draft Final Rule also would have delegated civil penalty authority to the staff, but that was removed at my request. In my opinion, it would be a fundamental miscarriage of justice for the Commission to assess civil penalties against unlicensed operators under the provisions of the Final Rule. The situation with jurisdictional determinations already has reached unacceptable proportions and application now of the civil penalty provisions would only complicate and worsen the situation for no good public policy purpose and without any statutory authority from Congress.

Why should this Commissioner, or others for that matter, really be concerned about the unauthorized application of civil penalties to unlicensed hydroelectric operations in any event? The answer is straightforward and very simple. I believe strongly that an essential factor in the consideration of this Final Rule is that the Commission did not have civil penalty authority under the Federal Power Act prior to enactment of ECPA. The courts held in a succession of cases that the Federal Power Act did not grant the Commission any other civil penalty authority. Thus, Congress in ECPA granted the Commission civil penalty authority for the first time, but subject to expressly limited scope (e.g. licensees, permittees, and exemptees) and with expressly required due process administrative safeguards for the processing of alleged violations.

The NOPR on the face of the proposed regulations and the associated preamble

discussion virtually ignored both the expressly limited scope and the due process administrative safeguards mandated by Congress in ECPA. In effect, the Commission figuratively proposed to take the new civil penalty authority from ECPA and promptly discard the scope limitations and due process procedures, as if the Federal Power Act now contained unlimited and largely unconstrained authority to impose civil penalties at the institutional whim of the Commission. As discussed separately, the plain meaning of the statute and the legislative history will not support that result. Clearly, the Commission has only that express authority granted in ECPA, and it can not, as proposed in the NOPR, blithely appropriate unto itself the far broader authority. The Final Rule, with certain modest procedural improvements, still suffers from the fundamental and legally fatal flaw that the Commission effectively is misappropriating such broader authority unto itself, which it cannot do here any more than it could in *Kamargo*.

Congress did not affirmatively intend that unlicensed hydroelectric operators would be subject to civil penalties of up to \$10,000 per day per violation. And, unless and until Congress by statute expressly enacts such civil penalty authority for the Commission, it is patently unlawful for the Commission to assess one dollar of civil penalty against any unlicensed hydroelectric operator. Furthermore, it is obvious that the Commission management has every current intention upon issuance of this Final Rule of almost immediately invoking the new regulations to assess civil penalties against a number of existing unlicensed operators, as part of the institutional crusade described above. Commission staff has acknowledged that fact publicly in the Commission meeting of June 29, 1988, and privately since that meeting. In effect, the issuance of this fatally flawed rule will lead directly and immediately to the institution of civil penalty proceedings and the assessment thereafter of civil penalties against parties clearly not within the scope of Section 31. That result should offend every interested party committed to the rule of law in our democratic system, as it surely does this Commissioner.

9. Final Rule: a stay is justified and necessary.

That result also must be reversed as soon as possible to avoid very serious and potentially irreparable harm to unlicensed hydroelectric operators across the nation, who will be subject to the obviously intended coercive effect of

the cudgel of illegal application of the civil penalties provision, in the context of the unlicensed hydroelectric program. Under these circumstances, such parties and the commenters would have grounds for seeking a stay of the Final Rule, pending further consideration of this issue by the Commission on rehearing and pending judicial review of the clearly illegal provision. The public comments have made abundantly and unambiguously clear the immediate threat the Final Rule constitutes in terms of due process rights and potential coercion by Commission staff in jurisdictional dispute cases, as well as the enormous financial burden represented by such civil penalties. There clearly is the present danger of irreparable harm as a result. And, there is little doubt on the basis of this analysis that any petitioner should prevail on the merits of a challenge to the legality of the Final Rule. And, further, there certainly would be no prospect of any harm to others if a stay was granted. Finally, under these facts, such a stay would be demonstrated as being in the public interest, thus satisfying the three pronged tests for a stay articulated in *Virginia Petroleum Jobbers v. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958).

The Final Rule, at page 13 of the Slip Opinion under *G. Coercion*, responds briefly to the concern expressed by EEI (as well as several others, as discussed elsewhere) "that the Commission could use civil penalties to coerce project owners into the Commission's jurisdiction and that the effect of imposing liability on those who operate unlicensed projects raises the stakes in any contest over jurisdiction." Astonishingly, the order acknowledges that fact with amazing candor, as follows:

Civil penalties do give the Commission greater enforcement authority than before, and the Commission believes that this authority will encourage greater compliance. *This is what Congress intended*. Because the stakes are now higher, the Commission believes persons will be more inclined to request a determination from the Commission as to whether a project is jurisdictional prior to commencing construction or operation of a hydropower project. (Emphasis added.)

Several comments are in order with regard to this response. First, this dissenting opinion has established that Congress, in fact, did not by any stretch of the imagination intend the use of civil penalties for unlicensed projects in the first instance, let alone the use of such penalties as a cudgel to raise the stakes higher in order to coerce unlicensed hydroelectric operators *in terrorem* to

accept FPA jurisdiction, rather than to contest it in good faith. For all practical purposes, the majority in the quoted passage has laid its cards on the table and exposed the intended use of civil penalties as a coercive tool or cudgel, claiming that's what Congress intended. Also, of course, the primary focus of the unlicensed hydroelectric program is *existing* projects—projected by the staff in budget materials submitted to the Office of Management and Budget to be in excess of 500 such projects nationwide which will be subjected to FERC investigation and review. Those projects, much more so than new projects, apparently are the target of the Commission's intended coercive use of the threat of civil penalties to force acceptance of jurisdictional status.

10. Other features of the Final Rule: harsh avoidance of the statutory due process requirements.

I also dissent on several other features of the rule. Generally, the Final Rule is unnecessarily harsh and overbearing in its current form, consistent with the approach taken to the unlicensed hydroelectric operations. The Final Rule, at page 9 of the Slip Opinion, for example, includes Commission disagreement to the argument that the Commission does not have the legal authority to consider past violations in reviewing the nature of a present violation. Here, again, the majority is attempting to bootstrap the new authority to use it as a *de facto* penalty for past allegations of compliance violations. Any such allegations have not been the subject of any form of formal evidentiary record keeping or review. There was no due process for informal complaints or staff concerns about compliance and certainly nothing like the stringent formal requirements that are mandated by Congress for processing proposed civil penalties. Ignoring all of these important legal considerations the Commission responds, as follows:

In considering the nature of a present violation, the Commission intends to take into account the violator's compliance history. The Commission believes that an increased penalty is necessary for a repeat violator in order to adequately encourage compliance and to protect the environment and provide greater public safety. The Commission also recognizes that a first-time violator should not be penalized as severely as a repeat violator.

The majority's position would be acceptable if a so-called "repeat

violator" had compliance violations that had been documented and processed in accordance with the new rules. That, however, is not the case now and it appears that past informal allegations and complaints, never formally considered by the Commission, can and will be used against a violator.

The Final Rule also declines to adopt a "knowing" standard, which would exclude violations that a licensee did not know of and could not reasonably be expected to know. (Slip Opinion at page 10). The order explains that Congress did not explicitly adopt such a limitation on the imposition of civil penalties in ECPA and, therefore, the Commission will only take that factor into account in determining the size of the penalty, with knowing violations resulting in a greater penalty. Certainly, it would be refreshing to see the Commission pay such attention to the plain meaning of the statute as to application of civil penalties to unlicensed hydroelectric operators, except once again the majority is wrong because Congress did, in fact, explicitly indicate that violations had to be knowing. Nevertheless, the "knowing" standard appears to be obvious on the face of the statutory scheme, with subsection (a) compliance orders required prior to the institution of civil penalty or revocation proceedings. The Senate Committee Report, in discussing the companion provision on enforcement, states that, "in the normal course of events the Committee would expect FERC to give the licensees, exemptee or permittee a reasonable period of time to remedy any violations which may occur." I believe that admonition is directly applicable as well to the issue of whether violations are "knowing" in the first instance in order to be subject to civil penalties. Further, subsection (c) expressly requires the Commission to take into consideration, "the efforts of the licensee to remedy the violation, failure or refusal in a timely manner," in determining the amount of the proposed penalty. There simply could not be a prior compliance order and an opportunity for remedy of the violations, unless it was, in fact, a knowing violation prior to the institution of civil penalties.

The Commission next compounds the error by refusing the reasonable requests of several petitioners to provide affirmative notice of non-compliance and opportunity to correct its conduct before civil penalties

liability is triggered. The Final Order does not contain any prior notice requirements nor an affirmative opportunity for remedial action. The Commission states only that it "may initially contact persons in an effort to resolve instances of non-compliance, [but] declines to institute this approach as a necessary condition before assessing civil penalties." (Emphasis added). Later, "[t]he Commission also notes that in most instances the Commission *may likely* seek compliance prior to issuing a notice of proposed penalty, but it will not be mandatory for the Commission to proceed in this manner." (Emphasis added). This position of the majority is directly contrary to the express provision of subsection (c) requiring the Commission to consider the efforts of the party to remedy the violation in a timely way, which could only occur if there was (1) notice and (2) an opportunity to correct its conduct. Again, the underlying objective of the majority appears to be use of the civil penalty provisions in ways contrary to Congressional intent generally, and specifically so with regard to unlicensed projects. The pattern of negative responses to the public comments demonstrates that objective.

I would highlight other portions of this order that implement the administrative procedures of Section 31 of the Electric Consumers Protection Act of 1986. The hearing requirements of Section 31 are quite straightforward and were obviously included in the statute to protect the due process rights of all existing licensees, exemptees, and permittees. The Rule addresses the hearing requirements of the statute in several key places. The two most important places are the sections dealing with the issuance of compliance orders and assessment of civil penalty orders.

First, concerning the issuance of compliance orders, on page 16 of the slip opinion, the Commission, albeit inartfully, acknowledges that a licensee, exemptee, and permittee has the right to "respond in writing, with written submissions placed into the public record, to satisfy the notice and hearing requirement," which must occur *prior* to the Commission's issuance of a compliance order. This latter point, although not expressly stated in the

preamble or regulatory text, is clearly required by the statute and, therefore, must occur *at a minimum* under the operation of the Rule.

Second, it is also clear in my opinion that an assessment order issued by the Commission for civil penalties under Section 31 must include the administrative law judges' findings and the basis for such assessment. Again, the express language to that effect in the Rule is not a matter of any discretion for the Commission, but rather is a direct implementation of the clear requirement expressed in the statute.

11. Conclusion: Final Rule is egregious in its arrogance and pernicious in its effect.

In summary, this Final Rule is fatally flawed in a number of respects, most notably with regard to the application of the civil penalty provisions to parties other than licensees, permittees and exemptees. The Final Rule, unfortunately, follows earlier extralegal activity in the area of unlicensed hydroelectric projects, which has no basis in ECPA or other Congressional direction. Consequently, it comes as no surprise that the Commission here would exceed its statutory authority in several respects in the Final Rule. In my judgment, adoption of such a Final Rule, with application of civil penalties to parties never contemplated, let alone expressly intended, by Congress and with administrative procedures so plainly contrary to the statutory scheme and the intent of Congress, constitutes a flagrant violation of the Commission's independent regulatory authority and responsibilities. The intended imposition of civil penalties of \$10,000 per day per violation on parties excluded by Congress is nothing short of raw federal regulatory arrogance, which can never be supported. Here, there simply is not even a scintilla of legislative history evidence or statutory construction analysis to support the conclusion of the majority with regard to unlicensed hydroelectric operations.

In many respects, I believe this Final Order is far more egregious in its arrogance and far more pernicious in its effect than the *Kamargo* case, which at least involved some colorable policy considerations under ECPA, although I dissented vigorously there. In the instant case, there are no such colorable considerations on any objective basis. The majority has chosen with absolutely no statutory or other legal foundation to misappropriate the civil penalty authority and harshly apply it well

beyond ECPA's legal scope. That result cannot be acceptable and, therefore, I dissent.

Charles A. Trabandt,

Commissioner.

[FR Doc. 88-19054 Filed 8-22-88; 8:45 am]

BILLING CODE 5717-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

#### Amendment to the Alabama Abandoned Mine Land Reclamation Plan; Correction

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

**ACTION:** Final rule, correction.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement is correcting an error on the final rule approving the Alabama Abandoned Mine Land Reclamation (AMLR) plan amendment, which was published on Thursday, July 7, 1988 (53 FR 25486-25487). The correction will clarify in § 901.25 the name and address of the Alabama agency where the approved amendment is available.

**EFFECTIVE DATE:** August 8, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert A. Penn, Director, Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 228 West Valley Avenue, Birmingham, Alabama 35209, Telephone (205) 731-0953.

**SUPPLEMENTARY INFORMATION:** The following correction is made to the Alabama Abandoned Mine Land Reclamation (AMLR) plan amendment, which was published on Thursday, July 7, 1988 (53 FR 25486-25487):

#### § 901.25 [Corrected]

In § 901.25, on page 25487, second column, replace lines 9 through 12, with the following:

Alabama Department of Industrial Relations, 649 Monroe Street, Montgomery, Alabama 36130.

Date: August 16, 1988.

Brent Walquist,

Assistant Director, Program Policy, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 88-19092 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-05-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL-3422-7; TN-055]

#### Approval and Promulgation of Implementation Plans, Tennessee; Revisions to the Nashville TSP Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** On February 17, 1987, the State of Tennessee submitted Board Order 1-87, revisions to the "Legally Enforceable Limits and Schedules" section of the Metropolitan Nashville and Davidson County Total Suspended Particulate (TSP) Implementation Plan. This 1979 TSP plan provided Reasonably Available Control Technology (RACT) for existing sources within the nonattainment area. The maximum allowable particulate mass emission and visible emission standards based on RACT were included in the plan as permit conditions. The permit conditions also included restrictions on hours of operation. Over the past seven years minor revisions have been made in 81 of the original permits and 32 of the original permits have been deleted because the permitted sources have ceased operation. Today, EPA is approving these revisions.

**DATE:** This action will be effective on October 24, 1988 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. Such notice may be submitted to Ms. Rosalyn Hughes at the EPA Regional Office address listed below.

**ADDRESSES:** Copies of the material submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit,  
Library Systems Branch,  
Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460  
Environmental Protection Agency,  
Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365  
Division of Air Pollution Control,  
Tennessee Department of Health and Environment, Customs House, 4th Floor, 701 Broadway, Nashville, Tennessee 37219

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosalyn D. Hughes, Air Programs Branch, EPA Region IV at the above address and telephone number (404) 347-2864 or FTS 257-2864.

**SUPPLEMENTARY INFORMATION:** On February 17, 1987, the State of Tennessee submitted Board Order 1-87, revisions to the Metropolitan Nashville and Davidson County Total Suspended Particulate Plan (TSP), a part of the Tennessee State Implementation Plan (SIP). The revisions involve the "Legally Enforceable Limits and Schedules" section of the plan.

Processing of this revision was delayed until EPA promulgated the revised particulate matter standard (52 FR 24634) which eliminated the TSP ambient air quality standard. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 micrometers or less (PM<sub>10</sub>). However, at the State's option, EPA will continue to process TSP SIP revisions which were in process at the time the new PM<sub>10</sub> standard was promulgated. In the policy published on July 1, 1987, EPA stated that it would regard existing TSP SIP's as necessary interim particulate matter plans during the period preceding the approval of state plans specifically aimed at PM<sub>10</sub>. If the TSP SIP revision is judged to include more stringent provisions than are in the existing TSP plan, EPA's general policy would be to approve it. It is EPA's judgement that the regulations in this action would increase the stringency of the TSP plan and are therefore likely to result in better control of PM<sub>10</sub> as well. Thus EPA is approving this TSP SIP revision.

The maximum allowable particulate emission standards, visible emissions standards, and operating schedules based on Reasonably Available Control Technology for fifty-seven point sources were incorporated into 161 conditional operating permits which were included in Appendix A of the June 1979 Metropolitan Nashville and Davidson County portion of the Tennessee SIP revision for TSP. Chapter Four, Subchapter One, "Air Pollution Control" of the Metropolitan Code of Law specifies the allowable emission standards for all other sources. Over the past seven years, several minor changes have been made in 81 of the operating permits included in Appendix A and 32 of the permits have been deleted. The permit revisions and the deleted permits represent a decrease of over 130 tons per year of allowable emissions inside the 1963 Urban Services area of Metropolitan Nashville and Davidson County, Tennessee.

Air quality dispersion modeling was not necessary for approval of this SIP revision. Only two sources had increased their emissions by more than 25 tons per year. EPA considers

increases of less than 25 tons per year to have a sufficiently small air quality impact that a modelling analysis is not necessary. These two sources are limestone rock quarries. The increases in emissions in the submittal were fugitive emissions from stockpiling, wind erosion, etc. These emissions were not covered by permit conditions in the 1979 SIP. The actual emissions in 1979 were greater than the allowables in this submittal. Therefore, the increased emissions at these sources do not constitute a relaxation of the existing SIP. Both of these sources are quarrying operations and at this time there are no emission factors available for PM<sub>10</sub> emissions from quarrying operations. Therefore, modeling was not required for these sources. A technical support document giving further details on EPA's analysis is available for inspection at the EPA office whose address is listed above.

**Final Action:** Since Board Order 1-87 is consistent with EPA policy and requirements, it is hereby approved. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 24, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant impact on a substantial number of small entities. (See 46 FR 8709.)

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

#### List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

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

Date: July 26, 1988.

Lee M. Thomas,  
Administrator.

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

#### PART 52—[AMENDED]

##### Subpart RR—Tennessee

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

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

2. Section 52.2220 is amended by adding paragraph (c)(81) to read as follows:

#### § 52.2220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(81) Board Order 1-87 concerning Legally Enforceable Limits and Schedules for the Metropolitan Nashville and Davidson County portion of the Tennessee State Implementation Plan for Total Suspended Particulates, was submitted on February 17, 1987, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Board Order 1-87, and amendments to § 2.12.1.D.8, "Legally Enforceable Limits and Schedules", of the Metropolitan Nashville and Davidson County portion of the Tennessee State Implementation Plan for Total Suspended Particulates, approved on January 21, 1987.

(ii) Other material—none.

[FR Doc. 88-17245 Filed 8-22-88; 8:45 am]

BILLING CODE 6560-50-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 46 CFR Parts 32, 72, 92, and 190

[CGD88-062]

#### Ventilation Penetrations of Fire Rated Boundary Bulkheads

AGENCY: Coast Guard, DOT.

ACTION: Interpretation of rules.

**SUMMARY:** This notice clarifies existing Coast Guard and international regulations concerning ventilation penetrations in fire rated boundary bulkheads. Various appeals from vessel construction requirements have revealed that the regulations are being misinterpreted by portions of the domestic shipbuilding industry. The intended effect of this Notice is to demonstrate that return air ducts which

are not connected to the ventilation system, called balancing or jumper ducts, which penetrate fire rated boundary bulkheads, are prohibited. The result will be a savings in time and costs associated with correcting the impermissible penetrations.

**FOR FURTHER INFORMATION CONTACT:** Commander Gordon D. Marsh, Chief, Ship Design Branch (G-MTH-4), Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, 2100 St. SW., Washington, DC 20593-0001; telephone 202/267-2997.

**SUPPLEMENTARY INFORMATION:** The U.S. Coast Guard regulations and the International Convention for the Safety of Life at Sea, as amended (SOLAS 74/83) regulations prohibit unconnected ventilation openings in fire rated boundaries except louvered openings in the lower half of doors. The purpose is to prevent the passage of flame, smoke, hot gases, and toxic gases from the space where the fire originates to other locations in the vessel. In particular, the regulations are intended to prevent the spread of smoke and gases into escape routes, such as corridors and stairways, that would prevent escape, rescue, and fire fighting.

Title 46, Code of Federal Regulations, § 32.57-10(d)(1) for tank vessels, § 92.07-10(d)(1) for cargo and miscellaneous vessels, and § 190.07-10(d)(1) for oceanographic research vessels, require all corridor bulkheads within accommodation spaces to be A- and B-Class fire rated, intact deck to deck. However, stateroom doors in these bulkheads are permitted to have a louver in the lower half of the door. For passenger vessels, 46 CFR 72.05-10(c)(1) requires A-Class bulkheads made intact with the main structure of the vessel. For B-Class bulkheads, 46 CFR 72.05-10(c)(2) requires the bulkhead to be intact deck to deck, or to a continuous B-Class ceiling, which is functionally equivalent. For passenger vessels, doors in B-Class bulkheads are permitted by 46 CFR 72.05-25(c)(3) to have a vent grille or louver not to exceed 2 square feet (288 square inches) (0.186 square meters) in area in the lower half of the door. The Coast Guard's position is that vent grilles or louvers in the lower half of stateroom doors will not immediately jeopardize an escape route. The openings explained above are the only unconnected ventilation openings in fire rated boundaries permitted by Coast Guard regulations.

The openings discussed above have traditionally been used by marine design engineers as return air ducts to

help balance ventilation system air flow. For spaces where the vent grille or louvered opening in the lower half of doors is adequate to balance ventilation air flow, this system design is still acceptable. However, design engineers have found that for large spaces, or spaces where large masses of air must be balanced, a return duct in addition to those discussed above is needed. Recently several vessel designs have incorporated openings in the bulkheads unconnected to the ventilation system ductwork, to provide a return air path in addition to that provided by louvered door openings. Even if equipped with automatic or manual dampers, these openings, referred to as balancing or jumper ducts, provide a path for flame and smoke to travel from the overhead in one space to another and are impermissible. The ventilation system must not jeopardize the integrity of the boundary or furnish a direct path for smoke and combustion gases to spread to escape routes or from high risk spaces to low risk spaces.

For those vessels which must comply with SOLAS requirements, the return air system is further complicated. First, for passenger vessels, Chapter II-2, Regulations 31.1 of SOLAS 74/83 permits only a ventilation opening in or under the lower half of doors in B-Class boundary bulkheads in accommodation and service spaces. The opening is not to exceed 77.5 square inches (0.05 square meters). Second, for non-passenger vessels, Chapter II-2, Regulation 47.3 of SOLAS 74/83 permits only a ventilation opening not to exceed 77.5 square inches (0.05 square meters) in or under the lower half of corridor doors of cabins and public spaces. The marine industry is reminded that in order to qualify for a SOLAS Safety Construction Certificate, vessels must meet the more restrictive SOLAS requirement. On 1 October 1984, the Coast Guard published an Advance Notice of Proposed Rulemaking (CGD83-026) in the Federal Register, 49 FR 38672, notifying the public that a project was being undertaken to amend Coast Guard regulations to be compatible with the SOLAS 74/83 fire protection requirements.

Dated: August 15, 1988.

J.D. Sipes,  
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 88-18982 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-14-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

#### Indefinite Extension of Interim Provisions for Cordless Telephones

**AGENCY:** Federal Communications Commission.

**ACTION:** Errata.

**SUMMARY:** This action concerning the extension of interim provisions for cordless telephones corrects the dates cited in the final rule.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Joseph P. Husnay, Office of Engineering and Technology, (202) 653-8114.

**SUPPLEMENTARY INFORMATION:** See Order, RM-5320, FCC 87-335, December 10, 1987; 53 FR 1781, January 22, 1988. The Federal Register summary of an Order concerning cordless telephones cited incorrect dates. Specifically, the summary stated that, "Current rules require the manufacturing and importation of cordless telephones to end by February 15, 1988, while, marketing is to end by February 15, 1989." The dates are hereby corrected to February 15, 1989 and February 15, 1990, respectively.

Federal Communications Commission,  
Office of Engineering and Technology.

Thomas P. Stanley,  
Chief Engineer.

[FR Doc. 88-19094 Filed 8-22-88; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 611 and 672

[Docket No. 71146-8001]

#### Foreign Fishing; Groundfish of the Gulf of Alaska

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

**ACTION:** Notice of closure and request for comments.

**SUMMARY:** Domestic fishermen delivering fish to foreign processors (JVP) must cease fishing in the Gulf of Alaska with trawl gear other than pelagic trawl gear effective August 18, 1988, through the remainder of 1988. This action limits the prohibited species

catch (PSC) for Pacific halibut to that applicable to JVP and permissible under Federal regulations implementing the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**DATES:** This notice is effective at 12:00 noon, Alaska Daylight Time (a.d.t.) on August 18, 1988, until midnight, Alaska Standard Time, December 31, 1988. Public comments will be accepted for 15 days from the effective date, through September 2, 1988.

**FOR FURTHER INFORMATION CONTACT:** Patricia Peacock, Fishery Management Specialist, NMFS, 907-586-7230.

**SUPPLEMENTARY INFORMATION:** The FMP, which governs the groundfish fisheries in the U.S. exclusive economic zone under the Magnuson Fishery Conservation and Management Act, is implemented by rules appearing at 50 CFR 611.92 and Part 672.

Special consideration is given to the conservation of Pacific halibut, a valuable species taken as bycatch in the groundfish fishery. Pacific halibut are managed under authority of the International Pacific Halibut Commission; however, bycatches by domestic fishermen delivering groundfish either to domestic processors

(DAP) or to JVP are controlled through PSC limits (50 CFR 672.20(b)). The current Pacific halibut PSC limit for the Gulf of Alaska that is applicable to JVP is 240 metric tons (mt) (53 FR 890, January 14, 1988).

The Regional Director has determined that the JVP PSC in the Gulf of Alaska for Pacific halibut has been reached. Therefore, according to § 672.20(f)(1), this notice prohibits the fishing with trawl gear other than pelagic trawl gear for the remainder of 1988 by JVP vessels in the Gulf of Alaska, subject to § 672.20(f)(2)(iv). Pelagic trawl gear is defined at § 672.2.

#### Classification

Unless this notice takes effect promptly, the Pacific halibut PSC applicable to JVP will be exceeded, and the amount of Pacific halibut available to domestic fishermen who target on this species will be decreased. NOAA, therefore, finds for good cause that prior opportunity for public comment on this notice is contrary to the public interest and its effective date should not be delayed. Therefore, this notice will be effective at 12:00 noon, ADT on August 18, 1988 and public comments on this closure will be accepted by the Regional

Director for a period of 15 days after the effective date of this notice, through September 2, 1988. During the comment period, the Regional Director will make available for public inspection, during business hours, the aggregate data upon which the closure was based. If written comments are received during the 15-day period that oppose the closure, the Secretary will reconsider the necessity of the closure and, as soon as practicable after that reconsideration, will either publish in the Federal Register a notice of continued closures, responding to comments received, or rescind the closure. This action is taken under § 672.20 and 50 CFR 611.13 and is in compliance with Executive Order 12291.

#### List of Subjects in 50 CFR Parts 611 and 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 18, 1988.

**Richard H. Schaefer,**  
Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-19062 Filed 8-18-88; 1:21 pm]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 53, No. 163

Tuesday, August 23, 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.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 300

#### Government Use of Commercial Recruiting Firms and Nonprofit Employment Services

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Office of Personnel Management (OPM) proposes to issue regulations permitting agencies to use commercial recruiting firms and nonprofit employment services to locate candidates for Federal civil service positions. Candidates identified in this way must then be considered for Federal employment through regular civil service procedures.

**DATE:** Written comments will be considered if received no later than October 24, 1988.

**ADDRESS:** Send or deliver written comments to Chief, Staffing Policy Division, Career Entry Group, Office of Personnel Management, Room 6504, 1900 E Street NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell, (202) 653-9399.

**SUPPLEMENTARY INFORMATION:** In accordance with instructions in the Federal Personnel Manual, agencies have traditionally relied on their own resources to recruit candidates for Federal positions. OPM has carefully reexamined these institutions as part of its efforts to update and streamline the Federal personnel system and has concluded that certain changes are necessary to enhance the Government's ability to attract high quality talent now and in the years to come. OPM believes additional recruiting flexibilities are of particular importance to agencies with positions for which candidates are in short supply. In authorizing agency use of commercial recruiting firms and nonprofit employment services, OPM is also setting the conditions necessary to protect merit principles. These

conditions are designed to ensure the following:

- The use of commercial recruiting firms and nonprofit employment services does not conflict with statutory appointment requirements
- Candidates referred by the commercial recruiting firms or nonprofit employment services are treated no differently than candidates referred from other sources
- The public knows it is not necessary to go through a commercial recruiting firm or nonprofit employment service in order to be considered for Federal employment
- Individuals have not paid any fees to commercial recruiting firms or nonprofit employment services in order to be referred to Federal agencies. (Under contract, Federal agencies would bear the entire cost of using the commercial recruiting firm or nonprofit employment service.)

OPM will closely monitor the use of this new authority and will require reports from agencies on at least a yearly basis. Within three years of the date of final regulations, OPM will evaluate the authority and determine whether it should be continued.

#### Executive Order 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal employees and agencies.

#### List of Subjects in 5 CFR Part 300

Administrative practice and procedures, Government employees.

U.S. Office of Personnel Management.

Constance Horner,  
Director.

Accordingly, OPM proposes to amend 5 CFR Part 300 as follows:

#### PART 300—EMPLOYMENT (GENERAL)

1. The authority citation for Part 300 is revised as set forth below.

**Authority:** 5 U.S.C. secs. 552, 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. secs. 7201, 7204; E.O. 11478, 3 CFR, 1966-1970 Comp., page 803.

Secs. 300.401 through 300.407 also issued under 5 U.S.C. secs. 1302(c), 2301, and 2302.

2. Subpart D is added to read as follows:

#### Subpart D—Use of Commercial Recruiting Firms and Nonprofit Employment Services

Sec.

300.401 Definitions.

300.402 Coverage.

300.403 When commercial recruiting firms may be used.

300.404 Use of fee-charging firms prohibited.

300.405 Requirement for contract.

300.406 Agency responsibilities.

300.407 Documentation.

#### Subpart D—Use of Commercial Recruiting Firms and Nonprofit Employment Services

##### § 300.401 Definitions.

For purposes of this subpart:

(a) A "commercial recruiting firm" is a profit-making entity which, by contract, supplies Federal agencies with the names of individuals for employment consideration in accordance with requirements set by the Federal agency.

(b) A "nonprofit employment service" is one legally established as nonprofit under State law and may be sponsored by such groups as professional societies, organizations of college graduates, or social agencies.

##### § 300.402 Coverage.

These regulations apply to positions in the competitive service, positions in the excepted service under Schedules A, B, and C, and positions in the Senior Executive Service.

##### § 300.403 When commercial recruiting firms may be used.

(a) Agency use of commercial recruiting firms is appropriate when likely to provide candidates who would otherwise not be available.

(b) Except when the agency head or designee has determined that candidates are known to be in short supply, an agency may not use a commercial recruiting firm until the agency has conducted its own recruitment through regular staffing procedures.

**§ 300.404 Use of fee-charging firms prohibited.**

(a) Federal agencies are prohibited from using commercial recruiting firms and nonprofit employment services which charge fees to individuals.

(b) The prohibition in paragraph (a) of this section does not apply to registration fees paid by individuals to nonprofit employment services sponsored by professional organizations when the registration fee is imposed regardless of whether the registrant is referred for employment or placed.

**§ 300.405 Requirement for contract.**

(a) A written contract is required between the Federal agency and a commercial recruiting firm or nonprofit employment service. As a minimum, the contract must include:

- (1) A request for the recruitment services (as required by 18 U.S.C. 211);
- (2) The qualifications requirements of the position for which candidates are being sought;
- (3) The total costs to the agency; and
- (4) The conditions of payment.

(b) The contract must also provide that the firm or service will:

- (1) Screen candidates only against the qualification requirements specified in the agreement and refer to the agency all candidates who meet those basic requirements;
- (2) Recruit and refer candidates without regard to race, color, religion, national origin, sex, marital status, age, handicapping condition, or other factors prohibited under law, rule, or regulation;
- (3) Refer to the Federal agency only those applicants from whom the firm or service has not accepted fees other than those permitted under § 300.404(b) of this part; and
- (4) Not imply that it is the sole or primary avenue for employment with the Federal Government or a specific Federal agency.

**§ 300.406 Agency responsibilities.**

(a) In order to use commercial recruiting firms or nonprofit employment services, agencies are required to:

- (1) Publicize the fact that applicants may apply directly to the Government and need not apply through the commercial recruiting firm or nonprofit employment service;
- (2) Give the same consideration to candidates who have applied directly and candidates referred from the commercial recruiting firm or nonprofit employment service; and
- (3) Follow all requirements for appointment. The purpose of a commercial recruiting firm or nonprofit employment service is to serve as an additional source of applicants. Once

recruited, applicants must be evaluated and appointed through regular civil service employment procedures.

(i) For an excepted service position, an individual must be appointed in accordance with the terms of the applicable appointing authority.

(ii) For a Senior Executive Service position filled by career appointment, an individual must be appointed in accordance with the competitive process described in 5 U.S.C. 3393.

**§ 300.407 Documentation.**

(a) Agencies are required to maintain records necessary to determine that using commercial recruiting firms or nonprofit employment services is cost effective and has not resulted in the violation of merit system principles or the commission of any prohibited personnel practice.

(b) In order for OPM to evaluate the authority granted under this subpart, agencies must submit reports in accordance with its instructions. Reports will be submitted on at least an annual basis and, as a minimum, will provide information on the kinds of jobs for which recruiting firms were used, the costs to the agency, and the results in terms of candidates referred and selected. Reports will also provide comparative data to show the effect of using a recruiting firm on the agency's ability to locate qualified candidates.

(c) Upon evidence that an agency is not complying with these regulations, OPM may, pursuant to its authority, order appropriate corrective action.

[FR Doc. 88-19046 Filed 8-22-88; 8:45 am]  
BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 955**

[Docket No. FV-AO-88-3; FV-88-108]

**Proposed Georgia Vidalia Onion Marketing Agreement and Order; Hearing**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of hearing on proposed marketing agreement and order.

**SUMMARY:** Notice is hereby given of a public hearing to be held to consider a proposed marketing agreement and order to cover Vidalia onions grown in Georgia. The proposed program would authorize production and marketing research and promotion projects including paid advertising. The proposal was submitted by a group of Vidalia

onion growers and handlers known as FAVOR (Farmers Allied for the Vidalia Onion Referendum). FAVOR represents approximately 75 percent of the Vidalia onion industry. The program would be financed by assessments levied on handlers of Vidalia onions grown in twelve designated counties and portions of seven other counties in southeastern Georgia. The assessment rate would be established by the Secretary of Agriculture, based on the recommendation of a committee that would administer the program. The committee would be composed of eight growers. At least four members must also be handlers.

**DATES:** The hearing will be held in Lyons, Georgia, beginning on September 20, 1988, at 9:00 a.m. Additional sessions, if necessary, will be held on September 21, and 22, beginning at 9:00 a.m. at the same location.

**ADDRESS:** The hearing will be held in the Toombs County Courthouse, Highway 280 East, Lyons, Georgia 31206.

**FOR FURTHER INFORMATION CONTACT:** Copies of this Notice of Hearing may be obtained from:

(1) John R. Toth, Officer-in-Charge, Southeast Marketing Field Office, USDA, P.O. Box 2276, Winter Haven, Florida 33883-2276; telephone (813) 299-4770.

(2) Kenneth G. Johnson, Marketing Specialist, Market Order Administration Branch, Fruit and Vegetable Division, Room 2525-S, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456; telephone number (202) 447-5331.

**SUPPLEMENTARY INFORMATION:** This action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and is therefore excluded from the requirements of Executive Order 12291. The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 "Act", as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The Regulatory Flexibility Act (Pub. L. 96-354), effective January 1, 1981, applies, and seeks to ensure that, within the statutory authority of a program, the regulatory and reporting requirements of the program are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the reporting requirements and probable economic impact of the proposal on small businesses.

Proponents of the order that a marketing order is needed with the

authority to conduct research and promotion projects to enable the Georgia Vidalia onion industry to better compete with other onion producing areas. The industry believes that an effective promotion program, including paid advertising, can be implemented to expand its markets, improve grower returns, and increase consumer awareness.

This proposal has been widely discussed within the Georgia Vidalia onion industry but has not yet received approval by the Secretary of Agriculture.

The hearing will be held for the purposes of:

(a) Receiving evidence about the economic and marketing conditions which relate to the proposed marketing agreement and order and to any appropriate modifications thereof;

(b) Determining whether the handling of Vidalia onions produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement and order for Vidalia onions;

(d) Determining the economic impact of the proposed marketing agreement and order on the industry in the production area and on the public affected by such a program;

(e) Determining whether the proposed marketing agreement and order or any appropriate modification of them will tend to effectuate the declared policy of the Act.

A pre-notice of hearing press release was issued on June 7, 1988 to announce the receipt of this proposal and to provide the opportunity for interested parties to submit comments or alternative proposals through July 6, 1988. Eighty-eight comments were received. While all expressed general support of the proposal, one questioned the need for production research and two implied that quality control provisions would be beneficial. No specific alternate proposals were received.

From the time this hearing notice is issued and until the issuance of a final decision in this proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. The prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture; Office of the Administrator, Agricultural Marketing Service; Office of the General

Counsel; Fruit and Vegetable Division, Agricultural Marketing Service.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Provisions of the proposed marketing agreement and order follow. Those sections identified with an asterisk (\*) apply only to the proposed marketing agreement and are proposed by the Agricultural Marketing Service.

#### List of Subjects in 7 CFR Part 955

Marketing agreements and orders, Vidalia onions, Georgia.

The marketing agreement and order proposed by Farmers Allied for the Vidalia Onion Referendum would add a new Part 955 to read as follows:

#### PART 955-VIDALIA ONIONS GROWN IN GEORGIA

##### Definitions

Sec.	
955.1	Secretary.
955.2	Act.
955.3	Person.
955.4	Production area.
955.5	Vidalia onion.
955.6	Handler.
955.7	Handle.
955.8	Registered handler.
955.9	Producer.
955.10	Producer-handler.
955.11	Varieties.
955.12	Committee.
955.13	Fiscal period.

##### Committee

955.20	Establishment and membership.
955.21	Term of office.
955.22	Nominations.
955.23	Selection.
955.24	Acceptance.
955.25	Alternatives.
955.26	Vacancies.
955.27	Failure to nominate.
955.28	Procedure.
955.29	Expenses.
955.30	Powers.
955.31	Duties.

##### Expenses and Assessments

955.40	Expenses.
955.41	Budget.
955.42	Assessments.
955.43	Accounting.
955.44	Excess funds.
955.45	Contributions.

##### Research and Development

955.50	Research and development.
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##### Reports and Recordkeeping

955.60	Reports and Recordkeeping.
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##### Miscellaneous Provisions

955.71	Termination or suspension.
955.72	Proceedings after termination.
955.73	Effect of termination or amendment.
955.80	Compliance.
955.81	Right of the Secretary.
955.82	Duration of immunities.

955.83	Agents.
955.84	Derogation.
955.85	Personal liability.
955.86	Separability.
955.87	Amendments.

##### Marketing Agreement

955.90	Counterparts.
955.91	Additional parties.
955.92	Order with marketing agreement.

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

##### Definitions

###### § 955.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture who has been delegated, or who may hereafter be delegated, the authority to act for the Secretary.

###### § 955.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

###### § 955.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

###### § 955.4 Production area.

"Production area" means that part of the State of Georgia enclosed by the following boundaries: Beginning at a point in Laurens County where U.S. Highway 441 intersects Highway 16; thence continue southerly along U.S. Highway 441 to a point where it intersects the southern boundary of Laurens County; thence southwesterly along the border of Laurens County to a point where it intersects the county road known as Jay Bird Springs Road; thence southeasterly along Jay Bird Springs Road to a point where it intersects U.S. Highway 23; thence easterly to a point where U.S. Highway 23 intersects the western border of Telfair County; thence southwesterly following the western and southern border of Telfair County to a point where it intersects with Jeff Davis County; thence following the southern border of Jeff Davis County to a point where it intersects with the western border of Bacon County; thence southerly and easterly along the border of Bacon County to a point where it intersects Georgia State Road 32; thence easterly along Georgia State Road 32 to Seaboard Coastline Railroad; thence northeasterly along the tracks of Seaboard Coastline Railroad to a point where they intersect Long County and Liberty County; thence northwesterly

and northerly along the southwestern border of Liberty County to a point where the border of Liberty County intersects the southern border of Evans County; thence northeasterly along the eastern border of Evans County to the intersection of the Bulloch County border; thence northeasterly along the Bulloch County border to a point where it intersects with the Ogeechee River; thence northerly along the main channel of the Ogeechee River to a point where it intersects with the southeastern border of Screven County; thence northeasterly along the southeasterly border of Screven County to the main channel of the Savannah River; thence northerly along the main channel of the Savannah River to a point where the northwestern boundary of Hampton County, South Carolina intersects the Savannah River; thence due west to a point where State Road 24 intersects Brannen Bridge Road; thence westerly along Brannen Bridge Road to a point where it intersects with State Road 21; thence westerly along State Road 21 to the intersection of State Road 17; thence westerly along State Road 17 to the intersection of State Road 56 and southerly to the northern border of Emanuel County; thence westerly and southerly along the border of Emanuel County to a point where it intersects the Treutlen County border; thence southerly to a point where the Truetlen County border intersects Interstate Highway 16; thence westerly to the point of beginning in Laurens County.

#### § 955.5 Vidalia onion.

"Vadalia onion" means all varieties of *Allium cepa* of the hybrid yellow granex, granex parentage or any other similar variety recommended by the committee and approved by the Secretary, that are grown in the production area.

#### § 955.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of Vidalia onions owned by another person) who handles Vidalia onions, or causes Vidalia onions to be handled.

#### § 955.7 Handle.

"Handle" or "ship" means to package, load, sell, transport, or in any way to place Vidalia onions, or cause Vidalia onions to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-run Vidalia onions to a registered handler for the purpose of

having such Vidalia onions prepared for market.

#### § 955.8 Registered Handler.

"Registered handler" means any person with adequate facilities within the production area for preparing Vidalia onions for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities within the production area, and has recorded with the committee the ability and willingness to assume customary obligations of preparing Vidalia onions for commercial market.

#### § 955.9 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the production of Vidalia onions for market.

#### § 955.10 Producer-Handler.

"Producer-Handler" means a producer who handles Vidalia onions self-produced, and those produced by others.

#### § 955.11 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of Vidalia onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee and approved by the Secretary.

#### § 955.12 Committee.

"Committee" means the Vidalia Onion Committee, established pursuant to § 955.20.

#### § 955.13 Fiscal period.

"Fiscal period" means the 12 month period beginning on January 1 and ending on December 31 of each year or such other period that may be recommended by the committee and approved by the Secretary.

#### Committee

#### § 955.20 Establishment and membership.

The Vidalia Onion Committee, consisting of eight producer members, of which at least four are producer-handlers, is hereby established. Each member shall have an alternate who shall have the same qualifications as the member.

#### § 955.21 Term of office.

(a) Except as otherwise provided in paragraph (b) of this section, the term of office of committee members and their respective alternates shall be for two fiscal periods. The terms shall be so determined that one-half of the total committee membership shall terminate each year. Members and alternates shall

serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, or until their successors are selected and have qualified.

(b) The term of office of the initial members and alternates shall begin as soon as possible after the effective date of this subpart. As determined by lot drawn at the committee's first meeting, one-half of the initial members and alternates shall serve for a one-year term and one-half shall serve for a two-year term.

(c) The consecutive terms of office of members shall be limited to three 2-year terms.

#### § 955.22 Nominations.

(a) Initial members. For nominations to the initial committee, a meeting or meetings of producers and producer-handlers shall be held by the Secretary or by any agency or group requested to do so by the Secretary.

(b) Successor members. (1) For succeeding members and alternates on the committee, the committee shall conduct nominations or cause them to be conducted prior to October 15 of each year, or by such other date as may be specified by the Secretary.

(2) The committee may conduct nominations either by producer and producer-handler nomination meetings or by mail ballot. At least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(3) Nominations for members and alternates shall be supplied to the Secretary in such manner and form as the Secretary may prescribe, not later than November 1 of each year, or by such other date as may be specified by the Secretary.

(c) Each producer is entitled to cast only one vote on behalf of such producer and such producer's agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled.

#### § 955.23 Selection.

From the nominations made pursuant to § 955.22 or from other qualified persons, the Secretary shall select members and alternate members of the committee.

**§ 955.24 Acceptance.**

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary after being notified of such selection.

**§ 955.25 Alternates.**

An alternate member of the committee shall act in the place and stead of the member for whom such person is an alternate, during such member's absence or when designated to do so by such member. In the event of the death, removal, resignation or disqualification of a member, that member's alternate shall serve until a successor to such member is selected and has qualified.

**§ 955.26 Vacancies.**

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of a member or alternate, a successor for the unexpired term may be selected by the Secretary from nominations made pursuant to § 955.22, from previously unselected nominees on the current nominee list, or from other eligible persons.

**§ 955.27 Failure to nominate.**

If nominations are not made within the time and manner prescribed in § 955.22, the Secretary may, without regard to nominations, select the members and alternates on the basis of the representation provided for in § 955.20.

**§ 955.28 Procedure.**

(a) Five members of the committee shall constitute a quorum, and five concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast orally at such meetings shall be confirmed promptly in writing: *Provided*, that if an assembled meeting is held, all votes shall be cast in person.

**§ 955.29 Expenses.**

Members and alternates shall serve without compensation but shall be reimbursed for such expenses authorized by the committee and necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

**§ 955.30 Powers.**

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

**§ 955.31 Duties.**

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members or alternates, and to adopt such rules and regulations for the conduct of its business as it deems necessary;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as may be requested;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to Vidalia onions;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee. Such minutes, books, and records shall be subject to examine at any time by the Secretary or the Secretary's authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(g) Prior to the beginning of each fiscal period, to prepare and submit to the Secretary and budget of its projected income and expenses for such fiscal period, together with a report thereon and a recommendation as to the rate of assessment for such period;

(h) To cause its books to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each report shall be furnished to the Secretary. A copy shall also be made available at the principal office of the committee for inspection by producers and handlers provided that

confidential information shall be removed;

(i) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members.

**Expenses and Assessments****§ 955.40 Expenses.**

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by the committee for its maintenance and functioning, and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in §§ 955.42 and 955.45.

**§ 955.41 Budget.**

Prior to each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

**§ 955.42 Assessments.**

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each person who first handles Vidalia onions shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers, at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the assessment rate. Such increase shall be applicable to all Vidalia onions which were handled by the handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect

irrespective of whether particular provisions of this part are suspended or become inoperative.

(e) To provide funds for the administration of the provisions of this part during the initial fiscal period or the first part of a fiscal period when neither sufficient operating reserve funds nor sufficient revenue from assessments on the current season's shipments are available, the committee may accept payment of assessments in advance or may borrow money for such purposes.

(f) The committee may impose a late payment charge or an interest charge or both, on any handler who fails to pay any assessment in a timely manner. Such time and the rates shall be recommended by the committee and approved by the Secretary.

#### § 955.43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, such person shall account for all receipts and disbursements and deliver all property and funds in such member's possession to the committee, pertaining to the committee's activities for which such person was responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and, upon determining such action is appropriate, the Secretary may direct that such person or persons shall act as trustee or trustees for the committee.

#### § 955.44 Excess funds.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(a) The committee, with the approval of the Secretary, may establish an operating reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established, except funds

in the reserve shall not exceed the equivalent of approximately one fiscal period's budgeted expenses. If a project involving marketing promotion and advertising is established, the reserve may be maintained at a level not to exceed three years' average budgeted expenses. Such reserve funds may be used—

(1) To defray any expenses authorized under this part,

(2) To defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses,

(3) To cover deficits incurred during any fiscal period when assessment income is less than expenses,

(4) To defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and

(5) To cover necessary expenses of liquidation in the event of termination of this part.

Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate except that to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) If such excess is not retained in a reserve as provided in paragraph (a) of this section, each handler entitled to a proportionate refund of the excess assessments collected shall be credited at the end of a fiscal period with such refund against the operations of the following fiscal period unless such handler demands payment thereof, in which event such proportionate refund shall be paid.

#### § 955.45 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 955.50. Such contributions shall be free from any encumbrances by the donor, and the committee shall retain complete control of their use.

#### Research and Development

##### § 955.50 Research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development and marketing promotion projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of Vidalia onions. Any such project for the promotion and advertising of Vidalia

onions may utilize an identifying mark which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe. The expense of such projects shall be paid from funds collected pursuant to § 955.42 or § 955.45.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following:

(1) The expected supply of Vidalia onions in relation to market requirements;

(2) The supply situation among competing areas and communities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity; and

(5) Other relevant factors.

(c) If the committee should conclude that a program of research and development should be undertaken, or continued, in any fiscal period, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to the funds to be obtained pursuant to § 955.42 or § 955.45;

(2) Its recommendation as to any research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

(d) Upon conclusion of each activity, but at least annually, the committee shall summarize and report the results of such activity to the Secretary.

(e) All marketing promotion activity engaged in by the committee, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising, shall refer to any private brand, private trademark or private trade name;

(2) No promotion or advertising shall disparage the quality, use, value or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product; and

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity.

#### Reports and Recordkeeping

##### § 955.60 Reports and recordkeeping.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the

committee to perform its duties under this part.

(a) Such reports may include, but are not limited to, the following:

- (1) The quantities of Vidalia onions received by a handler;
- (2) The quantities disposed of by the handler;
- (3) The date of each such disposition; and
- (4) The identification of the carrier transporting such Vidalia onions.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of an individual handler's identity or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the Vidalia onions received and disposed of by such handler as may be necessary to verify reports submitted to the committee pursuant to this section.

#### Miscellaneous Provisions

##### § 955.71 Termination or suspension.

(a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate or suspend the operations of any or all of the provisions of this subpart whenever it is found that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever it is found that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of Vidalia onions: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such Vidalia onions produced for market, but such termination shall be announced before September 30 of the then current fiscal period.

(d) Within six years of the effective date of this subpart the Secretary shall conduct a continuance referendum to ascertain whether continuance of this subpart is favored by producers. Subsequent referenda to ascertain continuance shall be conducted every

six years thereafter. The Secretary may terminate the provisions of this part at the end of any fiscal year in which the Secretary has found that continuance of this subpart is not favored by producers who, during a representative period determined by the Secretary, have been engaged in the production for market of onions in the production area. Such termination shall be announced on or before the end of the fiscal year.

(e) The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

##### § 955.72 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession, or under control, of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of said committee and of the trustees, to such person as the Secretary may direct; and shall upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in said committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

##### § 955.73 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of my amendments to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart;

(b) Release or extinguish any violation of this subpart or of any regulations issued under this subpart; or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

##### § 955.80 Compliance.

No handler shall handle Vidalia onions except in conformity to the provisions of this part.

##### § 955.81 Right of the Secretary.

The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

##### § 955.82 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

##### § 955.83 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as the Secretary's agent or representative in connection with any of the provisions of this part.

##### § 955.84 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

##### § 955.85 Personal liability.

No member or alternate of the committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts,

either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

**§ 955.86 Separability.**

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

**§ 955.87 Amendments.**

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

**Marketing Agreement**

**\*§ 955.90 Counterparts.**

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

**\*§ 955.91 Additional parties.**

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

**\*§ 955.92 Order with marketing agreement.**

Each signatory hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of Vidalia onions in the same manner as is provided for in this agreement.

Dated: August 19, 1988.

J. Patrick Boyle,

Administrator.

[FR Doc. 88-19158 Filed 8-22-88; 8:45 am]

BILLING CODE 3410-02-M

**Food Safety and Inspection Service**

**9 CFR Parts 327 and 381**

[Docket No. 86-031R]

**Prohibition on Movement of Imported Product Prior to Reinspection; Reopening of Comment Period**

AGENCY: Food Safety and Inspection Service, USDA.

**ACTION:** Proposed rule; reopening of comment period; correction.

**SUMMARY:** On May 13, 1988, the Food Safety and Inspection Service (FSIS) published a proposed rule to amend the Federal meat and poultry products inspection regulations by prohibiting the transportation of imported meat and poultry products prior to their reinspection. The proposal would require that imported products be reinspected at the port of first arrival. FSIS also proposed to eliminate the official import seal and current sealing requirements for imported products which are transported prior to reinspection. The comment period closed on July 12, 1988. FSIS has received requests to reopen the comment period so that additional information may be provided to FSIS. FSIS is granting these requests and is reopening the comment period for an additional 30 days. This document also corrects a statement in the preamble to the proposal concerning the percentage of total imports that may be affected by this proposal. It was stated that only 7 percent of total imports would be affected; the correct figure is 14.6 percent of total imports.

**DATE:** Comments must be received on or before September 22, 1988.

**ADDRESS:** Written comments to: Policy Office, ATTN: Linda Carey, FSIS Hearing Clerk, Room 3171 South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments, as provided by the Poultry Products Inspection Act, should be directed to Patricia Stolfa, Deputy Administrator, International Programs, Food Safety and Inspection Service, (202) 447-3473.

**FOR FURTHER INFORMATION CONTACT:** Patricia Stolfa, Deputy Administrator, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3473.

**SUPPLEMENTARY INFORMATION:** On May 13, 1987, FSIS published a proposed rule (53 FR 17059) to amend the Federal meat and poultry products inspection regulations by removing current provisions that permit the transportation of imported products prior to reinspection by FSIS. Instead FSIS proposed to require that imported products be reinspected at the port of first arrival. In addition, FSIS proposed to eliminate the official import seal and sealing requirements for product that is transported prior to reinspection by FSIS. This action resulted from an audit of the import inspection program

conducted by the Department's Office of the Inspector General (OIG). The OIG recommended that FSIS "require that foreign meat products entering the United States be inspected \* \* \* only at the point of first arrival." OIG stated that this action would enable FSIS to maintain control over meat products entering the United States.

FSIS has received requests to reopen the comment period so that additional information can be gathered and submitted to FSIS. FSIS is interested in receiving additional information and is, therefore, reopening the comment period for an additional 30 days.

This document also corrects a mathematical error in the computation of the percentage of pounds of product which may be affected by this proposal as compared to total imports. In the preamble to the proposal, it was stated that only 7 percent of total imports may be affected; the correct figure is 14.6 percent of total imports. This percentage is based on the amount of product moved after unloading in one district and presented for reinspection in another district—361,473,786 pounds during calendar year 1985. This amount of product is 14.6 percent of total imports—2,478,643,236 pounds—for calendar year 1985.

Done at Washington, DC, on August 18, 1988.

Lester M. Crawford,  
Administrator, Food Safety and Inspection Service.

[FR Doc. 88-19076 Filed 8-22-88; 8:45 am]

BILLING CODE 3410-DM-M

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 52**

**Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors**

AGENCY: Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is considering adding a new Part to its regulations which would provide for issuance of early site permits, standard design certifications, and combined construction permits and conditional operating licenses for nuclear power reactors. The proposed rule sets out the review procedures and licensing requirements that would apply to applications for these new licenses and certifications. The proposed action is intended to achieve the early

resolution of licensing issues, thereby enhancing the safety and reliability of nuclear power plants, and reducing the complexity and uncertainty of the licensing process.

**DATES:** The comment period expires October 24, 1988. Comments received after this date will be considered if practical to do so, but only those comments received on or before this date can be assured of consideration.

**ADDRESSES:** Comments may be sent to the Secretary of the Commission, Attention: Docketing and Service Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be hand-delivered to One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:30 am and 4:15 pm weekdays. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, between the hours of 7:45 am and 4:15 pm weekdays.

**FOR FURTHER INFORMATION CONTACT:** Steven Crockett, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-1600.

**SUPPLEMENTARY INFORMATION:**

**Public Meeting**

The NRC staff will conduct a public meeting to answer questions on the meaning and intent of any of the provisions of this proposed rule, and to hear and, if appropriate, respond to preliminary views on any of the provisions of this proposed rule. It is hoped that such a meeting would be helpful to persons who intend to submit written comments on the proposed rule. The meetings will begin at 9:00 am, on September 16, 1988, in the Conference Theater of the Crowne Plaza Holiday Inn, 1750 Rockville Pike, Rockville, Maryland 20852, telephone (301) 468-1100.

**I. Background**

The Nuclear Regulatory Commission has long believed that standardized nuclear power plant designs and other means of achieving early resolution of licensing issues could significantly enhance the safety and reliability of nuclear plants, and could likewise enhance public participation in the licensing process while reducing the complexity and uncertainty of that process. The considerable variation in the design, construction, operation and maintenance of nuclear plants has led to an operating reactor population of great variability and diversity, even among reactors from the same vendor. While giving freedom to innovation during the

early years of the industry, when innovation was most needed, the "one-of-a-kind" approach may also have hindered the growth of significant economies of scale of benefit to safety and to the efficiency and predictability of regulation. Standardization of reactor designs should result in greater accumulation of construction and operating experience with a given design, easier transfer of that experience from one reactor to another, and more easily maintained qualified vendor support, all of which should advance safe and reliable operation. Moreover, by permitting early identification and resolution of safety issues, standardization and other means of achieving early resolution of licensing issues should afford public participants in the licensing process an earlier entry into that process, greatly reduce the number and importance of safety issues which are decided late in the process, and permit a speedy, yet thorough, NRC staff review whenever an application incorporates a certified standardized design. Thus, early resolution of issues should lead to a simpler and more predictable licensing process.

Through such devices as early site reviews, final design approvals, and reviews of duplicate and replicate plants, the NRC has for some time offered applicants the means to achieve a degree of standardization and to reach early resolution of issues. The NRC will continue to offer these means.<sup>1</sup> However, it is the opinion of the Commission that the nuclear power industry is now sufficiently advanced in technology and organization to enable applicants to submit essentially complete designs or major portions thereof for certification by rulemaking before construction and thus secure the benefits of a greater degree of standardization and early resolution of issues. Moreover, the NRC now has under review several designs which are amenable to standardization, and the industry is showing increasing interest in these designs. For the past several years, the Commission has pursued Congressional affirmation of the goals of standardization in the form of a Nuclear Power Plant Standardization and Licensing Act. However, much of what this proposed legislation would provide can be put into effect now, under the Commission's existing statutory authority. The Commission therefore

<sup>1</sup> The NRC's current policy on replication appears in this Federal Register notice after this Supplementary information. The Commission welcomes comment on this policy, in particular on whether the NRC should continue to offer the option of replication.

proposes to add to its regulations a new Part, which is described in Sections II-V below.

The Commission announced its intention to pursue rulemaking on standardization in its recent Policy Statement on Nuclear Power Plant Standardization (52 FR 34884; September 15, 1987). The Policy Statement, now superseded by this proposed rule and preamble, described the Commission's experience with standardization, set out the Commission's reasons for pursuing a greater degree of standardization, and outlined some of the crucial elements the Commission would seek to embody in a rule. The Policy Statement provided for a sixty-day comment period and gave notice that a public workshop would be held during the comment period so that the NRC and interested parties could have a more thorough discussion of the Policy Statement and the pending rulemaking than written comments alone would permit. The workshop was held in Bethesda on October 20, 1987, with representatives of the NRC staff, the Department of Energy, and the industry participating. During the Workshop, the NRC outlined the proposed rule and answered preliminary questions about it. A transcript of the workshop may be found in the Commission's public document room, 1717 H Street, NW., Washington, DC 20555.

During the comment period, the Commission received comments from six organizations and two individuals. Chief among the comments were the highly detailed ones submitted by the Nuclear Management and Resources Council (NUMARC), which were endorsed, or at least reflected to a large degree, by the comments submitted by the other organizations, among them two engineering firms and three reactor manufacturers. These comments also may be found in the Commission's Public Document Room in Washington, DC. This proposed rule incorporates many of the suggestions made in the comments. For instance, the rule provides for certification of "advanced" designs, establishes a rulemaking process which goes beyond notice and comment, provides that a design certification remains in effect during the proceeding on a request for renewal of the certification, and does not make the granting of a combined license dependent upon State and local government certification of willingness to participate in emergency planning, although it does seek the earliest possible resolution of emergency planning issues.

In some instances, the proposed rule does not incorporate suggestions made in the comments. These suggestions and our reasons for not including them are discussed in the appropriate places in Sections III, IV, and V below. In Section VI we raise certain questions on which we would appreciate comment. Some of these questions have to do with suggestions we have not incorporated in the proposed rule.

Although many intervenors have long supported standardization, even to the point of arguing that the Commission should make standardization mandatory, some of the comments on the Policy Statement opposed standardization. In particular, one individual claimed that standardization will stifle engineering ingenuity, close the public out of the licensing process, spread the safety problems of a given design to a large number of reactors, and eventually meet defeat at the hands of a multitude of site-specific changes to a certified design. This individual also claimed that it was not the proper role of the Commission to "enhance the availability of nuclear plants", as the Commission had put it in its Policy Statement on Standardization, or to "give priority" to standardization rather than the safety problems of present plants.

To the contrary, the Commission believes that competition among designers will more than adequately encourage ingenuity, that the public will be better able to participate in the licensing process if it is given an essentially complete design even before any plant of that design is built, that good design, thorough regulatory review, and long experience with nuclear power should together go a long way to preclude significant safety problems in certified designs, and that the proposed rule's restrictions on changes in certified designs should assure a lasting and high degree of standardization. Under the Energy Reorganization Act of 1974, the Commission is not permitted to develop nuclear power plants and then regulate what it has developed, but it may nonetheless do what it can by way of sound procedural mechanisms and appropriate distribution of resources to encourage and enable others to develop better designs and build better plants. The principal aim in such "enhancement" is, as always, public health and safety. In the light of this overarching aim, the Commission's statement that it intends to give priority to standardized designs and the like must not be misread to mean that the safety of the presently operating plants will become less important than the

review of standardized designs. This is not the case now and will not become so. The Commission means only to give priority among applicants to those proffering or referencing standardized designs and early site permits.

## II. General Scope and Structure

Part 52 is intended to improve the licensing of nuclear power plants by the use of three procedural innovations, two of which have been in partial use by the Commission for several years. The first of these is the early site permit or site-bank concept, already in partial use through the procedures of Appendix Q to 10 CFR Part 50. Subpart A of Part 52 formalizes the early site approval process, allowing a prospective applicant to obtain a permit for one or more pre-approved sites on which future nuclear power stations can be located. Subpart B carries forward the standard design approval process of Appendix O to Part 50 in much the same way, allowing a prospective applicant, vendor, or other interested party to obtain Commission approval of a design of a complete nuclear power plant or a major portion of such a plant. Subpart C establishes procedures for the issuance of a combined construction permit and conditional operating license (hereafter referred to as a combined license) for a nuclear power plant. The combined license is essentially a construction permit which also requires consideration and resolution of many of the issues currently considered at the operating license stage. It does not authorize operation. Operation will be authorized only after the Commission has decided that the relevant license conditions have been met. The procedures also provide an opportunity for a hearing on carefully-defined issues before operation is authorized. Although a pre-approved site and certified standard design need not be referenced for the combined license, maximum efficiency will result if site-related issues, as well as design-related issues, have been resolved before commencement of the combined license proceeding.

This structure reveals the overall purpose of Part 52: to improve reactor safety and to streamline the licensing process by encouraging the use of standard designs and by permitting early resolution of environmental and safety issues related to the reactor site and design. As a result, the scope of the combined license proceeding for a facility can be far more limited than the scope of the two-step licensing process currently in use. Similarly, after the combined license proceeding, the regulatory matters which would remain

for resolution before authorization to operate under the combined license would be much more limited and well-defined than are the issues which remain to be resolved in an operating license proceeding under the current practice.

All three subparts of the proposed Part 52 draw heavily on existing provisions in 10 CFR Part 50 and its appendices. Reference to pre-existing sections obviates the need to repeat identical provisions. In addition, most of the provisions of Part 50 have been in use for many years and are commonly understood by applicants, intervenors, and the NRC staff. Finally, Part 50 should remain intact because licensing under it may be expected to continue for some time in parallel with licensing under the improved procedures of Part 52. If, in the future, all licensing is conducted under Part 52, the two parts can be combined into a single part containing all provisions applicable to the licensing of production and utilization facilities.

## III. Definitions—Section 52.3

This section contains largely self-explanatory definitions of "combined license," "early site permit," "standard design," and "standard design certification". The omnibus provision in paragraph (e) incorporates other useful definitions from Part 50 and the Atomic Energy Act.

## IV. Subpart A—Early Site Permits

This subpart allows any prospective applicant for a construction permit or a combined license under Subpart C to apply for an early site permit, notwithstanding the fact that an application for a construction permit or combined license for a facility has not been filed. Filing requirements are set out in §§ 52.15 and 52.17. The application should describe, among other things, the number, type, and thermal power level of the facilities for which the site may be used. Section 52.17(b) requires that the application contain a plan for redress of the site for use in the event that site preparation activities are performed under the permit and the permit expires without having been referenced in an application for a construction permit or a combined license under Subpart C of Part 52. Finally, § 52.17(c) requires the application to demonstrate that the area surrounding the site is amenable to emergency planning which would provide reasonable assurance that adequate protective measures could be taken in the event of a radiological emergency at the site. This last

paragraph of § 52.17 also requires the application to include a description of contacts and arrangements made with local, state, and federal agencies with responsibility for coping with emergencies.

Section 52.19, along with conforming amendments to 10 CFR Part 170 which are currently being made as part of a general revision of Part 170, establish a new procedure for collection of fees associated with the review of an application for an early site permit or a renewal thereof. The applicant for the permit will be assessed these fees only when an application referencing the early site permit is filed while the permit is valid. If no application referencing the early site permit is filed, the permit holder must pay these fees at the end of the initial twenty-year period. Fees for a renewed permit will be assessed in the same manner. However, if an application for an early site permit or renewal is denied or withdrawn, any outstanding fees will be immediately due and payable by the applicant for the permit or renewal.

Section 52.21 states that an early site permit is a Commission license, and is subject to the applicable procedural requirements of 10 CFR Part 2.

The issues presented in an early site permit proceeding are to a considerable extent environmental, but because they also involve significant safety issues, a report by the Advisory Committee on Reactor Safeguards (ACRS) on the permit application is required by § 52.23.

Section 52.25 provides that issuance of an early site permit allows the holder of the permit to conduct site preparation activities without having to seek prior NRC approval. The holder possesses what is commonly referred to as an "LWA-1" for the site and may perform the activities permitted in 10 CFR 50.10(e)(1). Section 52.25 also requires redress of the site if the permit is not renewed and not referenced in an application.

An early site permit is valid for an initial period of twenty years (§ 52.27) and may, upon application, be extended for periods of up to twenty years each (§ 52.29), provided certain criteria are met (§ 52.31). Section 52.29 provides that any person whose interests may be affected by renewal of the permit may request a hearing.

An early site permit for which a timely application for renewal has been filed remains in effect until the Commission has determined whether to renew the permit. If an early site permit is not renewed, it continues to be valid in any proceeding on an application for a construction permit or a combined license which references the early site

permit and was docketed prior to the expiration of the early site permit (§ 52.29(c)). An application for renewal must be filed not less than twelve nor more than thirty-six months prior to the expiration date (§ 52.29(a)).

An approved site may be used for purposes not related to the construction of a nuclear power facility (for example, a fossil-fueled station or a park) provided that the Commission is informed of all significant non-nuclear uses prior to actual construction or site modification activities (§ 52.35). A permit may be revoked if a non-nuclear use would interfere with a nuclear use, or would so alter the site that important assumptions underlying issuance of the permit were called into question.

Section 52.39(a) provides that, notwithstanding the provision in 10 CFR 50.109 for backfits aimed at substantial increases beyond adequate protection, during the initial or renewal period in which an early site permit is in effect, the Commission may not impose more stringent requirements on the early site permit or the site for which the permit was issued unless the Commission determines either that significant new information shows that more stringent requirements are necessary to bring the site or the permit into compliance with the Commission's regulations and orders in effect at the beginning of the initial or renewal period, or that more stringent requirements are necessary for adequate protection of the public health and safety. Section 52.39(b) provides that an applicant for a construction permit, operating license, or combined license, or an amendment to such a license, who has filed an application referencing an early site permit may request a variance from one or more elements of the permit.

#### V. Subpart B—Certified Standard Designs

The Commission's existing rules regarding standard designs are found in Appendices M, N, and O, to 10 CFR Part 50. Appendix M concerns licenses to manufacture one or more nuclear power reactors to be installed and operated at sites not identified in the license application. Appendix N concerns licenses to construct and operate nuclear power reactors of duplicate design at multiple sites. Appendix O governs the staff review and approval of standard designs for an entire nuclear power reactor or a major portion thereof, and includes a provision for Commission approval of a standard design in a rulemaking proceeding. This Subpart concerns only the latter provision of Appendix O. Subpart B is intended to set forth the procedures and requirements for Commission approval

of standard designs by rulemaking. The term "certification" is used for this approval to distinguish it from the preliminary and final staff approval of standard designs as set forth in Appendix O.

Section 52.43 addresses the relationship of Subpart B to Appendices M, N, and O of 10 CFR Part 50, as described in the preceding paragraph. These Appendices represent different approaches to standardization and will remain in effect, as will the replicate plant approach to standardization. Appendices M and N may be used independently of Subpart B unless the applicant also wishes to use a certified standard design. A final design approval under Appendix O is a prerequisite for certification of a standard design under this Subpart. An application for a final design approval must state whether the applicant intends to seek certification of the design, because staff review of a design for which certification is sought may be different from staff review of a design for which only a final design approval is sought. For the same reason, anyone who holds a final design approval on the effective date of this rule and wishes to apply for certification of the design must obtain a new final design approval. However, the application in this case may simply update and supplement the application which was filed for the original final design approval, and the staff's review of the new application need not revisit issues settled in the original review.

Sections 52.45 and 52.47 contain the requirements for filing and contents of applications for certifications of designs. These sections are drafted in general terms so that Part 52 will not have to be amended every time the information and safety criteria in 10 CFR Parts 20, 50, 73, and 100 undergo some further development. The NRC staff is currently developing safety criteria for application in the review of advanced reactor designs. These criteria will define minimum safety requirements for advanced reactors and will provide for assessment and documentation of the enhanced safety the Commission expects these reactor designs to embody. Part 52 deals only with procedural aspects of the certification of reactor designs. The staff will advise the prospective applicant for certification on precisely what information is required for the staff's consideration of the application.

Certification of a reactor design which differs significantly from a reactor design which has been built and operated may be granted only after the design has been shown to be sufficiently

mature. There is a presumption in § 52.45 of the proposed rule that this maturity will have to be demonstrated through comprehensive testing of a prototype. The same section of the rule sets forth the criteria which must be satisfied if the presumption is to be overcome. The same criteria must be satisfied by any applicant proposing to demonstrate the maturity of a design by means of a prototype of only part of the design. If an applicant for a construction permit or combined license under this Part chooses to reference a final design approval for a design whose maturity must be demonstrated by prototype and has not yet been so demonstrated, the applicant will be subject to the requirements of § 50.34(a)(8) regarding research and development to confirm the adequacy of the design.

Ideally, designs for which certification is sought will be for an essentially complete plant. The designs would make more straightforward the preparation of a probabilistic risk assessment and safety analysis and would help minimize the extent of the staff's review of the license applications which reference a single design. The designs would also help assure that no two plants of the same design would vary significantly from each other. For these reasons, the NRC will give priority in allocation of resources to support review and approval of applications for essentially complete designs. However, the NRC will entertain applications for certification of a major portion of a plant if, and only if, that portion contains all buildings, structures, systems, and components that can significantly affect the safe operation of the plant. See § 52.45(d) below.

Applications for certification of any design must contain a level of detail comparable to that required for a final design approval under Appendix O and sufficient to enable the staff to judge the applicant's proposed means of assuring that construction conforms to design, and to reach a final conclusion on all matters which must be decided before the certification can be granted. See § 52.47 below.

Section 52.49 parallels § 52.19 with regard to fees. Conforming amendments are being made to Part 170 as part of the general revision of that Part. One engineering firm argued that fees would be a substantial disincentive to potential applicants for certification. And, of course, any fee the NRC charges is to some degree a disincentive. However, the agency is now legally bound to charge fees which account for a substantial part of its budget. Design review will require substantial resources

which, under a series of statutes going back to the Independent Offices Appropriations Act, the agency must recoup at least in part.

However, the Commission is free under current law to lessen the disincentive effect of the fees it must charge for review of standardized designs. Therefore, in addition to not charging an application fee, the NRC will defer any fees associated with review of the application, pending the filing of applications for construction permits or combined licenses referencing the certified standard design. Any outstanding fees will become due and payable by the holder of the design certification at the end of the initial period of the certification. Fees for the renewal of a standard design certification will be assessed in the same manner.

Section 52.51 provides that a standard design certification is a rule that will be issued in accordance with the provisions of Subpart H of 10 CFR Part 2. Subpart H of 10 CFR Part 2 implements section 553 of the Administrative Procedure Act for NRC rulemaking proceedings. 10 CFR 2.805(b) provides that the Commission may hold informal hearings and may structure them as the Commission determines will best serve the purposes of the proceeding. In addition to notice of an application for a design certification, and an opportunity to provide written comments on the application, the Commission will provide an opportunity to request an informal hearing on the application before an Atomic Safety and Licensing Board. Any hearing held will provide an opportunity for written presentations made under oath or affirmation, and for oral presentations and questioning if the Board finds them either necessary for the creation of an adequate record, or the most expeditious way to resolve controversies. Ordinarily, the questioning will be done by members of the Board, using the Board's questions or questions submitted to the Board by the parties. The Board may also request authority to use additional procedures such as discovery, or may request that the Commission convene a formal adjudication on discrete issues involving substantial disputes of fact, necessary for the Commission's decision, that cannot be resolved with sufficient accuracy except in formal adjudication. The staff will be a party in any informal hearing, and the decision in the hearing will be based only on information on which all parties to the hearing have had an opportunity to comment.

The major issues associated with the review of an application for a certified

standard design concern the safety features of the design. Section 52.53 therefore provides for mandatory ACRS review of the application. Review by the ACRS will be limited to issues on which the ACRS has not made findings and recommendations in any earlier review of the design. The Commission may, of course, ask the ACRS to report on any matter within its expertise.

The certified standard design will initially be valid for ten years (§ 52.55), but it may be renewed, upon application, for periods of an additional five to ten years each (§ 52.57). The procedures to be used for a rulemaking proceeding on the application for renewal must be those required for rulemakings on applications for initial certification of designs. A design certification for which a timely application for renewal has been filed remains in effect until the Commission has determined whether to renew the certification. If the certification is not renewed, it continues to be valid in any proceeding ultimately based on an application which references the certified design and was docketed prior to the expiration of the certification (§ 52.57(b)).

Section 52.59 contains the criteria for evaluating an application for renewal. The initial burden is on the applicant to show that the design complies with the Atomic Energy Act and all the Commission's regulations other than the design certification itself. During the rulemaking on the application for renewal, the Commission may, in addition to requiring that the design conform to current regulations and orders, impose more stringent safety requirements on the certification, but only if the Commission determines that there is a substantial increase in overall protection of the public health and safety or the common defense and security to be derived from the more stringent requirements and that the direct and indirect costs of implementation of those requirements are justified in view of this increased protection. If a renewal application is denied, the applicant may revise the design and file a new application for a standard design certification. See § 52.59(b).

The stability of a certified standard design is essential to the concept of standardization. For this purpose, § 52.63 contains provisions whose purpose is to preserve design stability against three possible sources of change. First, 52.63(a), which parallels § 52.39 for early site permits, provides that, during the initial or renewal period in which a design certification is in effect, the

Commission will not require design changes unless the Commission determines, in a notice and comment rulemaking, that significant new information shows that the changes are necessary to bring the design or the plants referencing it into compliance with the Commission's regulations and orders in effect when the certification was issued or renewed, or that the changes are necessary for adequate protection of public health and safety. Of course, as the Atomic Energy Act requires, the Commission will make such determinations without regard to economic costs. Modifications to a design certification rule will be applied to all plants referencing the certified design.

The Commission believes that carrying out modifications by way of rulemaking will not hamper the Commission's ability to act quickly in the event that plants referencing a certified design pose undue risks. There is no reason why such a rulemaking should proceed less quickly than a license amendment proceeding for the same purpose. Indeed, the procedures for rulemaking would appear to be simpler than those for license amendment. Moreover, the Commission has the authority to issue immediately effective interim rules, pending completion of final rulemaking resolutions of undue risk issues.

Members of the public may challenge a design certification rule by means of petitions for rulemaking and, during licensing proceedings on applications which reference a standardized design, only by claims that adequate protection of public health and safety, or compliance with the Commission's regulations and orders, requires modification of the rule. NUMARC urged that a design certification rule be subject to challenge by a member of the public only in a rulemaking proceeding. However, members of the public cannot be barred from making claims in a proceeding that the criteria by which the Commission is to make its decision on the application are not met. Moreover, paragraph 7 of Appendix O to 10 CFR Part 50, of which Subpart B of the proposed rule is an elaboration, provides for challenge to the design certification rule outside of rulemaking.

Second among the provisions aimed at maintaining stability for certified designs, § 52.63(b) provides that the holder of a design certification may request an amendment to the design by way of notice and comment rulemaking. The Commission will grant the amendment if it complies with the Atomic Energy Act and the

Commission's regulations and orders. An amendment to a design certification initiated by the holder of the certification will be applied to all plants referencing the design only if the amendment is necessary for adequate protection of the public health and safety.

Third and last, § 52.63(c), which parallels 52.39(b) for early site permits, provides that a licensee or an applicant for a facility license or amendment which references a certified standard design may request an exemption from one or more elements of the design certification rule. The Commission will grant the request if it complies with the requirements of 10 CFR 50.12(a). NUMARC suggested that a lesser standard than § 50.12 be applied to a request for an exemption, namely, that the request for an exemption simply meet the Commission's regulations (except, of course, for the particular design certification regulation itself). However, the Commission believes that the benefits of standardization will not be fully achieved unless significant site-specific variation among plants referencing a given certified design is kept to an irreducible minimum. In harmony with the aim of keeping variation to a minimum, § 52.63(d) permits the licensee of a plant built according to a standardized design to make a change to the standardized portion of the plant, without prior Commission approval, only if the change does not involve changes to the design as described in the rule certifying the design, or in the certifying rule together with any exemption which may have been granted the licensee under § 52.63(c).

#### VI. Subpart C—Combined Construction Permits and Conditional Operating Licenses

Section 161h of the Atomic Energy Act and 10 CFR 50.52 provide that the Commission may issue a single license for several activities which could otherwise be licensed separately. However, this provision has not been applied to construction permits and operating licenses for nuclear power plants. Indeed, the current licensing process has not changed substantially since it was originally enacted. In the early years of the nuclear power industry, there were many first-time nuclear plant applicants, designers, and consultants, and many novel design concepts. Accordingly, the process was structured to allow licensing decisions to be made while design work was still in progress and to focus on case-specific reviews of individual plant and site considerations. Construction permits

were commonly issued with the understanding that open safety issues would be addressed and resolved during construction, and that issuance of a construction permit did not constitute Commission approval of any design feature. Consequently, the operating license review was very broad in scope. Now that the nuclear industry has matured, it is possible to describe and evaluate plant designs on a generic basis, to have designs essentially complete in scope and level of detail prior to construction, and to propose and evaluate plant sites without plant design details. These circumstances make it possible to combine the construction permit proceeding with much of the operating license proceeding into a single proceeding for the issuance of a combined construction permit and conditional operating license. Full-power operation can then be authorized under the combined license following an opportunity for a hearing on a more limited set of carefully defined issues.

The application for a combined license may, but need not, reference a standard design which has been certified under Subpart B, or a site for which an early site permit has been issued under Subpart A (§ 52.73). If the facility is to be of a design which has been certified, the scope of the proceeding on the application for a facility license is narrowed, the major safety questions having been resolved in the earlier rulemaking on the design. Similarly, if the facility is to be located on a site for which an early site permit has been issued, the scope of the facility license proceeding is further narrowed. If an early site permit is not referenced, the early site review procedures of 10 CFR Part 2 remain available to expedite the environmental review. Obviously, the efficiency and effectiveness of the combined licensing process is maximized if both a certified standard design and a pre-approved site are referenced. For this reason, the Commission anticipates that this will be the preferred approach, particularly with regard to standard designs. In order to encourage standardization, the Commission will give priority among applications to those which reference certified standard designs and pre-approved sites.

Sections 52.75 through 52.79 contain the requirements for filing and contents of applications. It should be noted that an environmental report is not required if a pre-approved site is proposed for the facility (§ 52.77). The applicant must make good faith efforts to obtain certifications from responsible State and

local governmental agencies that the proposed emergency plans are practicable and that the responsible agencies are committed to execution of their responsibilities under the plans. If the certifications cannot be obtained, the applicant must nonetheless demonstrate that the proposed plans provide reasonable assurance that adequate protective measures will be taken in the event of a radiological emergency at the plant (§ 52.79(d)). The antitrust review will be conducted as it has been done in the past for construction permit applications. Because the antitrust review can proceed in parallel with the technical review, the antitrust review should not affect the efficiency of the combined license proceeding.

Sections 52.81 and 52.83 incorporate, where appropriate, the technical standards and requirements of Part 50 as they would be applied to power plant license applicants and licensees under the existing system. That is, applications for a combined license will be reviewed according to the Part 50 standards for construction permits and operating licenses, where appropriate (§ 52.81), and holders of Part 52 combined licenses will be held to the appropriate Part 50 standards for plants under construction or, upon authorization for operation, in operation (§ 52.83). All limitations contained in the Part 50 provisions (for example, requirements for plants receiving operating licenses after a certain date) carry forward to Part 52.

The combined license hearing will be governed by the appropriate sections of 10 CFR Part 2 (§ 52.85). ACRS review of the application is mandatory (§ 52.87), although the scope of the report will be much narrower if the application references a certified standard design or a pre-approved site that the ACRS has previously reviewed. Section 52.89 provides that, if the application references an approved site or a certified standard design, the environmental review must focus on the suitability of the site for the design and any other significant environmental issue not considered in any previous proceeding on the site or the design. It should be noted that because both the early site permit and the standard design certification require the preparation of an environmental impact statement, only an environmental assessment need be prepared in connection with the application for a combined license. If the application does not reference a pre-approved site, the usual Part 51 procedures must be

followed for review of the environmental part of the application.

As noted above in the discussion of Subpart A, once the application for a combined license has been docketed, an applicant who plans to use a site for which an early site permit has been issued may perform "LWA-1" activities (see § 50.10(e)(1)) without prior NRC approval. If the application does not reference an approved site, the applicant must request this authorization before performing "LWA-1" activities (§ 52.91). If the activities are carried out and the application is withdrawn or denied, redress of the site will, in some cases, be required. To perform "LWA-2" activities, all applicants must seek authorization from the Licensing Board under § 50.10(e)(3)(i), which allows further construction activities at the site prior to issuance of a construction permit or combined license.

Section 52.93 governs the extent to which a certified standard design or an early site permit may be modified by the applicant during a proceeding on an application for a combined license. As provided in § 52.93(a), the applicant may request an exemption from one or more elements of the design for that particular facility. The Commission will grant the request if it complies with the requirements of 10 CFR 50.12(a). As provided in § 52.93(b), if the application for the combined license references an early site permit, the applicant may also request a variance from some element of the permit.

Section 52.97 provides that the Commission may issue a combined license for a facility if the applicable requirements of §§ 50.40, 50.42, 50.43 and 50.50 have been met and there is reasonable assurance that the facility will be constructed and operated in conformity with the license, the provisions of the Atomic Energy Act, and the Commission's regulations. In addition to technical specifications, the license will include the inspections, tests, and analyses that the licensee shall perform and the acceptance criteria therefor which will provide reasonable assurance that the facility has been constructed and will be operated in accordance with those requirements. The Commission will verify the licensee's compliance those requirements through its inspection program (§ 52.99).

Section 105c. of the Atomic Energy Act requires that the Commission determine whether "significant changes" have taken place with respect to the antitrust situation during the review of an application for an operating license.

This is done because the competitive circumstances could alter markedly between the issuance of the construction permit and the completion of the facility. The proceeding on the application for a combined license includes consideration of the antitrust situation. However, because operation under a combined license cannot be authorized until the plant is constructed, § 52.101 provides for possible further antitrust review at the stage when authorization of operation is being considered. If significant changes have occurred since issuance of the combined license, the statutory antitrust review must precede commercial operation of the facility and could result in the imposition of additional license conditions. However, because most issues will be decided prior to issuance of a combined license, and because the scope of the proceeding authorizing operation under the license will be correspondingly narrowed, the time between issuance of the combined license and the authorization of operation should be short enough to make significant changes in the antitrust situation unlikely.

Before the facility may operate, the holder of the combined license must apply for authorization of operation under the combined license. The Commission will publish a notice of the proposed authorization in the Federal Register pursuant to 10 CFR 2.105. Within 30 days, any person whose interests may be affected by the authorization may request a hearing on the basis (1) that there has been a nonconformance with the license, the licensee's written commitments, the Atomic Energy Act, or the Commission's regulations and orders, which has not been corrected and which could materially and adversely affect the safe operation of the facility; or (2) that some modification to the site or the design is necessary to assure adequate protection of public health and safety or the common defense and security. The petitioner must set forth with reasonable specificity the facts and arguments which form the basis for the request. These provisions are designed to accord finality to the Commission's earlier decisions regarding the facility and to assure that the operating license proceeding is focused on significant safety issues.

#### VII. Commission Questions

The Commission will, of course, appreciate receiving comment on any aspect of this proposed rule. However, the Commission will be particularly

appreciative of comment on the following questions:

1. In implementing by rulemaking the Commission's legislative proposals on standardization, does this proposed rule take full advantage of the Commission's authority under the Atomic Energy Act? Does it in any way exceed the Commission's authority?

2. Should a design certification take the form of a license rather than a rule? Does the Commission have the authority under existing law to license a design? NUMARC believes that the rights and obligations which attach to a license may be more clearly understood than those which would attach to a certification which took the form of a rule. The proposed rule accords with paragraph 7 of Appendix O to 10 CFR Part 50 in treating the certification as a rule. Rulemaking may provide greater procedural flexibility than a license proceeding does, and certification by rule would be open to a wider pool of applicants than certification by license (see 10 CFR 50.38).

3. What procedures are appropriate for design certification by rulemaking?

4. Should the Commission require, as part of a certified standard design, the standardization of construction practices, operation and maintenance practices, quality assurance, and personnel training?

5. Section 52.45(d) of the proposed rule says that the NRC will entertain an application for certification of a design of only a major portion of a plant only if that portion contains all buildings, structures, systems, and components that can "significantly affect the safe operation of the plant". The intent of this language is to rule out of consideration for certification any incomplete design in which events in the balance of plant could have an adverse impact on the safety of that portion of the plant for which certification is sought. Would some phrase other than "significantly affect the safe operation of the plant" better serve as a standard by which to determine whether to accept an application for certification of an incomplete design? Should the NRC, in addition, require of any such application a showing of good cause, or the like, for seeking certification of a design of less than full scope?

On the other hand, should the language of § 52.45(d) be more lenient and permit an application for certification of a design of a major portion of a plant, as long as the application contains the requirements for the interface between the portion for which certification is sought and all buildings, structures, systems, and components which can "significantly

affect the safe operation of the plant," but does not contain the detailed design for such buildings, structures, systems, and components? Such an approach would be more consistent with the legislation the Commission proposed in March of 1987. Section 104 of the proposed legislation would entertain an application for certification of "any major subsystem which represents a discrete element" of a nuclear power facility.

6. What are the appropriate standards to apply to a request by a holder of a design certification to amend the certification? If the amendment is granted, should all plants which reference the certification be required to backfit to comply with the amended certification, or only some, as required by the proposed rule?

7. In order to prevent continual regression from standardization among plants initially built according to the same design, should stricter standards than those in 10 CFR 50.12 be applied to requests for exemptions from a design certification rule?

8. The proposed rule generally permits the NRC to impose modifications on site permits and design certifications only for the sake of compliance or adequate protection. Under the proposed rule, only when an early site permit or a design certification comes up for renewal would the NRC be able to impose modifications which went beyond requiring adequate protection. Does the proposed rule provide a reasonable degree of finality to early site permits and design certifications?

9. The proposed rule places a term of twenty years on early site permits and allows for an unlimited number of renewals of up to twenty years each. Should a longer or shorter term be placed on the permit? What should the respective burdens of the permit holder and the NRC be at renewal?

10. How might the proposed rule provide for a "sign-as-you-go" process of NRC inspection of a plant being constructed according to a certified design? NUMARC suggested instituting such a process in order to secure the earliest possible resolution of quality assurance and design conformance questions. The NRC encourages the earliest possible resolution of these questions. To this end, the rule requires applications for design certifications and combined licenses to propose for inclusion in the certification or license inspections, tests, analyses, and related acceptance criteria which will help provide reasonable assurance that the facility has been well constructed. See §§ 52.47 and 52.79 of the proposed rule. Moreover, the NRC would, during

construction authorized by this part, devote the resources necessary to achieve the earliest possible staff-level identification and resolution of quality assurance and design conformance questions. However, the NRC does not see how Commission-level finality can be afforded the resolution of such questions without risking an almost continual hearing on the construction of the plant.

11. The National Governors' Association adopted the following Recommendation, among others, at its 79th annual meeting, July 26-28, 1987: "In the future, emergency plans should be approved by the NRC before it issues the construction permit for any new nuclear power plant." To what extent should approval of emergency plans be required before an early site permit or a combined license is issued? Are the provisions of the proposed rule adequate in this regard? See §§ 52.17(c) and 52.79(d).

12. The staff is considering whether there is a need for further rulemaking or guidance for future reactors, both light-water reactors and other types, to assure that future license applications adequately address the Commission's Safety Goal Policy Statement (51 FR 30028; August 21, 1986), and the licensing criteria set forth in the Commission's Severe Accident Policy Statement (50 FR 32138; August 8, 1985), particularly the criteria that call for demonstration of compliance with the applicable parts of 10 CFR 50.34(f) and completion of a probabilistic risk assessment (PRA) together with a systematic consideration of any severe accident vulnerabilities the PRA might expose. Is the language in §§ 52.47(a) and 52.47(b) sufficient to assure that future applications adequately address these matters? Given the Commission's guidance, in its Policy Statement on Safety Goals for the Operation of Nuclear Power Plants, that the Safety Goals should not be used to make individual licensing decisions (51 FR at 30031-32), should the rule contain the requirement in § 52.47(b)(3) that an applicant provide "a realistic assessment of the degree to which the design conforms to the Commission's Safety Goals"?

#### Replicate Plant Concept

The replicate plant concept involves an application by a utility for a license to construct or operate one or more nuclear power plants of essentially the same design as one already licensed.

The design of the plant already licensed (termed the base plant design) may be replicated at both the

construction permit and operating license stages, and in applications for combined construction permits and operating licenses in a one-step licensing process. Replication of an approved base plant design at the construction permit stage is a prerequisite for its replication at the operating license stage. Although replication of the base plant design at the operating license stage is not mandatory, that is, the operating license application may be submitted as a custom plant application, it is strongly recommended.

An application for a replicate plant must demonstrate compliance with the four licensing requirements for new plant designs as set forth in the Commission's Severe Accident Policy Statement (50 FR 32138; August 8, 1985).

Each application proposing to replicate a previously licensed plant will be subjected to a qualification review to determine the acceptability of the base plant for replication and to define specific matters that must be addressed in the application for the replicate plant. A further requirement for qualification is that the application for a replicate plant must be submitted within five years of the date of issuance of the staff safety evaluation report for the base plant. The qualification review will consider the following information:

- (1) The arrangement made with the developers of the base plant design for its replication;
- (2) The compatibility of the base plant design with the characteristics of the site proposed for the replicate plant;
- (3) A description of any changes to the base plant design, with justification for the changes;
- (4) The status of any matters identified for the base plant design in the safety evaluation report, or subsequently identified by the ACRS or during the public hearings on the base plant application as requiring later resolution;
- (5) Identification of the major contractors, with justification for the acceptability of any that are different than those used by the base plant applicant; and
- (6) A discussion of how the replicate plant design will conform to any changes to the Commission's regulations which have become effective since the issuance of the license for the base plant.

#### Environmental Impact: Categorical Exclusion

The proposed rules would amend the procedures currently found in Part 50 and its appendices for the filing and reviewing of applications for

construction permits, operating licenses, early site reviews, and standard design approvals. As such they meet the eligibility criteria for the categorical exclusion set forth in 10 CFR § 51.22(c)(3). That section applies to "[a]mendments to \* \* \* Part[] 50 \* \* \* which relate to (i) procedures for filing and reviewing applications for licenses or construction permits or other forms of permission \* \* \*." As the Commission explained in promulgating this exclusion, "[a]lthough amendments of this type affect substantive parts of the Commission's regulations, the amendments themselves relate solely to matters of procedure. [They] \* \* \* do not have an effect on the environment." (49 FR 9352, 9371, col. 3; March 12, 1984) (final environmental protection regulations).<sup>2</sup> Accordingly, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with these proposed rules.<sup>3</sup>

#### Paperwork Reduction Act Statement

The proposed rule contains information requirements that are subject to the Paperwork Reduction Act of 1980 ("the Act") (44 U.S.C. 3501 et seq.). This proposed rule will be submitted to the Office of Management and Budget (OMB) for review and approval under the requirements of the Act. When the proposed rule is submitted to OMB, the Commission, in compliance with section 3507(a)(2)(B) of the Act, will publish a notice in the *Federal Register* stating that the

<sup>2</sup> It makes no substantive difference for the purpose of the categorical exclusion that the proposed amendments will be placed in Part 52 rather than in Part 50. The amendments are, in fact, amendments to the Part 50 procedures and could have been placed in that Part.

<sup>3</sup> The requirements concerning testing of full-size prototypes of advanced reactors, see § 52.45(c) of the proposed rule, may appear not to fit into the category excluded by § 51.22(c)(3), since to comply with the requirement, an applicant most likely will have to build and test a prototype plant, an act clearly with an environmental impact. Nonetheless, § 52.45(c) is eligible for exclusion under § 51.22(c)(3). Unlike, for instance, the promulgation of a safety rule which applies to operating plants, the formal action of promulgating § 52.45(c) will have only a potential impact on the environment. That impact becomes actual only if a designer chooses to pursue certification of an advanced design. Under the present circumstances, no meaningful environmental assessment or impact statement can be made. Cf. 49 FR at 9372, cols. 2-3 (entering into an agreement with a State under Section 274 of the Atomic Energy Act has no immediate or measurable environmental impact and therefore warrants a categorical exclusion). The issuance of the construction permit and operating license for a prototype plant would, of course, be a major federal action with a significant impact on the environment, and would entail the preparation of an environmental impact statement. Cf. id., col. 3 (the States must prepare detailed environmental analyses before they license certain activities).

Commission has submitted the rule to OMB and setting forth the information which section 3507(a)(2)(B) requires the agency to set forth in the notice.

Pending submission of the proposed rule to OMB, it may be useful to commenters to note three aspects of the information collection requirements in this proposed rule. First, most of them rely on information collection requirements already approved by OMB for promulgation in other parts of 10 CFR, particularly Part 50. Second, the rule is expected to reduce the reporting burden on applicants for construction permits and operating licenses for nuclear plants, because any person seeking a Part 52 combined license which references a Part 52 early site permit and a Part 52 design certification will, simply by referencing the permit and certification, be relieved of the burden of providing much of the information Part 50 requires of applicants for construction permits and operating licenses. Third, the public reporting burdens which would be imposed by Part 52 are estimated to range from a low for an early site permit (which would require only part of the information required for a construction permit) to a high for certification of an advanced reactor design (which probably would involve the licensing under Part 50 of a full-size prototype).

The Commission welcomes any suggestions for reducing the burdens which would be imposed by the information collection requirements in the proposed rule. The numbers of the sections of the proposed rule which set forth the information requirements are listed in § 52.8 of the proposed rule.

#### Regulatory Analysis

As presently constituted, the American population of nuclear power reactors consists largely of one-of-a-kind designs. Experience has shown that the highly individualistic character of this population has consumed enormous resources in the processes of design, construction, and safety review. Because, typically, design of a plant was not complete when construction of it began, many safety questions were not resolved until late in the licensing proceeding for that plant. This late resolution of questions introduced great uncertainty into proceedings, because the process of resolution often entailed lengthy safety reviews, construction delays, and backfits. Moreover, the low incidence of duplication among designs has meant that experience gained in the construction and operation of a given plant has often not been useful in the construction and operation of any other

plant, and has made the generic resolution of continuing safety issues more complicated.

In the face of this experience with a population of unique plants, there have long been fundamentally only three alternatives for Commission action, the last two of them not mutually exclusive: either make no effort to bring about an increased degree of standardization, or propose legislation on standardization, or enact by rulemaking as much of a scheme for promoting standardization as the Commission's current statutory authority permits. The Commission has for some time concluded against the first alternative, having decided that a substantial increase in standardization would enhance the safety and reliability of nuclear power plants and require fewer resources in safety reviews of plants, and that the Commission should have in place provisions for the review of standardized designs and other devices for assuring early resolution of safety questions. The Commission has therefore pursued standardization both by proposing legislation—without success—and by promulgating rules, in particular Appendices M, N, and O to Part 50 of 10 CFR. Lacking legislation on standardization, the Commission believes that the most suitable alternative for encouraging further standardization is to fill out and expand the Commission's regulatory scheme for standardization and early resolution of safety issues.

Therefore, the Commission now proposes to promulgate a new set of regulations, to be placed in a new Part, 10 CFR Part 52. This new Part facilitates the early resolution of safety issues by providing for pre-construction-permit approval of power plant sites, Commission certification of standardized designs, and the issuance of licenses which combine permission to construct a plant with a conditional permission to operate it once construction of it has been successfully completed.

Ideally, a future applicant will reference an approved site and a certified design in an application for a combined license, thus obviating the need for an extensive review of the application and construction. The provision in Part 52 for Commission certification of designs has the additional objective of encouraging the use of standardized designs, thereby adding to the benefits of early resolution the safety benefits of accumulated experience and the economic benefits of economies of scale and transferable experience.

Quantification of the costs and benefits of this rulemaking is probably

not possible. Much depends on the extent to which the industry pursues standardization. Clearly, if the Commission and the industry spend the resources necessary to certify a score of designs and then no applicant references any of them, those resources will have been largely wasted. On the other hand, it is just as clear that if a score of plants uses a single certified design, there will have been a great saving of the resources of the industry, the agency, and the interested public alike. To be added to the uncertainties surrounding the industry's response, there are also uncertainties concerning the costs of the certification process, and the costs of developing the designs themselves, especially the advanced designs, which, it is presumed, will require testing of prototypes. However, if the industry finds it in its interest to proceed with the development of nuclear power, there is every reason to expect that the safety and economic benefits of standardization will far outweigh the upfront costs of design and Commission certification: Review time for applications for licenses will be drastically reduced, the public brought in to the process before construction, construction times shortened, economies of scale created, reliability of plant performance increased, maintenance made easier, qualified vendor support made easier to maintain, and, most important, safety enhanced.

Thus, the rationale for proceeding with this rulemaking: There is no absolute assurance that certified designs will in fact be used by the utilities; however, it is certain that if the reasonably expected benefits of standardization are to be gained, then the Commission must have the procedural mechanisms in place for review of applications for early site approvals, design certifications, and combined licenses. The most fundamental choice is, of course, the industry's, to proceed or not with standardization, according to its own weighing of costs and benefits. But the Commission must be ready to perform its review responsibilities if the industry chooses standardization.

#### Regulatory Flexibility Act Certification

The proposed rule will not have a significant impact on a substantial number of small entities. The proposed rule will reduce the procedural burden on NRC licensees by improving the reactor licensing process. Nuclear power plant licensees do not fall within the definition of small businesses in section 3 of the Small Business Act, 15 U.S.C. 632, the Small Business Size Standards of the Small Business Administration in

13 CFR Part 121, or the Commission's Size Standards published at 50 FR 50241 (Dec. 9, 1985). The impact on intervenors or potential intervenors will be neutral. For the most part, the proposed rules will affect the timing of hearings rather than the scope of issues to be heard. For example, many site and design issues will be considered earlier, in connection with the issuance of an early site permit or standard design certification, rather than later, in connection with a facility licensing proceeding. Similarly, a combined license proceeding will include consideration of many of the issues that would ordinarily be deferred until the operating license proceeding. Thus, the timing rather than the cost of participating in NRC licensing proceedings will be affected. Intervenors may experience some increased preparation costs if they seek to reopen previously decided issues because of the increased showing that will be required. Once a hearing commences, however, an intervenor's costs should be decreased because the issues will be more clearly defined than under existing practice. Therefore, in accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities and that, therefore, a regulatory flexibility analysis need not be prepared.

#### Backfit Analysis

If this proposed rule becomes final, it will not modify or add to the systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to construct or operate a facility. However, it could be argued that this rule will modify and add to the procedures or organization required to design a facility, because the rule would add to, or else at least spell out, the requirements for applicants for design certifications. Moreover, the rule, if made final, will, at the very least, substantially modify the expectations of anyone who had hoped to apply for a design certification under the existing paragraph 7 of Appendix O, particularly of any such who presently hold preliminary or final design approvals under that Appendix.

Nonetheless, the Commission believes that the backfit rule does not apply to this proposed rule and, therefore, that no backfit analysis pursuant to 10 CFR 50.109(c) is required for this proposed rule. The backfit rule was not intended to apply to every action which

substantially changes settled expectations. Clearly, the backfit rule would not apply to a rule which would impose more stringent requirements on all future applicants for construction permits, even though such a rule arguably might have an adverse impact on a person who was considering applying for a permit but had not done so yet. In this latter case, the backfit rule protects the construction permit holder, not the prospective applicant, or even the present applicant. The proposed rule below is of the character of such a hypothetical rule. The proposed rule arguably imposes more stringent requirements for design certification and thereby may have an adverse impact on some persons. However, the effects of any final rule based on this proposed rule will be largely prospective, and such a final rule will not require any present holder of a design approval (no person holds a design certification) to meet new standards in order to remain in possession of such an approval.

#### List of Subjects in 10 CFR Part 52

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the Commission is proposing to add to 10 CFR Chapter I a new Part 52:

### PART 52—EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS

#### General Provisions

- Sec.  
52.1 Scope.  
52.3 Definitions.  
52.8 Information collection requirements: OMB approval.

#### Subpart A—Early Site Permits

- 52.11 Scope of subpart.  
52.13 Relationship to Subpart F of 10 CFR Part 2.  
52.15 Filing of applications.  
52.17 Contents of applications.  
52.18 Standards for review of applications.  
52.19 Permit and renewal fees.  
52.21 Hearings.  
52.23 Referral to the ACRS.  
52.25 Extent of activities permitted.

- Sec.  
52.27 Duration of permit.  
52.29 Application for renewal.  
52.31 Criteria for renewal.  
52.33 Duration of renewal.  
52.35 Use of site for other purposes.  
52.37 Reporting of defects and noncompliance; revocation, suspension, modification of permits for cause.  
52.39 Finality of early site permit determinations.

#### Subpart B—Standard Design Certifications

- 52.41 Scope of subpart.  
52.43 Relationship to 10 CFR Part 50, Appendices M, N, and O.  
52.45 Filing of applications.  
52.47 Contents of applications.  
52.49 Fees for design certification and certification renewal.  
52.51 Administrative review of applications.  
52.53 Referral to the ACRS.  
52.55 Duration of certification.  
52.57 Application for renewal.  
52.59 Criteria for renewal.  
52.61 Duration of renewal.  
52.63 Finality of standard design certifications.

#### Subpart C—Combined Licenses

- 52.71 Scope of subpart.  
52.73 Relationship to Subparts A and B.  
52.75 Filing of applications.  
52.77 Contents of applications; general information.  
52.79 Contents of applications; technical information.  
52.81 Standards for review of applications.  
52.83 Applicability of Part 50 provisions.  
52.85 Administrative review of applications.  
52.87 Referral to the ACRS.  
52.89 Environmental review.  
52.91 Authorization to conduct site activities.  
52.93 Exemptions and variances.  
52.97 Issuance of combined licenses.  
52.99 Inspection during construction.  
52.10 Pre-operational antitrust review.  
52.103 Authorization to operate under a combined license.

Authority: Secs. 103, 161, 182, 183, 186, 189, 88 Stat. 936, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

#### General Provisions

##### § 52.1 Scope.

This part governs the issuance of early site permits, standard design certifications, and combined construction permits and conditional operating licenses for nuclear power facilities under the Atomic Energy Act of 1954, as amended (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242).

##### § 52.3 Definitions.

(a) As used in this part—  
"Combined license" means a combined construction permit and conditional operating license for a

nuclear power facility issued pursuant to Subpart C of this part.

"Early site permit" means a Commission approval, issued pursuant to Subpart A of this part, for a site or sites for one or more nuclear power facilities.

"Standard design" means a design which is sufficiently detailed and complete to support licensing of a nuclear power facility or approval of a major portion of such a facility when referenced in an application for a construction permit, combined construction and conditional operating license, or standard design certification, as appropriate, and which is usable for a multiple number of units or at a multiple number of sites without reopening or repeating the review.

"Standard design certification" means a Commission approval, issued pursuant to Subpart B of this part, of a standard design for a nuclear power facility, or a major portion of such a facility. A design so approved may be referred to as a "certified standard design".

(b) All other terms in this part have the meaning set out in 10 CFR 50.2, or Section 11 of the Atomic Energy Act, as applicable.

#### § 52.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). OMB has approved the information collection requirements contained in this part under control number 3150(b)—

(b) The approved information collection requirements contained in this part appear in §§ 52.15(b), 52.17, 52.29(a), 52.35, 52.37, 52.39(b), 52.45, 52.47, 52.57(a), 52.63(b), 52.63(c), 52.75, 52.77, 52.79, 52.83, 52.91(a), 52.93, 52.99, 52.101, and 52.103.

#### Subpart A—Early Site Permits

##### § 52.11 Scope of subpart.

This subpart sets out the requirements and procedures applicable to Commission issuance of early site permits for approval of a site or sites for one or more nuclear power facilities separate from and prior to the filing of an application for a construction permit or combined license for such a facility.

##### § 52.13 Relationship to Subpart F of 10 CFR Part 2.

The procedures of this subpart do not replace those set out in Subpart F of 10

CFR Part 2. Subpart F applies only when early review of site suitability issues is sought in connection with a forthcoming application for a permit to construct certain power facilities. This subpart applies when any person who may apply for a construction permit under 10 CFR Part 50 or for a combined license under 10 CFR Part 52 seeks an early site permit separately from and prior to an application for a construction permit for a facility. This subpart may not be used once an application has been docketed pursuant to 10 CFR 2.603.

#### § 52.15 Filing of applications.

(a) Any person who may apply for a construction permit under 10 CFR Part 50, or for a combined license under 10 CFR Part 52, may file with the Director of Nuclear Reactor Regulation an application for an early site permit. An application for an early site permit may be filed notwithstanding the fact that an application for a construction permit or a combined license has not been filed in connection with the site or sites for which a permit is sought.

(b) The application must comply with the filing requirements of 10 CFR 50.30 (a), (b), and (f).

#### § 52.17 Contents of applications.

(a)(1) The application must contain the information required by 10 CFR 50.33 (a)-(d) and 50.34(a)(1). In particular, the application should describe the following:

- (i) The number, type, and thermal power level of the facilities for which the site may be used;
- (ii) The boundaries of the site;
- (iii) The proposed general location of each facility on the site;
- (iv) The anticipated maximum levels of radiological and thermal effluents each facility will produce;
- (v) The type of cooling systems, intakes, and outflows that may be associated with each facility;
- (vi) The seismic, meteorological, hydrologic, and geologic characteristics of the proposed site (see Appendix A to 10 CFR Part 100); and
- (vii) The existing and projected future population profile of the area surrounding the site.

(2) A complete environmental report as required by 10 CFR 51.45 and 51.50 must be included in the application.

(b) The application must propose a plan for redress of the site in the event that the activities permitted by § 52.25(a) are performed and the site permit expires before it is referenced in an application for a construction permit or a combined license issued under Subpart C of this part. The application must demonstrate that there is

reasonable assurance that redress carried out under the plan will achieve a self-maintaining, environmentally stable, and aesthetically acceptable site suitable for whatever non-nuclear use may conform with local zoning laws.

(c) The application must demonstrate that the area surrounding the site is amenable to emergency planning which would provide reasonable assurance that adequate protective measures could be taken in the event of a radiological emergency at the site. The application must include a description of contacts and arrangements made with local, state, and federal governmental agencies with responsibility for coping with emergencies.

#### § 52.18 Standards for review of applications.

Applications filed under this subpart will be reviewed according to the applicable standards set out in 10 CFR Part 50 and its appendices as they apply to applications for construction permits for nuclear power plants. In particular, the Commission shall prepare an environmental impact statement during review of the application, and the Commission shall determine, after consultation with the Federal Emergency Management Agency in accord with the applicable portions of 10 CFR 50.47(a)(2), whether the information required of the applicant by § 52.17(c) demonstrates that the area surrounding the site is amenable to emergency planning which would provide reasonable assurance that adequate protective measures could be taken in the event of a radiological emergency at the site.

#### § 52.19 Permit and renewal fees.

The fees charged for the review of an application for the initial issuance or renewal of an early site permit are those for special projects, as defined in 10 CFR 170.3 and set forth in 10 CFR 170.21. There is no application fee. All fees for the review of an application are deferred as follows:

(a) If an application is filed for a construction permit or combined license for a facility to be located at a site for which an early site permit has been issued, the permit holder shall pay the applicable fees for the permit at the time the facility application referencing the early site permit is filed. If, at the end of the initial period of the permit, no facility application referencing the early site permit has been docketed, the permit holder shall pay any outstanding fees for the permit.

(b) If the permit is renewed, the permit holder shall pay any outstanding fees for the renewal at the time a facility

application referencing the early site permit is filed. If, at the end of the renewal period, no facility application referencing the permit has been filed, the permit holder shall pay any outstanding fees for the renewal.

(c) If an application for the issuance or renewal of an early site permit is denied or withdrawn, any outstanding fees associated with the review of the application are due immediately and payable by the applicant for the permit or renewal.

#### § 52.21 Hearings.

An early site permit is a partial construction permit and is therefore subject to all procedural requirements in 10 CFR Part 2 which are applicable to construction permits, including the requirements for docketing in §§ 2.101(a)(1)-(4), and the requirements for issuance of a notice of hearing in §§ 2.104 (a), (b)(1) (iv) and (v), (b)(2) to the extent it runs parallel to (b)(1) (iv) and (v), and (b)(3). All hearings conducted on applications for early site permits filed under this part are governed by the procedures contained in Part 2.

#### § 52.23 Referral to the ACRS.

The Commission shall refer a copy of the application to the Advisory Committee on Reactor Safeguards (ACRS). The ACRS shall report on those portions of the application which concern safety.

#### § 52.25 Extent of activities permitted.

(a) The holder of an early site permit may perform the activities at the site allowed by 10 CFR 50.10(e)(1) without first obtaining the separate authorization required by that section.

(b) If the activities permitted by paragraph (a) of this section are performed at a given site and the permit is not renewed for that site and not referenced in an application for a construction permit or a combined license issued under Subpart C of this part, then the permit remains in effect solely for the purpose of site redress, and the holder of the permit shall redress the site in accord with the terms of the site redress plan required by § 52.17(b). If, before redress is complete, a use not envisaged in the redress plan is found for the site or parts thereof, the holder of the permit shall carry out the redress plan to the greatest extent possible consistent with the alternate use.

#### § 52.27 Duration of permit.

An early site permit issued under this subpart is valid for twenty years from the date of issuance. An applicant for a

construction permit or combined license may, at its own risk, reference in its application a site for which an early site permit application has been docketed but not granted.

**§ 52.29 Application for renewal.**

(a) Not less than twelve nor more than thirty-six months prior to the end of the initial twenty-year period, or any later renewal period, the permit holder may apply for a renewal of the permit. An application for renewal must contain all information necessary to bring up to date the information and data contained in the previous application.

(b) Any person whose interests may be affected by renewal of the permit may request a hearing on the application for renewal. The request for a hearing must comply with 10 CFR 2.714. If a hearing is granted, notice of the hearing will be published in accord with 10 CFR 2.703.

(c) An early site permit, either original or renewed, for which a timely application for renewal has been filed, remains in effect until the Commission has determined whether to renew the permit. If the permit is not renewed, it continues to be valid in proceedings on an application for a construction permit or combined license referencing the permit and docketed before the end of the initial period of the permit, or a later renewal period. An unrenewed permit also continues to be valid in proceedings on an application for an operating license which is based on a construction permit referencing the permit and docketed prior to expiration of the permit or renewal.

(d) The application for renewal must be forwarded to the Advisory Committee on Reactor Safeguards (ACRS), which shall review the application and report its findings and recommendations to the Commission. The ACRS need not reconsider issues on which it has made findings and recommendations in any earlier review of the site which is the subject of the application.

**§ 52.31 Criteria for renewal.**

(a) The Commission shall grant the renewal if the Commission determines that the site complies with the Atomic Energy Act and the Commission's regulations and orders in effect at the time of the renewal and any more stringent requirements the Commission may wish to impose after a determination that there is a substantial increase in overall protection of the public health and safety or the common defense and security to be derived from the more stringent requirements and that the direct and indirect costs of

implementation of those requirements are justified in view of this increased protection.

(b) A denial of renewal on this basis does not bar the permit holder or another applicant from filing a new application for the site which proposes changes to the site or the way in which it is used which correct the deficiencies cited in the denial of the renewal.

**§ 52.33 Duration of renewal.**

Each renewal of an early site permit will be for not less than ten nor more than twenty years.

**§ 52.35 Use of site for other purposes.**

A site for which an early site permit has been issued under this subpart may be used for purposes other than those described in the permit, including the location of other types of energy facilities. The permit holder shall inform the Director of Nuclear Reactor Regulation of any significant non-nuclear activities for which the site is to be used. The information about the activities must be given to the Director in advance of any actual construction or site modification for the activities. If the Director finds that a particular non-nuclear use may have a significant adverse effect on the suitability of the site for the purposes described in the early site permit, the Director may issue an order to show cause why the permit should not be revoked or modified.

**§ 52.37 Reporting of defects and noncompliance; revocation, suspension, modification of permits for cause.**

For purposes of Part 21 and 10 CFR 50.100, an early site permit is a construction permit.

**§ 52.39 Finality of early site permit determinations.**

(a)(1) Notwithstanding any provision in 10 CFR 50.109, during the initial period in which a permit issued under this subpart is in effect, the Commission may not impose more stringent requirements, including more stringent emergency planning requirements, on the early site permit or the site for which it was issued unless the Commission determines either that

(i) Significant new information shows that a modification is necessary to bring the permit or the site into compliance with the Commission's regulations and orders in effect at the time the permit was issued; or

(ii) A modification is necessary to assure adequate protection of the public health and safety or the common defense and security.

(2) Similarly, notwithstanding any provisions in CFR 50.109, during any renewal period in which an early site

permit issued under this subpart is in effect, the Commission may not impose more stringent requirements, including more stringent emergency planning requirements, on the permit or the site for which it was issued unless the Commission determines either that

(i) Significant new information shows that a modification is necessary to bring the permit or the site into compliance with the Commission's regulations and orders in effect at the time the permit was renewed; or

(ii) A modification is necessary to assure adequate protection of the public health and safety or the common defense and security.

(b) An applicant for a construction permit, operating license, or combined license, or any amendment to this type of license, who has filed an application referencing an early site permit issued under this subpart may include in the application a request for a variance from one or more elements of the permit. In determining whether to grant the variance, the Commission shall be guided by the considerations set forth in 10 CFR 50.92, which guide the Commission's determinations on applications for amendments to construction permits.

**Subpart B—Standard Design Certifications**

**§ 52.41 Scope of subpart.**

This subpart sets out the requirements and procedures applicable to Commission issuance of rules granting standard design certifications for nuclear power facilities, or major portions thereof, separate from the filing of an application for a construction permit or combined license for such a facility.

**§ 52.43 Relationship to 10 CFR Part 50, Appendices M, N and O.**

(a) Appendix M to 10 CFR Part 50 governs the issuance of licenses to manufacture nuclear power reactors to be installed and operated at sites not identified in the manufacturing license application. Appendix N governs licenses to construct and operate nuclear power reactors of duplicate design at multiple sites. These appendices may be used independently of the provisions in this subpart unless the applicant also wishes to use a certified standard design approved under this subpart.

(b) Appendix O governs the staff review and approval of preliminary and final standard designs. These designs may be challenged in individual licensing proceedings. This subpart

governs Commission approval, or certification, of standard designs by rulemaking, as set forth in paragraph 7 of Appendix O. A final design approval under Appendix O is a prerequisite for certification of a standard design under this subpart. An application for a final design approval must state whether the applicant intends to seek certification of the design. If the applicant does so intend, the application for the final design approval must, in addition to containing the information required by Appendix O, comply with the applicable requirements of 10 CFR Chapter I, particularly §§ 52.45 and 52.47.

#### § 52.45 Filing of applications.

(a)(1) Any person may seek a standard design certification for an essentially complete nuclear power facility, or a major portion of such a facility. An application for certification may be filed notwithstanding the fact that an application for a construction permit or combined license for such a facility has not been filed. Applications for certification of less than a complete facility must meet the criteria set forth in paragraph (d) of this section.

(2) Because a final design approval under Appendix O of 10 CFR Part 50 is a prerequisite for certification of a standard design, a person who seeks such a certification and does not hold, or has not applied for, a final design approval, shall file with the Director of Nuclear Reactor Regulation an application for certification. Any person who seeks certification but already holds, or has applied for, a final design approval, also shall file with the Director of Nuclear Reactor Regulation an application for certification, because the NRC staff may require that the information before the staff in connection with the review for the final design approval be supplemented for the review for certification.

(b) The applicant shall comply with the filing requirements of 10 CFR 50.30 (a) and (b) as they would apply to an application for a nuclear power plant construction permit.

(c) The NRC will entertain an application for certification of a reactor design which differs significantly from reactor designs which have been built and operated. However, certification of such a design will be given only after the design has been shown to be sufficiently mature.

(1) The maturity of such a design must be demonstrated by means of an appropriately sited, full-size, prototype reactor, unless the following criteria are satisfied:

(i) The performance of each safety feature of the design has been

demonstrated through either previous experience or full-scale testing;

(ii) Interdependent effects among the safety features of the plant have been found acceptable by analysis, testing, or previous experience; and

(iii) Sufficient data exist on the performance of the safety features of the plant to assess analytical tools used for safety analyses over a full range of operating and accident conditions, including equilibrium core conditions and the response of the safety features over the lifetime of the plant.

(2) The Appendix O final design approval of such a design must identify the specific testing required for certification of the design.

(d) Designs should be essentially complete in scope. The NRC will entertain an application for certification of a design of only a major portion of a plant only if that portion contains all buildings, structures, systems, and components that can significantly affect the safe operation of the plant and are not fixed by site-specific considerations or parameters. In any case, site-specific elements, such as the service water intake structure or the ultimate heat sink, may be excluded from the scope of the design. However, excluded site-specific elements that can significantly affect safe operation must be addressed by the application in the technical information which §§ 52.47(b) and 52.47(d) require the application to provide on the site parameters and interface requirements for the design.

#### § 52.47 Contents of applications.

The application must contain a level of design information equivalent to that required for a final design approval under Appendix O. The information submitted for a design certification must include performance requirements and design specifications sufficiently detailed to permit the preparation of procurement specifications and acceptance and inspection requirements. The information must also be sufficient to enable the staff to judge the applicant's proposed means of assuring that construction conforms to design and to reach a final conclusion on all matters which must be decided before the certification can be granted. In particular,

(a) The application must contain the technical information which is required of applicants for construction permits or operating licenses by Part 20, Part 50 and its appendices, and Parts 73 and 100, and which is not site-specific or irrelevant to the design for which the applicant is seeking certification. In particular, the application must demonstrate compliance with any

applicable portions of the Three Mile Island requirements set forth in 10 CFR 50.34(f). The staff shall advise the prospective applicant for certification on whether the information required by the listed portions of 10 CFR Chapter I is appropriate to the staff's consideration of the application, and on whether any additional technical information on the design is required.

(b) The application must also include

(1) The site parameters postulated for the design, and an analysis and evaluation of the design in terms of such parameters;

(2) Proposed technical resolutions of the Unresolved Safety Issues and medium- and high-priority Generic Safety Issues applicable to the design;

(3) A design-specific probabilistic risk assessment ("PRA"), together with a consideration of any severe accident vulnerabilities that the PRA exposes and a realistic assessment of the degree to which the design conforms to the Commission's Safety Goals for plant operations; and

(4) Proposed tests, analyses, inspections and acceptance criteria which are necessary to provide reasonable assurance that a plant which references the design is built and operated within the specifications of the design.

(c) An application seeking certification of a modular design must describe the various options for the configuration of the plant and site, including variations in common systems, interface requirements, and system interactions. The final safety analysis and the probabilistic risk assessment should, when necessary, take into account differences among the various options, and the analysis should set forth any restrictions which will be necessary during the construction and startup of a given module to ensure the safe operation of any module already on line.

(d) An application for a design certification must meet the following criteria:

(1) The application must contain interface requirements to be met by those portions of the plant for which the application does not seek certification. These requirements must be sufficiently detailed to allow completion of the final safety analysis and design-specific probabilistic risk assessment required by paragraph (b) of this section.

(2) The application must demonstrate that compliance with these interface requirements is verifiable through inspection, testing (either in the plant or elsewhere), previous experience, or analysis. Compliance with interface

requirements dealing with reliability of components must be verifiable through previous experience or testing.

(3) The application must also contain a representative design for those portions of the plant for which the application does not seek certification. The representative design must illustrate how the interface requirements can be met, so as to aid the staff in its review of the final safety analysis and probabilistic risk assessment required by paragraph (b) of this section.

**§ 52.49 Fees for design certification and certification renewal.**

The fees charged for the review of an application for the initial issuance or renewal of a standard design certification are set out in 10 CFR Part 170, together with a schedule for their phased recovery as the certified standard design is referenced. There is no application fee. All fees for review of an application are deferred as follows:

(a) Each time an application is filed for a construction permit or combined license for a facility referencing the design for which a standard design certification has been issued, the holder of the design certification shall pay the specified portion of the applicable fees for the approval at the time the facility application referencing the certified standard design is filed. If, at the end of the initial period of the certification, no facility application referencing the certified standard design has been filed, the holder of the design certification shall pay any outstanding fees for the certification.

(b) If the standard design certification is renewed, the holder of the design certification shall pay the specified portion of any outstanding fees for the renewal each time a facility application referencing the certified standard design is filed. If, at the end of the renewal period, a facility application referencing the certified standard design has not been filed, the holder of the design certification shall pay any outstanding fees for the renewal.

(c) If an application for the issuance or renewal of a certified standard design is denied or withdrawn, any fees associated with the review of the application are immediately due and payable by the applicant for the design certification or renewal.

**§ 52.51 Administrative review of applications.**

A standard design certification is a rule that will be issued in accordance with the provisions of Subpart H of 10 CFR Part 2. The Commission shall initiate the rulemaking after an application has been filed under

§ 52.45(a) and shall specify in detail the procedures to be used for the rulemaking. The rulemaking procedures must provide notice and comment and an informal hearing before an Atomic Safety and Licensing Board. The procedures for the hearing must include the opportunity for written presentations made under oath or affirmation and for oral presentations and questioning if the Board finds them either necessary for the creation of an adequate record or the most expeditious way to resolve controversies. Ordinarily, the questioning will be done by members of the Board, using either the Board's questions or questions submitted to the Board by the parties. The Board may also request authority to use additional procedures, such as discovery, or may request that the Commission convene a formal adjudication on discrete issues involving substantial disputes of fact, necessary for the Commission's decision, that cannot be resolved with sufficient accuracy except in formal adjudication. The staff will be a party in the hearing. During the rulemaking, the treatment of proprietary information will be governed by 10 CFR 2.790 and applicable Commission case law. The decision in such a hearing will be based only on information on which all parties have had an opportunity to comment.

**§ 52.53 Referral to the ACRS.**

The Commission shall forward the application to the Advisory Committee on Reactor Safeguards (ACRS). The ACRS shall review the application and report its findings and recommendations to the Commission. The ACRS need not reconsider issues on which it has made findings and recommendations in any earlier review of the design which is the subject of the application.

**§ 52.55 Duration of certification.**

A standard design certification issued pursuant to this subpart is valid for ten years from the date of issuance. An applicant for a construction permit or combined license may, at its own risk, reference in its application a design for which a design certification application has been docketed but not granted.

**§ 52.57 Application for renewal.**

(a) Not less than twelve nor more than thirty-six months prior to expiration of the initial ten-year period, or any later renewal period, the holder of the design certification may apply for renewal of the certification. An application for renewal must contain all information necessary to bring up to date the information and data contained in the previous application. The procedures to be used for a rulemaking proceeding on

the application for renewal must be those required by § 52.51 for rulemakings on applications for initial certification of a design.

(b) A design certification, either original or renewed, for which an application for renewal has been timely filed remains in effect until the Commission has determined whether to renew the certification. If the certification is not renewed, it continues to be valid in proceedings on an application for a construction permit, combined license, or operating license referencing the certified design and docketed prior to expiration of the certification or renewal.

(c) The Commission shall forward application for renewal to the Advisory Committee on Reactor Safeguards (ACRS). The ACRS shall review the application and report its findings and recommendations to the Commission. The ACRS need not reconsider issues on which it has made findings and recommendations in any earlier review of the design which is the subject of the application.

**§ 52.59 Criteria for renewal.**

(a) The Commission shall issue a rule granting the renewal if the design, either as originally certified or as modified during the rulemaking on the renewal, complies with the Atomic Energy Act and the Commission's regulations and orders in effect at the time of the renewal, and any more stringent safety requirements the Commission may wish to impose after a determination that there is a substantial increase in overall protection of the public health and safety or the common defense and security to be derived from the more stringent requirements and that the direct and indirect costs of implementation of those requirements are justified in view of this increased protection.

(b) Denial of renewal does not bar the holder of the design certification or another applicant from filing a new application for certification of the design which proposes design changes which correct the deficiencies cited in the denial of the renewal.

**§ 52.61 Duration of renewal.**

Each renewal of certification for a standard design will be for not less than five nor more than ten years.

**§ 52.63 Finality of standard design certifications.**

(a)(1) Notwithstanding any provision in 10 CFR 50.109, during the initial period in which a design certification issued under this Subpart is in effect, the

Commission may not impose more stringent safety requirements on the certification unless the Commission determines in a rulemaking either that significant new information shows that a modification is necessary to bring the certification or the referencing plants into compliance with the Commission's regulations and orders in effect at the time the certification was issued, or that a modification is necessary to assure adequate protection of the public health and safety or the common defense and security.

(2) Similarly, notwithstanding any provision in 10 CFR 50.109, during any renewal period in which a design certification issued under this Subpart is in effect, the Commission may not impose more stringent safety requirements on the certification unless the Commission determines in a rulemaking either that significant new information shows that a modification is necessary to bring the certification or the referencing plants into compliance with the Commission's regulations and orders in effect at the time the certification was renewed, or that a modification is necessary to assure adequate protection of the public health and safety or the common defense and security.

(3) Any modification the NRC imposes on a design certification rule under paragraphs (a)(1) and (a)(2) of this section will be applied to all plants referencing the certified design.

(b) The holder of a standard design certification issued under this Subpart may file a request for an amendment to the design certification by way of notice and comment rulemaking. The Commission shall grant the amendment request if it determines that the amendment will comply with the Atomic Energy Act and the Commission's regulations. The amendment will be applied to all plants referencing the design only if the amendment is necessary for adequate protection of the public health and safety or the common defense and security. Any other amendment will apply only to plants referencing the design after the amendment is granted.

(c) An applicant for a construction permit, operating license, or combined license, or a licensee whose license references a certified standard design issued under this subpart, may request an exemption from one or more elements of the design certification. The Commission shall grant such a request if it determines that the exemption complies with the Atomic Energy Act, the Commission's regulations and orders, and the requirements of 10 CFR 50.12(a). Exemptions apply only to the

license for which the exemption was requested.

(d) The licensee of a plant built according to a standardized design may make a change to the standardized portion of the plant, without prior Commission approval, only if the change does not involve changes to the design as described in the rule certifying the design, or in the certifying rule together with any exemption which may have been granted the licensee under § 52.63(c).

#### Subpart C—Combined Licenses

##### § 52.71 Scope of subpart.

This subpart sets out the requirements and procedures applicable to Commission issuance of combined construction permits and conditional operating licenses ("combined licenses") for nuclear power facilities.

##### § 52.73 Relationship to Subparts A and B.

An application for a combined license under this subpart may, but need not, reference a standard design certification issued under Subpart B of this part or an early site permit issued under Subpart A of this part.

##### § 52.75 Filing of applications.

Any person except one excluded by 10 CFR 50.38 may file an application for a combined license for a nuclear power facility with the Director of Nuclear Reactor Regulation. The applicant shall comply with the filing requirements of 10 CFR 50.4 and 50.30 (a) and (b) as they would apply to an application for a nuclear power plant construction permit. The fees associated with the filing and review of the application are set out in 10 CFR Part 170. The applicant shall include an environmental report with the application if it does not reference an early site permit.

##### § 52.77 Contents of applications; general information.

The application must contain all of the information required by 10 CFR 50.33 and 50.33a as those sections would apply to an applicant for a nuclear power plant construction permit. In particular, the applicant shall comply with the requirement of § 50.33a(b) regarding the submission of antitrust information.

##### § 52.79 Contents of applications; technical information.

(a) The application must contain the final safety analysis report required by 10 CFR 50.34(b). The report may incorporate by reference the final safety analysis report for a certified standard design, but must be supplemented to include, as appropriate, the information

required of applicants for operating licenses by 10 CFR Part 50. In particular, an application referencing a certified design must describe those portions of the design which are site-specific, such as the service water intake structure or the ultimate heat sink. An application referencing a certified design must also demonstrate compliance with the interface requirements established for the design under § 52.47(d) of this part. If the application does not reference a certified design, the application must comply with the requirements of § 52.47 of this part for level of design information, and shall contain the technical information required by §§ 52.47(a), 52.47(b)(2) and (3), and, if the design is modular, 52.47(c). The application must also include proposed technical specifications prepared in accordance with the requirements of 10 CFR Part 50.

(b) The application for a combined license must include the proposed inspections, tests, and analyses which the licensee shall perform and the acceptance criteria therefor which will provide reasonable assurance that the facility has been constructed and will operate in conformity with the application, the provisions of the Atomic Energy Act, and the Commission's regulations.

(c) If the application references an early site permit, the application must demonstrate the suitability of the site for the design and must discuss any other significant environmental issue not considered in any previous proceeding on the site or the design. If the application does not reference an early site permit, then the application must contain the information required by § 52.17(b) of this part on redress of the site in the event that the activities permitted by § 52.91(a) of this subpart are performed.

(d) The application must contain emergency plans which provide reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency at the site.

(1) The applicant shall make good faith efforts to obtain certifications by the responsible local and State governmental agencies that:

(i) The proposed emergency plans are practicable;

(ii) These agencies are committed to participating in any further development of the plans, including any required field demonstrations; and

(iii) These agencies are committed to executing their responsibilities under the plans in the event of an emergency.

(2) The application must contain any certifications that have been obtained. If these certifications cannot be obtained, the application must demonstrate that the proposed plans nonetheless provide reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency at the site.

**§ 52.81 Standards for review of applications.**

Applications filed under this subpart will be reviewed according to, as appropriate, the pertinent standards set out in 10 CFR Part 50 and its appendices as they apply to applications for construction permits and operating licenses for nuclear power plants.

**§ 52.83 Applicability of Part 50 provisions.**

Unless otherwise specifically provided in this subpart, all provisions of 10 CFR Part 50 and its appendices applicable to holders of construction permits for nuclear power reactors also apply to holders of combined licenses issued under this subpart. Similarly, all provisions of 10 CFR Part 50 and its appendices applicable to holders of operating licenses also apply to holders of combined licenses issued under this subpart who have received written authorization for full-power operation under § 52.103. However, any limitations contained in Part 50 regarding applicability of the provisions to certain classes of facilities continue to apply.

**§ 52.85 Administrative review of applications.**

A combined license is subject to all applicable procedural requirements contained in 10 CFR Part 2, including the requirements for docketing (§ 2.101) and issuance of a notice of hearing (§ 2.104). All hearings on combined licenses are governed by the procedures contained in Part 2.

**§ 52.87 Referral to the ACRS.**

The Commission shall forward the application to the Advisory Committee on Reactor Safeguards (ACRS). The ACRS shall review the application and report its findings and recommendations to the Commission. The ACRS need not reconsider issues on which it has made findings and recommendations in any earlier review of the site or the design which is the subject of the application.

**§ 52.89 Environmental review.**

If the application references an early site permit or a certified standard design, the environmental review must focus on the suitability of the site for the design and any other significant environmental issue not considered in any previous proceeding on the site or

the design. The results of this limited review must be presented at the hearing on the application. However, the Commission may not modify any final determination on an issue that has been considered and decided in any earlier proceeding on the referenced site or design, except as provided in § 52.39 and 52.63 regarding finality of early site permit determinations and finality of standard design certifications, respectively. If the application does not reference an early site permit or a certified standard design, all of the environmental review procedures set out in 10 CFR Part 51 must be followed, including the issuance of a final environmental impact statement.

**§ 52.91 Authorization to conduct site activities.**

(a) If the application references an early site permit, the applicant may perform the site preparation activities authorized in § 52.25 after the application for a combined license has been docketed. Otherwise, the applicant shall request authorization to conduct site preparation activities pursuant to 10 CFR 50.10(e)(1) and (2). In either case, authorization to conduct the activities described in 10 CFR 50.10(e)(3)(i) may be granted only after the presiding officer in the combined license proceeding makes the additional finding required by 10 CFR 50.10(e)(3)(ii).

(b) If, after an applicant for a combined license has performed the activities permitted by paragraph (a) of this section, the application for the license is withdrawn or denied, and the early site permit referenced by the application expires or the holder of the early site permit so requests, then the applicant shall redress the site in accord with the terms of the site redress plan required by § 52.17(b). If, before redress is complete, a use not envisaged in the redress plan is found for the site or parts thereof, the applicant shall carry out the redress plan to the greatest extent possible consistent with the alternate use.

**§ 52.93 Exemptions and variances.**

(a) Applicants for a combined license under this subpart, or any amendment to a combined license, may include in the application a request, under 10 CFR 50.12, for an exemption from one or more of the Commission's regulations, including any part of a design certification rule. The Commission shall grant such a request if it determines that the exemption will comply with the Atomic Energy Act, the Commission's regulations, and the requirements of 10 CFR 50.12(a).

(b) An applicant for a combined license, or any amendment to a combined license, who has filed an application referencing an early site permit issued under this subpart may include in the application a request for a variance from one or more elements of the permit. In determining whether to grant the variance, the Commission will be guided by the considerations set forth in 10 CFR 50.92, which guide the Commission's determinations on applications for amendments to construction permits.

**§ 52.97 Issuance of combined licenses.**

(a) The Commission may issue a combined license for a nuclear power facility upon finding that the applicable requirements of §§ 50.40, 50.42, 50.43, 50.47, and 50.50 have been met, and that there is reasonable assurance that the facility will be constructed and operated in conformity with the license, the provisions of the Atomic Energy Act, and the Commission's regulations.

(b) The Commission shall identify in the license the inspections, tests, and analyses that the licensee shall perform and the acceptance criteria therefor which provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Atomic Energy Act, and the Commission's regulations.

**§ 52.99 Inspection during construction.**

After issuance of a combined license, the Commission shall assure through inspections, tests, and analyses that construction of the facility is completed in conformity with the combined license, the provisions of the Atomic Energy Act, and the Commission's regulations. The Commission shall apply to holders of combined licenses the same inspection program applied to holders of nuclear power plant construction permits. Holders of combined licenses shall comply with the provisions of §§ 50.70 and 50.71.

**§ 52.101 Pre-operational antitrust review.**

Prior to conversion of a combined license to an operating license, the NRC staff shall conduct an antitrust review pursuant to § 50.42(b) to determine whether significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission in connection with the issuance of the combined license. If the Commission determines that significant changes have occurred, the antitrust review required by section 105c(1) of the Atomic Energy

Act must be completed prior to commencement of commercial operation of the facility. Upon completion of this review, and following receipt of the advice of the Attorney General, the Director of Nuclear Reactor Regulation may impose any additional license conditions needed to avoid creating or maintaining a situation inconsistent with the antitrust laws as specified in section 105a of the Atomic Energy Act.

**§ 52.103 Authorization to operate under a combined license.**

(a) Before the facility may operate, the holder of the combined license shall apply for authorization of operation under the combined license. If the combined license is for a modular design, each module is the subject of a separate authorization. The Commission shall publish a notice of the proposed authorization in the *Federal Register* under 10 CFR 2.105. Within 30 days, any person whose interests may be affected may request a hearing on the basis either (1) that there has been a nonconformance with the license, the licensee's written commitments, the Atomic Energy Act, or the Commission's regulations and orders, which has not been corrected and which could materially and adversely affect the safe operation of the facility; or (2) that significant new information shows that some modification to the site or the design is necessary to assure adequate protection of public health and safety or the common defense and security. The petitioner shall set forth with reasonable

specificity the facts and arguments which form the basis for the request.

(b) If a hearing is not requested, or if all requests are denied, the Commission may authorize operation under the combined license, as provided in § 50.56, upon making the findings in § 50.57.

Dated at Rockville, MD, this 17th day of August 1988.

For the Nuclear Regulatory Commission,  
**Samuel J. Chilk,**  
*Secretary of the Commission.*  
[FR Doc. 88-18964 Filed 8-22-88; 8:45 am]  
BILLING CODE 7590-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Ch. I**

[Summary Notice No. PR-88-9]

**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 24, 1988.

**ADDRESS:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, D.C. 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-204), 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 August 16, 1988.

**Deborah E. Swank,**  
*Acting Manager, Program Management Staff.*

**PETITIONS FOR RULEMAKING**

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24969	National Rifle Association of America .....	14 CFR § 108.11 .....	To add a new paragraph to read that no certificate holder shall place upon, or in any way attach to, the outside of checked baggage or any other checked parcel any markings of any kind which would indicate that the baggage or parcel contained a firearm. Denied: August 8, 1988.

[FR Doc. 88-19028 Filed 8-22-88; 8:45 am]  
BILLING CODE 4910-13-M

**14 CFR Part 39**

[Docket No. 88-NM-97-AD]

**Airworthiness Directives; Boeing Model 757 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which would require replacement of both spoiler wheel command units. This proposal is prompted by reports that a potential failure mode exists which could cause uncommanded deployment of three flight spoilers on one wing to their full up position. This condition, if not corrected, could result in a sudden large rolling moment and, after recovery by the pilot, diminished roll capability and a significant loss of lift.

**DATES:** Comments must be received no later than October 17, 1988.

**ADDRESSES:** Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-97-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. 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 Transport Airplane Office, FAA, Northwest Mountain Region, 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:**

**Comments Invited**

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

**Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-97-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion: The FAA has been advised by Boeing Commercial Airplanes, the manufacturer of Model 757 series airplanes, that a potential failure mode has been identified in the spoiler wheel command unit, which would occur as a result of separation of the input gear from the input shaft. Although no occurrences of this problem in service have been reported, this failure could cause uncommanded deployment of three flight spoilers on one wing to their full up position. This condition, if not corrected, could result in a sudden large rolling moment and, after recovery by the pilot, diminished

roll capability and a significant loss of lift.

The FAA has reviewed and approved Boeing Service Bulletin 757-27-0076, dated May 19, 1988, which describes replacement of both spoiler wheel command units with improved units, and test and adjustment of the units after replacement.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require replacement of the spoiler wheel command units in accordance with the service bulletin previously mentioned.

It is estimated that 104 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$20,800.

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

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because few, if any, Boeing Model 757 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**The Proposed Amendment**

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

**Boeing:** Applies to Model 757 series airplanes, as listed in Boeing Service Bulletin 757-27-0076, dated May 19, 1988, certificated in any category. Compliance required within the next 24 months after the effective date of this AD, unless previously accomplished.

To prevent uncommanded extension of three flight spoilers on one wing, due to failure of a spoiler wheel command unit, accomplish the following:

A. Replace both spoiler wheel command units, in accordance with Boeing Service Bulletin 757-27-0076, dated May 19, 1988.

B. 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 Transport Airplane 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 Transport Airplane Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the inspections 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 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 Transport Airplane Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

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

Thomas E. McSweeney,

Acting Director, Office of Airworthiness.

[FR Doc. 88-19023 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

[Docket No. 88-NM-91-AD]

**Airworthiness Directives; Fokker Model F-28 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD), applicable to Fokker Model F-28 series airplanes, which would require a visual inspection of the flap track beam support bracket and rear spar web and boom, and repair, if necessary. This proposal is prompted by reports of cracks detected in the rear spar web. This condition, if not corrected, could lead to structural failure in the flap and rear spar web, and fuel leakage.

**DATES:** Comments must be received no later than October 17, 1988.

**ADDRESSES:** Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-91-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Fokker Aircraft U.S.A., 1199 N. Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Ms. Armella Donnelly, Standardization Branch, ANM-113, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, telephone (206) 431-1967; or Mr. John Varoli, Manager, FAA, Brussels Aircraft Certification Office, AEU-100, FAA, c/o American Embassy, APO New York 09667-1011, telephone 32-2-230-0534.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

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

examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

**Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-91-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**Discussion:** The Rijksluchtvaartdienst (RLD), which is the airworthiness authority of the Netherlands, has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist on Fokker Model F-28 series airplanes. During a recent inspection of a Model F-28 airplane, prompted by a fuel leak, one operator discovered a long crack in the wing rear spar web at wing station 5280. The operator found a smaller crack in this same area on one other airplane. Further investigation revealed that the cracks appear to have been caused by misalignment of the flap track beam support bracket and subsequent bolt seating deficiencies. This condition, if not corrected, could lead to structural failure in the flap and rear spar web, and could result in fuel leakage.

Fokker B.V. has issued Service Bulletin F28/57-81, dated May 27, 1988, which describes procedures for a visual inspection, repetitive inspection, and repair, if necessary, of the flap track beam support bracket and rear spar web. The RLD has classified this service bulletin as mandatory and has issued Netherlands Airworthiness Directive Number 88-30, dated May 20, 1988, addressing this subject.

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

Since this condition is likely to exist or develop on airplanes of this same type design registered in the United States, an AD is proposed that would require inspection of the flap beam support bracket and rear spar web and boom and repair, if necessary, in accordance with the service bulletin previously mentioned.

It is estimated that 51 airplanes of U.S. registry would be affected by this AD, that it would take approximately 56 manhours per airplane to accomplish the

required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$124,240.

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

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because few, if any, Model F-28 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**The Proposed Amendment**

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

**PART 39—[AMENDED]**

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

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

**§ 39.13 [Amended]**

2. By adding the following new airworthiness directive:

**Fokker B.V.:** Applies to Model F-28 series airplanes, Serial Numbers 11003 to 11241 inclusive, 11991, and 11992, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent structural failure in the flap or rear spar web and fuel leakage, accomplish the follow:

A. Prior to the accumulation of either 10,000 flight hours or 20,000 flight cycles (landings), or within 500 flights cycles (landings) after

the effective date of this AD, whichever is later: Conduct an external visual inspection of the flap track beam support bracket for position in accordance with Part 1 of Fokker Service Bulletin F28/57-81, dated May 27, 1988.

B. If the flanges of the flap track beam support bracket are found during the inspection specified in A., above, to be parallel to the rear spar, no further action is required.

C. If the flanges of the flap track beam support bracket are found during the inspection specified in A., above, not to be parallel to the rear spar, inspect for cracks in the web of the rear spar, in accordance with Part 2 of Service Bulletin F28/57-81, dated May 27, 1988, before further flight.

1. If no cracks are found, repeat the inspection every 1,000 flight cycles (landings) until an internal inspection is conducted in accordance with Part 3 of Service Bulletin F28/57-81, dated May 27, 1988.

2. If, during the inspections in accordance with Part 3 of Service Bulletin F28/57-81, dated May 27, 1988, it is determined that the bolts are installed properly, a spotface is not found, and cracking does not exist, reseat or reinstall the bolts in accordance with Part 3 of that service bulletin. No further action, other than restoration to normal, is required.

3. If cracks are found during the inspections required by paragraph C., C.1., or C.2., above, or if a spotface is found during the inspections required by paragraph C.1., or C.2., above, prior to further flight, repair in a manner approved by the Manager, FAA, Brussels Aircraft Certification Office, AEU-100. Under conditions noted in the Service Bulletin F28/57-81, dated May 27, 1988, temporary repairs may be made in accordance with Part 4 and the associated table and figures of that service bulletin.

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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Fokker Aircraft U.S.A., 1199 N. Fairfax Street, Alexandria, Virginia 22314. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

Thomas E. McSweeney,  
Acting Director, Office of Airworthiness.  
[FR Doc. 88-19022 Filed 8-22-88; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 88-NM-101-AD]

#### Airworthiness Directives; Boeing Model 727 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD), applicable to Boeing Model 727 series airplanes, which would require the inspection and, if necessary, repair and/or modification of certain areas of the main landing gear (MLG) wheel well pressure floor. This proposal is prompted by recent reports of cracking of the MLG wheel well pressure floor, that resulted in the loss of cabin pressurization. Cracks in this area, if not detected and corrected, could lead to loss of cabin pressurization.

**DATES:** Comments must be received no later than October 17, 1988.

**ADDRESSES:** Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-101-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. 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 Transport Airplane 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:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as

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

#### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-101-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### Discussion

There have been several reported incidents involving cracking of certain portions of the main landing gear (MLG) wheel well pressure floor on Boeing Model 727 series airplanes. One recent cracking incident resulted in the loss of cabin pressurization. The cracking has been attributed to fatigue. Such cracking, if not detected and corrected could lead to loss of cabin pressurization.

The FAA has reviewed and approved Boeing Service Bulletin 727-53-149, Revision 2, dated March 20, 1981, which describes procedures for inspection, repair, and modification of the MLG wheel well pressure floor.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require periodic inspections and, if necessary, repair or modification of the MLG wheel well pressure floor, in accordance with the service bulletin previously mentioned.

It is estimated that 1,000 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required inspection, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$80,000.

The regulations set forth in this notice would be promulgated pursuant to the

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

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have 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 copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

#### List of Subjects: 14 CFR Part 39

Aviation safety, Aircraft.

#### The Proposed Amendment

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

#### PART 39—[AMENDED]

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

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

2. By adding the following new airworthiness directive:

**Boeing:** Applies to all Model 727 series airplanes listed in Boeing Service Bulletin 727-53-149, Revision 2, dated March 20, 1981, certificated in any category. Compliance required as indicated, unless previously accomplished.

To detect cracking of the main landing gear (MLG) wheel well pressure floor adjacent to body stations (BS) 880, 890, 930, and 940, accomplish the following:

A. Prior to the accumulation of 30,000 flights or within the next 2,500 flights, whichever occurs later, and thereafter at intervals not to exceed 4,000 flights, perform a close visual, eddy current, or dye penetrant inspection for cracks in the pressure floor, in accordance with Boeing Service Bulletin 727-53-149, Revision 2, dated March 20, 1981.

B. If cracks are detected that do not exceed the limits listed in Table II in Section III of Boeing Service Bulletin 727-53-149, Revision 2, dated March 20, 1981, prior to further flight, repair in accordance with the interim repair described in paragraph C. of Section III, or the permanent repair described in paragraph D. of Section III of the service bulletin. The interim repair must be replaced within 600 flights with the permanent repair.

C. If cracks are found that exceed the limits listed in Table II, of Section III of Boeing Service Bulletin 727-53-149, Revision 2, dated March 20, 1981, prior to further flight, accomplish the permanent repair described in paragraph D. of Section III of the service bulletin prior to further flight. A repair accomplished using blind fasteners must be reinspected at intervals not to exceed 2,000 flights until the blind fasteners are replaced with the fasteners specified in paragraph 4. of Section III of the service bulletin.

D. Incorporation of the repairs in accordance with paragraph B. or C., above, terminates the repetitive inspection requirements of paragraph A., above, for that area. Incorporation of the preventative modification in paragraph E. of Section III of Boeing Service Bulletin 727-53-149, Revision 2, dated March 20, 1981, terminates the repetitive inspection requirement of paragraph A., 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 Transport Airplane 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 Transport Airplane Office.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to 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 Transport Airplane Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

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

**Thomas E. McSweeney,**

*Acting Director, Office of Airworthiness.*

[FR Doc. 88-19024 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-13-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Ch. I

[AD-FRL-3433-5; Docket No. A-88-04]

#### Conference on Air Quality Modeling

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

**ACTION:** Notice of conference.

**SUMMARY:** The EPA announces the Fourth Conference on Air Quality Modeling. Such a conference is required by section 320 of the Clean Air Act (CAA) to be held every 3 years. The purpose of the fourth conference is to advise the public on new modeling techniques and to solicit comments to guide EPA's consideration of any rulemaking needed to revise the "Guideline on Air Quality Models (Revised)", EPA-450/2-78-027R (1986) and Supplement A (1987). A more detailed discussion of these new modeling techniques will be given by EPA during the conference.

**DATES:** The fourth conference will be held on October 12 and 13, 1988, from 9:00 a.m. to 5:00 p.m. Requests to speak at the conference must be submitted to the individuals listed below by October 3, 1988. All written comments must be submitted by December 15, 1988.

**ADDRESSES:** Conference: The conference will be held in the Thomas Jefferson Auditorium, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC.

Comments: Written statements or comments not presented at the conference should be submitted (in duplicate if possible) to: Central Docket Section (South Conference Center, Room 4), Attention: Docket A-88-04, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Documents referenced in this notice as well as comments received may also be inspected at this address. A reasonable fee may be charged for copying. This is a new docket established for the conference and for consideration of any further revision of the "Guideline on Air Quality Models (Revised)" and Supplement A. Prior material relevant to the development of the modeling guideline and Supplement A may be found in Docket A-80-46.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Tikvart, Chief, Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone

(919) 541-5562 or Jawad S. Touma, telephone (919) 541-5381.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 320 of the CAA states that a conference on air quality modeling is to be held every 3 years to address appropriate air quality modeling necessary for carrying out prevention of significant deterioration (PSD) requirements, thereby fostering the standardization of air quality modeling practices. Such models are also used for evaluating State implementation plans for existing sources, making new source reviews, and otherwise estimating source receptor relationships. The first conference, held in December 1977, addressed EPA's proposed modeling guideline. The result was the "Guideline on Air Quality Models" (EPA-450/2-78-027) which provides guidance on the selection and application of air quality models. The second conference in August 1981 was an open forum to address model accuracy and the incorporation of model uncertainty in regulatory decision-making. The third conference, held in January 1985, provided a forum for public review and comment on proposed revisions to the modeling guideline. As a result of public comment during that conference EPA issued the "Guideline on Air Quality (Revised)", EPA-450/2-78-027R, (51 FR 32176). Revisions responding to issues raised during that conference are included in Supplement A to the guideline (53 FR 392).

The Fourth Conference on Air Quality Modeling will address EPA's modeling guidance. Substantial new knowledge concerning modeling analyses has become available since the guideline and Supplement A were issued. Future revisions to the guideline are needed to improve the basis for air quality impact assessments and to insure that it reflects the state-of-the-art with respect to air quality models and data bases. As a basis for possible revisions of the modeling guideline and for holding this fourth conference, EPA has assembled a list of recent developments in modeling techniques and related methods developed by EPA, other Federal agencies, or the private sector. These techniques and related methods are briefly described below. Topics are arranged to coincide with the organization of the modeling guideline.

The EPA requests comments on the general issues of technical validity, relevant accuracy, merits and limitations of the models and methods listed here compared to current techniques in the modeling guideline,

and comments on other more specific issues listed below. Comments related to air quality modeling of general interest to the public may also be made. The issues raised at the conference and in the comment period will be considered in development of a notice proposing to revise the "Guideline on Air Quality Models (Revised)" and Supplement A.

##### Modeling Activities

###### A. Complex Terrain Dispersion Model (CTDM)

The EPA has completed the CTDM project, EPA/600/3-88/006 (Docket Item II-1-2). One major output is the development and evaluation of the CTDM. This is a refined air quality model for determining pollutant concentrations from sources in "complex terrain" areas (where the height of the nearby terrain exceeds the height of the source being modeled). The CTDM is designed for situations where plume impingement on the windward side of terrain features during stable to neutral atmospheric conditions is believed to cause air quality problems. The user's guide documenting the scientific assumptions used in CTDM is available as EPA/600/8-87/058a and 058b (Docket Item II-1-1). Because CTDM was designed for neutral to stable flow conditions, the model does not predict concentrations during unstable atmospheric conditions when a plume is within the mixed layer. Thus, in order to adequately estimate concentrations during all averaging periods of concern for regulatory applications, it will be necessary to merge the output from CTDM with output from another model that can handle the convectively unstable atmospheric conditions. Other issues that need to be resolved for any regulatory application include meteorological data requirements, receptor grid spacing, the choice of model options, and a consistent approach to terrain characterization.

The EPA is currently studying the performance of CTDM and has completed several additional model evaluation and sensitivity studies (Docket Items II-1-3 and 4). The EPA solicits comments on: (1) Whether CTDM is a technically valid model; (2) whether use of an additional algorithm for modeling convective atmospheric conditions is suitable; (3) whether the validation and sensitivity studies warrant the adoption of CTDM as a refined model in complex terrain; (4) how data requirements should be specified given that CTDM requires an extensive set of meteorological data

input not routinely collected in most current measurement programs; (5) whether EPA should recommend the use of CTDM in a screening mode with assumed "worst case" meteorological conditions if more sophisticated on-site data are not available; and (6) whether limitations should be placed on the use of CTDM for regulatory applications.

The CTDM does not address all situations involving complex terrain where concentrations of possible concern can occur, e.g., on the lee side of hills. During the public comment period on the supplemental proposal (Docket A-80-46, Item VI-C-1), several commenters suggested that high concentrations may result at such locations and that the highly conservative nature of the existing complex terrain screening models compensates to some extent for not addressing any of these phenomena. The EPA solicits public comment on how to take such situations into account in setting emission limits for sources which use CTDM.

###### B. Ozone Precursor Point Source Modeling

The EPA's regulations require a demonstration that a proposed source (or modification) will not cause or contribute to a violation of any National Ambient Air Quality Standards. The modeling guideline does not, however, recommend a technique for predicting the impact on ambient ozone concentrations due to point sources of ozone precursor emissions, i.e., volatile organic compounds or nitrogen oxides. The EPA has developed a screening technique based on the Reactive Plume Model (RPM-II), (Docket Item II-1-5) and solicits comments on the technical validity of this screening technique.

###### C. Mobile Source Modeling at Signalized Intersections

The EPA is reviewing the most appropriate traffic and emissions components of intersection models for air quality analyses because high carbon monoxide concentrations occur near signalized intersections. In addition, the EPA guidance contained in Worksheet 2 of the "Guideline for Air Quality Maintenance Planning and Analysis, Volume 9", EPA-450/4-75-001, cannot adequately model overcapacity situations at these intersections. The EPA has been working with the Federal Highway Administration (FHWA) to determine how an intersection analysis should be performed and what emissions/traffic model to use. As a result of this joint effort recommendations on these issues and a

workplan for accomplishing them have been developed (Docket Items II-1-6 and 7). The EPA solicits comments on the adequacy of the technical approaches in the recommendations and workplan.

#### *D. Emissions and Dispersion Modeling System for Airports*

The U.S. Air Force and the FAA are jointly developing the Emissions and Dispersion Modeling System (EDMS) to provide an integrated assessment of pollution from multiple sources (e.g., aircraft, motor vehicles, and power plants) at airports and air bases. The model makes use of a modern microcomputer data base system through which an inexperienced layperson can enter data and initiate an emissions or dispersion modeling activity. This model has been submitted to EPA in accordance with EPA provisions for soliciting new models (45 FR 20157). A description of the model and a User's Guide have been prepared (Docket Item II-1-8).

The EPA solicits comments on: (1) Whether EDMS is a technically valid model; (2) whether the performance evaluations warrant the adoption of this model as a preferred model to estimate pollutant concentrations at airports; and (3) whether any limitations should be placed on the use of the EDMS model for regulatory applications.

#### *E. Long-Range Transport Models*

The EPA has been evaluating the performance of several long-range transport models. These models are needed to estimate pollutant concentrations at distances beyond about 50 km, the conventional limit for straightline Gaussian models. Estimates of concentrations at distances greater than 50 km may be required in certain applications, e.g., Class I PSD areas. Eight long-range transport models, submitted to EPA in accordance with EPA provisions for soliciting new models (45 FR 20157), have been evaluated by testing the models against two sets of field data. The eight models submitted can be used to predict short-term averages (3 to 24 hours) of SO<sub>2</sub> and primary particulates over distances of 20-2,000 km from single or a cluster of multiple sources. The study is described in the document titled "Evaluation of Short-Term Long-Range Transport Models", Volumes 1 and 2, EPA-450/4-86-016a and 016b (Docket Item II-1-9). The American Meteorological Society has completed a peer review report for this study (Docket Item II-1-10).

The EPA solicits comments on: (1) Whether EPA should adopt one of these eight models as a preferred long-range transport model; (2) whether any

limitations should be placed on model use for regulatory applications; (3) whether the model estimates are appropriate for averaging times and source receptor distances of regulatory concern; (4) whether the model use should be limited to concentrations of SO<sub>2</sub> and primary particulates; (5) whether consideration should be given to availability, complexity and the detail/content of input data bases in determining which model is recommended; and (6) how data collection and processing requirements could be minimized.

The modeling guideline currently states that selection of a long-range transport model is on a case-by-case basis. The EPA is developing an example guidance protocol to illustrate how to apply a long-range transport model to regulatory problems. This document contains recommendations for model input and options and an example application (Docket Item II-1-11). The EPA solicits comments on the technical approach used therein.

#### *F. Models for Estimating Visibility Impact of Specific Sources*

The modeling guideline lists two models which may be used on a case-by-case basis for refined analysis to estimate short-term impact assessment of the type of visibility impairment known as "plume blight" which can be attributed to a specific source. The EPA Office of Research and Development has provided recommendations of acceptable plume blight models (Docket Item II-1-12). The EPA solicits comments on whether to adopt the recommendations of this document and whether any limitations should be placed on the use of these models for regulatory applications.

The modeling guideline also references a document titled "Workbook for Estimating Visibility Impairment", EPA-450/4-80-031. A revision of this document has been prepared to reflect current technical information and experience (Docket Item II-1-13). It contains procedures and a visibility model that can be used for screening purposes to estimate visibility impairment from specific sources. The EPA solicits comments on the technical validity of the revised visibility workbook, and whether to adopt the techniques in this document.

#### *G. Model for Shoreline Dispersion*

The modeling guideline recommends the Offshore and Coastal Dispersion model for simulating plume dispersion and transport from offshore point sources to receptors on land or water. The modeling guideline also indicates

the need for predicting plume dispersion and fumigation under the unique meteorological conditions that affect elevated sources located on the coastline. There, a convective boundary layer capped by an inversion, becomes established when winds are onshore and sufficient overland heat flux and land-water temperature differences exist. Although models have been developed to address this problem, previous evaluations were not sufficient to allow EPA to recommend a specific technique. The EPA has not completed a performance evaluation entitled "Analysis and Evaluation of Statistical Coastal Fumigation Models", EPA-450/4-87-002, (Docket Item II-1-14). The EPA has also developed a method to incorporate shoreline dispersion conditions in EPA regulatory models using readily available data (Docket Item II-1-15).

The EPA solicits comment on: (1) Whether the performance evaluation study warrants the adoption of a preferred model for predicting plume dispersion and fumigation for elevated sources located on the coastline; (2) whether the methods to approximate certain input parameters from readily available data are adequate; and (3) whether any limitations should be placed on the use of the model in regulatory applications.

#### *H. Valley Stagnation*

The modeling guideline addresses the issues of wind stagnation but does not recommend any specific modeling techniques. Concerns about PM<sub>10</sub> violation violations in valley basins have led many State and local agencies to request a simple modeling technique for simulating stagnation and wind recirculation conditions. Stagnation conditions tend to occur more frequently and persist for a longer time in well defined valleys; however, periods of persistent very low winds can also occur in broad shallow valleys. Simply Gaussian models are not adequate during these conditions. The WYNDvalley model (developed by WYNDsoft, Inc.) appears to have technical merit and to be relatively simple to apply. However, model evaluation results based on a comparison between model estimates and air quality data are limited (Docket Item II-1-16).

The EPA solicits comments on: (1) Whether WYNDvalley is a technically valid model; (2) whether additional data bases exist to evaluate this model; (3) what guidance EPA should provide for users of the model; (4) whether any limitations should be placed on its use

for regulatory applications; and (5) whether there are any other models applicable to these stagnation conditions.

#### *I. On-Site Meteorological Program Guidance*

The use of on-site meteorological data to support air quality impact analyses has grown steadily over recent years. The EPA has published a document titled "On-site Meteorological Program Guidance for Regulatory Modeling Applications", EPA-450/4-87-013 (Docket Item II-I-17). The purpose of this document is to consolidate into a single document specific guidance on the collection and use of on-site meteorological data for air quality modeling analyses. While this document has undergone extensive external peer review by State agencies, meteorological instrument manufacturers, and other Federal agencies, it has not been subject to formal public comment. The EPA, therefore solicits comments on the on-site meteorological guidance document and on whether to adopt the recommendations of this document.

In response to the need for consistency in the processing of on-site meteorological data, EPA has developed a Meteorological Processor for Regulatory Models (MPRM), Docket Item II-I-18). This computer algorithm is designed to process on-site meteorological data following the procedures recommended in the on-site meteorological guidance document and produces output necessary to run the EPA regulatory dispersion models. The MPRM can also process National Weather Service surface and upper air data. It is designed to provide considerable flexibility to users in terms of input data formats, and also is structured to be easily expanded to accommodate data requirements of future models. The EPA, therefore, also solicits comments on whether to adopt MPRM as the standard processor of meteorological data input for modeling applications.

#### *J. Method for Evaluating Models*

The modeling guideline describes a number of actions to be taken to allow a judgment to be made as to what model is most appropriate for a given application and specifically refers to the document titled "Interim Procedures for Evaluation Air Quality Models", EPA-450/4-84-023. The Agency continues to work on refining these methods and has made advances in the statistical methodology needed for determining which model performs better than other competing models. With this newer

methodology, it is feasible to combine results from different averaging periods and different data bases into a probabilistic framework. This methodology is described in an EPA report titled "Protocol for Determining the Best Performing Model" (Docket Item II-I-19). An Appendix to this report provides examples of applying the protocol to compare the performance of two rural air quality models. The EPA solicits comments on the technical approach used in this report and whether to adopt the procedure in judging the best performing models for regulatory applications.

#### *K. Other Issues*

The modeling guideline references a document titled "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 10 (Revised)", EPA-450/4-77-001. This document has been revised to incorporate additions to the technical approach and changes so that the techniques now can easily be executed on an IBM-PC compatible microcomputer (Docket Item II-I-20). The EPA solicits comments on the technical validity of these screening techniques.

The EPA has under development and evaluation two regional scale models: the Regional Oxidant Model and the Regional Acid Deposition Model (Docket Items II-I-21 and 22). These models can treat complex chemical interactions associated with emissions from a large number of widely distributed sources (e.g., a metropolitan area) and can account for comprehensive physical and chemical processes important in the transport, transformation, and deposition of pollutants on a regional scale. These models are designed to evaluate policy implications of alternative control strategies for groups of sources encompassing a region. They are not designed to set emission limits for specific sources. The EPA solicits comments on the potential usefulness to regulatory programs of regional scale models to assess transport, chemical interactions and dispersion of multiple pollutants.

Finally, air quality dispersion models are taking on increasing importance as tools for analyzing air emissions in connection with toxics and hazardous waste pollutants. The EPA solicits comments on what modeling techniques to consider in developing air pathway analyses for such pollutants.

#### *Public Participation*

The Fourth Conference on Air Quality Modeling will be open to the public; no admission fee is charged. The morning

of the first day will include briefings by EPA officials and others on the modeling issues discussed above. In the afternoon, the conference will continue with statements from representatives of APCA's Meteorology Committee, the American Meteorological Society, the National Academy of Sciences, appropriate Federal agencies including the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, the FAA, and others. The day will conclude with statements by representatives of State and local air pollution control agencies. On the second day, the conference will be opened to statements and comments from the general public.

Persons wishing to speak at the conference should contact EPA at the address given in the "FURTHER INFORMATION" section no later than 10 days prior to the conference date. Such persons should identify the organization (if any) on whose behalf they are speaking and the length of presentation. If a presentation is projected to be longer than 15 minutes, the presenter should also state why a longer period is needed. Persons failing to submit a written notice but desiring to speak at the conference should notify the presiding officer immediately before the conference and will be scheduled on a time-available basis.

The conference will be conducted informally and chaired by an EPA official. There will be no sworn testimony or cross examination. A verbatim transcript of the conference proceedings will be made and placed in the docket. Speakers should bring extra copies of their presentation for inclusion in the docket, for the convenience of the reporter and the Agency panel. Speakers will be permitted to enter into the record any additional written comments that are not presented orally. Additional written statements or comments should be sent to the Central Docket Section (see ADDRESSES section). A transcript of the proceedings and a copy of all written comments will be maintained in Docket A-88-04 which will remain open for 60 days following the conference for the purpose of receiving additional comments.

Date: August 15, 1988.

**Don R. Clay,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 88-18951 Filed 8-22-88; 8:45 am]

BILLING CODE 6560-50-M

## GENERAL SERVICES ADMINISTRATION

41 CFR Parts 201-1, 201-2, 201-23,  
201-24

### Implementation of Title VIII, Paperwork Reduction Reauthorization Act of 1986, Regarding Automatic Data Processing Equipment; Correction

**AGENCY:** Information Resources  
Management Service, GSA.

**ACTION:** Notice of proposed rulemaking;  
correction.

**SUMMARY:** This document corrects a notice of proposed rulemaking on the Paperwork Reduction Reauthorization Act of 1986, that appeared at page 30706 in the *Federal Register* of Monday, August 15, 1988, (53 FR 30706). This action is necessary to incorporate changes that resulted from the Office of Management and Budget's regulatory review under Executive Order 12291 of February 17, 1981.

This proposed rule will implement certain selected portions of the Paperwork Reduction Reauthorization Act of 1986. Among other changes, the amendment will clarify the applicability of the Federal Information Resources Management Regulation (FIRMR) in FIRMR Part 201-1 to the management, acquisition, and use of various information resources by Federal agencies. FIRMR Part 201-2 will be revised to establish an umbrella term for ADP and telecommunications resources—Federal information processing (FIP) resources. The term and related definitions will be an efficient means for prescribing uniform programs, policies, and procedures for ADP and telecommunications resources. The amendment will also prescribe policies and procedures in FIRMR Part 201-24 for use in determining whether any particular procurement must be conducted under GSA's exclusive procurement authority.

In addition, the amendment will streamline the Delegations Program by establishing uniform procedures, uniform blanket delegations of procurement authority, and uniform Agency Procurement Requests (APRs) for all FIP resources. The effect of these changes to FIRMR 201-23 will be to set a single competitive regulatory blanket delegation of procurement authority of \$2.5 million for most ADP and telecommunications resources.

The change will allow GSA to focus review activities on agencies' overall IRM programs under the Procurement Management Review Program and on

the most significant agency acquisitions under the Delegations Program.

The amendment will also adopt continuing relevant portions of FIRMR Temporary Regulation 13 (51 FR 45887) that immediately addressed the impact of the same statute, and consolidate or eliminate certain portions of that rule. This amendment will supersede and cancel FIRMR Part 201-39, Major Changes and New Installations of Telecommunication Resources. [Note.—It will also supersede Subpart 201-38.2 of a proposed FIRMR rule, Revisions of FIRMR Telecommunications Policies, (Project No. 86.75) that was announced in a notice of proposed rulemaking appearing in the *Federal Register* on September 23, 1987 (52 FR 35736).]

**DATE:** Comments are due September 22, 1988.

**ADDRESSES:** Comments should be submitted to the General Services Administration, (Project KMP-87-7), Regulations Branch (KMPR), Office of Information Resources Management Policy, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** William R. Loy or Margaret Truntich, telephone (202) 566-0194 or FTS, 566-0194. The full text of the proposed rule is available upon telephone request.

**SUPPLEMENTARY INFORMATION:** (1) On December 23, 1986, FIRMR Temporary Regulation 13 was published in the *Federal Register* and was effective that day. It implemented applicable portions of the Paperwork Reduction Reauthorization Act of 1986 by incorporating the statutory definition of ADPE in the FIRMR. All of the amendments of Title VIII, the Paperwork Reduction Reauthorization Act of 1986, regarding automatic data processing equipment were effective on the date of enactment, October 18, 1986, except for the establishment of the Information Technology Fund. The fund was established on January 1, 1987. In particular, the delegations of authority provisions of FIRMR Temporary Regulation 13 were effective retroactively to October 18, 1986. It further provided blanket regulatory delegations of procurement authority for those cases where the amended Brooks Act became applicable to the acquisition. This amendment will codify relevant portions of FIRMR Temporary Regulation 13 and incorporate additional changes from the aforementioned statutory change as described in the succeeding paragraphs.

(2) Explanation of the changes being made by this issuance are shown below:

(a) In Part 201-1, the following changes will be made.

(i) Section 201-1.000-1 will be amended by revising paragraph (c) by removing language from the Paperwork Reduction Act of 1980 identifying "information management activities" and substituting the definition of "information resources management" that was provided in Pub. L. 99-500 (the Paperwork Reduction Reauthorization Act of 1986).

(ii) Section 201-1.102-2 will be amended by removing outdated language that reflected the prior review function of the Office of Management and Budget under Pub. L. 89-308.

(iii) Section 201-1.102-3 will be amended by removing the language included in that section. Exclusions from the Paperwork Reduction Reauthorization Act of 1986 that reflected the exclusion set forth in Pub. L. 97-86 (10 U.S.C. 2315) will now be more appropriately addressed in § 201-1.103, Applicability.

(iv) Section 201-1.103 will be amended by revising the section completely. This section will set forth in much greater detail the extent of the FIRMR's applicability to Federal agencies. It will address management and use of records by Federal agencies, management, acquisition, and use of Federal information processing (FIP) resources by Federal agencies, and management, acquisition, and use of radio equipment. The statutory exceptions to Pub. L. 99-500 will be stated. All previous regulatory exclusions for telecommunications are removed.

(b) In Part 201-2, the following changes will be made:

(i) A new definition of "Federal information processing resources" will be added.

(ii) A new definition of "Federal information processing equipment" will be added.

(iii) A new definition of "Federal information processing software" will be added.

(iv) A new definition of "Federal information processing services" will be added.

(v) A new definition of "Federal information processing support services" will be added.

(vi) A new definition of "Federal information processing related supplies" will be added.

(vii) A new definition of "Federal information processing system" will be added.

(viii) A new definition of "Telecommunications resources" will be added.

(ix) A new definition of "Radio equipment" will be added which attempts to recognize the merging of

technologies used to move and process information.

(x) A new definition of "Information" will be added.

(xi) A new definition of "Data" will be added.

(xii) A new definition of "Television equipment" will be added.

(xiii) A new definition of "Radar equipment" will be added.

(xiv) A new definition of "Sonar equipment" will be added.

(xv) A new separate definition of "Executive agency" will be added.

(c) In Part 201-23, the following changes will be made.

(i) Section 201-23.000 will be amended and revised to more fully describe the scope of the part.

(ii) Subpart 201-23.1 will be amended and revised to address delegations of GSA's exclusive procurement authority for FIP resources.

(iii) Section 201-23.100 will be amended and revised to more accurately describe the scope of the subpart.

(iv) Section 201-23.101 will be amended and revised to prescribe newly established policies regarding GSA's exclusive procurement authority for FIP resources.

(v) Section 201-23.102 will be amended and revised to set forth the policies and procedures regarding accountability for acquisition of FIP resources delegated under GSA's exclusive procurement authority.

(vi) Section 201-23.103 will be amended and revised to describe the methods for obtaining delegations of GSA's exclusive procurement authority for FIP resources.

(vii) Section 201-23.103-1 will be amended and revised to describe the policies and procedures regarding regulatory blanket delegations of GSA's exclusive procurement authority for FIP resources. Coverage for custom-developed FIP equipment will be revised. GSA will continue to develop

improved procedures for the procurement of FIP resources.

(viii) Section 201-23.103-2 will be amended and revised to provide policies and procedures regarding the establishment of agency blanket delegations of GSA's exclusive procurement authority for FIP resources.

(ix) Section 201-23.103-3 will be amended and revised to provide a single method for submitting an agency procurement request and obtaining a delegation of procurement authority for acquiring FIP resources.

(x) Subpart 201-23.2 will be amended and revised to address delegations of GSA's multi-year contracting authority for telecommunications resources.

(xi) Section 201-23.200 will be amended and revised to more accurately describe the scope of the subpart.

(xii) Section 201-23.201 will be amended and revised to describe GSA's authority to enter into multi-year contracts for telecommunications resources.

(xiii) Section 201-23.202 will be amended and revised to set forth more accurately the agency's accountability for acquisitions made under delegation of GSA's multi-year contracting authority for telecommunications.

(xiv) Section 201-23.203 will be amended and revised to more accurately prescribe policies and procedures relating to GSA's blanket multi-year contracting authority for telecommunications resources delegated to Executive agencies.

(d) In Part 201-24, the following changes will be made.

(i) Section 201-24.107 will be added to prescribe new policies and procedures regarding FIP resources that are included within general procurement requirements. It is designed to ensure that FIP resources will be acquired under FIRM provisions unless such provisions are clearly inappropriate. It will further provide a procedure so that a Federal agency may request a

deviation to conduct a procurement outside the provisions of the FIRM even though the requirement is within the limitations set forth in § 201-1.103(c)(2)(i)(B).

(ii) Section 201-24.202 will be retitled and modified to incorporate the policy that was in § 201-1.103(b)(2). This addition will require Federal agencies to include in solicitations and resultant contracts terms, conditions, and clauses which apply the full and open competition objective to the procurement of ADP resources by Federal contractors in certain situations.

(3) This amendment will supersede and cancel FIRM Temporary Regulation 13 upon its effective date.

(4) The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. GSA actions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Governmentwide regulation that will have little or no net cost effect on society. The rule is not likely to have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.).

List of Subjects in 41 CFR Part 201-1, 201-2, 201-23, and 201-24

Computer technology, Government procurement, Government property management, Telecommunications, Information resources activities, Government records management, Hearing and appeal procedures, Competition.

Dated: August 17, 1988.

Fred L. Sims,

Acting Deputy Commissioner for Federal Information, Resources Management.

[FR Doc. 88-19043 Filed 8-22-88; 8:45 am]

BILLING CODE 8820-25-M

## Notices

Federal Register

Vol. 53, No. 163

Tuesday, August 23, 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

#### Animal and Plant Health Inspection Service

[Docket No. 88-120]

#### Contagious Equine Metritis Program; Meeting

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of Meeting.

**SUMMARY:** We are giving notice of a meeting between members of the Animal and Plant Health Inspection Service, United States Department of Agriculture, and members of the public, to discuss the Contagious Equine Metritis Program.

Place, dates, and time of meeting: The meeting will be held in Room 107-A of the Administration Building, 14th Street and Independence Avenue, NW., Washington, DC 20250, September 27-28, from 9:00 a.m. to 5:00 p.m. on both days. Those attending the meeting must obtain a pass from building security personnel before proceeding to the meeting.

**FOR FURTHER INFORMATION CONTACT:** Dr. Chester A. Gipson, Senior Staff Veterinarian, Program Planning Staff, VS, APHIS, USDA, Room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8321.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to bring together members of the Animal and Plant Health Inspection Service, the horse industry, and other members of the public to discuss the Contagious Equine Metritis Program.

The meeting will be open to the public. Written comments concerning the Contagious Equine Metritis Program should be sent to Dr. Chester A. Gipson at the address listed in this document. Written comments may also be presented at the meeting. Please refer to

Docket Number 88-120 when submitting comments.

Done in Washington, DC this 18th day of August, 1988.

Larry B. Slagle,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 88-19119 Filed 8-22-88; 8:45 am]

BILLING CODE 3410-34-M

#### Federal Grain Inspection Service

#### Hard Red Spring Wheat, Protein Equipment Calibration

**AGENCY:** Federal Grain Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** Beginning September 6, 1988, the Federal Grain Inspection Service will implement an up-dated calibration for NIR instruments for Hard Red Spring wheat protein determinations.

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., USDA/FGIS/Resources Management Division, Room 0628-S, P.O. Box 96454, Washington, DC 20090-6454; telephone (202) 475-3428.

**SUPPLEMENTARY INFORMATION:** An up-dated Hard Red Spring (HRS) calibration for near infrared reflectance instruments will be implemented for protein determinations. The calibration was developed with the assistance of the USDA Agricultural Research Service Instrumentation Research Laboratory and the Agricultural Marketing Service Statistics Branch. New NIR values for the national standard reference samples will be used to detect instrument drift and keep the NIR's aligned with the Kjeldahl laboratory at the FGIS Technical Center in Kansas City.

Beginning Tuesday September 6, 1988, the up-dated calibration will be implemented in FGIS field offices and the official agencies in their circuits in the following sequence:

1. Grand Forks, ND; Moscow, ID;
2. Kansas City, MO; Omaha, NE; St. Louis, MO; Wichita, KS;
3. Duluth, MN; Minneapolis, MN; Portland, OR; Olympia, WA;
4. Destrehan, LA; Litcher, LA; Pasadena, TX;
5. Beaumont, TX; Belle Chasse, LA; Sacramento, CA; Montreal, CAN.

A technical review of the updated calibration indicates that the effect on the national system should be minimal. However, the precise impact of the up-

dated calibration at any given location cannot be accurately predicted.

To ensure that the HRS calibration reflects the new varieties being grown by producers and, is, therefore as precise as possible, FGIS has up-dated the HRS calibration using this year's data and the previous year's calibration data, the earliest data available. FGIS plans to update the calibration annually using a five year rollover of data, as such date becomes available, rather than the three year rollover of data as previously announced.

Dated: August 18, 1988.

D.R. Gallart,

*Deputy Administrator.*

[FR Doc. 88-19117 Filed 8-22-88; 8:45 am]

BILLING CODE 3410-EN-M

#### Foreign Agriculture Service

#### Assessment of Fees for Dairy Import Licenses

**AGENCY:** Foreign Agriculture Service, USDA.

**ACTION:** Notice of the fee for dairy import licenses for the 1989 quota year.

**SUMMARY:** This notice announces that the fee to be charged for the 1989 quota year for each license issued to a person or firm by the Department of Agriculture authorizing the importation of certain dairy articles which are subject to quotas proclaimed under the authority of section 22 of the Agricultural Adjustment Act of 1933, as amended, will be \$58.00 per license.

**EFFECTIVE DATE:** January 1, 1989.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Warsack, Import Licensing Group, Dairy, Livestock and Poultry Division, Room 6616—South Building, U.S. Department of Agriculture, Washington, DC 20250-1000 or telephone at (202) 447-5270.

**SUPPLEMENTARY INFORMATION:** Regulations promulgated by the Department of Agriculture and codified at 7 CFR 6.20-6.34 provide for the issuance of licenses to importers of certain dairy articles which are subject to quotas proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624). Those dairy articles may only be entered into the United States by or for the account of a

person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of such licenses and regulations.

The licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country. The use of licenses by the license holder to import dairy articles is monitored by the Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture (the "Licensing Authority") and the U.S. Customs Service.

Regulations at 7 CFR 6.33(a) provide that a fee will be charged for each license issued to a person or firm by the Licensing Authority in order to reimburse the Department of Agriculture for the costs of administering the licensing system under this regulation. The fee is to be based upon the total cost to the Department of Agriculture of administering the licensing system during the calendar year preceding the year for which the fee is to be charged divided by the average number of licenses issued per year for the three years preceding the year for which the fee is to be assessed.

Regulations at 7 CFR 6.33(b) provide that the Licensing Authority will announce the annual fee for each license and that such fee will be set out in a notice to be filed with the Federal Register. Accordingly, this notice sets out the fee for the licenses to be issued for the 1989 calendar year.

#### Notice

The total cost to the Department of Agriculture of administering the licensing system during 1988 has been determined to be \$203,322. Of this amount, \$137,322 represents the cost of the staff and supervisory hours devoted directly to administering the licensing system during 1988 (total personnel costs for the Import Licensing Group of the Foreign Agricultural Service equaled \$109,771; a proportionate share of the supervisory costs devoted directly to administering the licensing system equaled \$27,551); \$41,000 represents the cost of the computer on-line entry system used to monitor the use of licenses during 1988; and \$25,000 represents other miscellaneous costs, including travel, postage, and an in-house computer system. The average number of licenses issued per year for the three years immediately preceding 1989 has been determined to be 3,541.

Accordingly, notice is hereby given that the fee for each license issued to a person or firm for the 1989 calendar

year, in accordance with the regulations codified at 7 CFR 6.20-6.34, will be \$58.00 per license.

Issued at Washington, DC, the 29th day of July, 1988.

Richard P. Warsack,  
Licensing Authority.

[FR Doc. 88-19063 Filed 8-22-88; 8:45 a.m.]

BILLING CODE 3410-10-M

#### Forest Service

#### Mt. Graham Astrophysical Proposal; Intent to Prepare Environmental Impact Statement

**AGENCY:** Forest Service.

**ACTION:** Revised notice of intent to prepare an Environmental Impact Statement.

**SUMMARY:** As announced on July 16, 1985, and later amended on May 30, 1986, and October 10, 1987, the Department of Agriculture, Forest Service is preparing an environmental impact statement for a proposed astrophysical area on the Safford Ranger District, Coronado National Forest, Graham County, Arizona.

The draft environmental impact statement was released for public comment in October 1986. The public comment period ended on January 20, 1987. The previous schedule for releasing the final environmental impact statement was August 1, 1988. Because of the need to incorporate new information, the revised schedule for releasing the final environmental impact statement is now October 28, 1988. There will be a 60 day public comment period on the new information in the environmental impact statement.

A range of alternatives for future management of this area is being considered. Several alternatives include no astrophysical development. Other alternatives include different levels of astrophysical development and different locations for support facilities.

Sotero Muniz, Regional Forester of the Southwest Region in Albuquerque, New Mexico is the responsible official.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the analysis and schedule should be addressed to Robert Tippeconnic, Forest Supervisor, Coronado National Forest, 300 W. Congress, Tucson, Arizona 85701; telephone 602-629-6483.

Date: August 12, 1988.

Sotero Muniz,  
Regional Forester.

[FR Doc. 88-19044 Filed 8-22-88; 8:45 am]

BILLING CODE 3410-11-M

#### DEPARTMENT OF COMMERCE

#### Foreign-Trade Zones Board

[Order No. 392]

#### Transfer of Subzone Designation for Foreign-Trade Subzone 53A, General Motors Corp. Auto Assembly Plant, Oklahoma City, OK

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

After consideration of the request with supporting documents (Docket 26-87, filed September 18, 1987) from the City of Tulsa-Rogers County Port Authority, grantee of Foreign-Trade Zone 53, Tulsa, Oklahoma, for a transfer of the grant of authority for Subzone 53A at the General Motors Corporation auto assembly plant in Oklahoma City to the Oklahoma City Port Authority, grantee of Foreign-Trade Zone 106, which has concurred in the request, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the request and recognizes the Oklahoma City Port Authority as the new grantee of the General Motors subzone. The designation of the site is changed from Subzone 53A to Subzone 106A.

Signed at Washington, DC this 15th day of August 1988.

Timothy N. Bergan,

Acting Assistant Secretary for Import Administration, Chairman, Committee of Alternates.

John J. DaPonte, Jr.,

Executive Secretary.

[FR Doc. 88-19109 Filed 8-22-88; 8:45 am]

BILLING CODE 3510-DS-M

#### Office of Inspector General

#### Membership of the Office of Inspector General, Performance Review Board

In conformance with the Civil Service Reform Act of 1978, 5 USC 4314(c)(4), the Office of Inspector General (OIG) announces the appointment of persons to serve as members of its Performance Review Board (PRB). The OIG PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appointment authority on SES retention and compensation matters, including performance-based pay adjustments, awarding of bonuses and amounts, and initial recommendations for potential rank awards. The names of all

Commerce OIG Senior Executives will be placed on a register from which Boards will be established; the register will be established on September 16, 1988. The appointment of the members of the OIG PRB from outside of the OIG will be for a period of two years beginning September 16, 1988.

The names and titles of the OIG PRB membership follow. All are OIG employees, except where noted.

Charles M. Hall, Assistant Inspector General for Planning, Evaluation and Inspections

Franklyn J. Howatt, Deputy Assistant Inspector General for Investigations

Bryan B. Mitchell, Acting Deputy Inspector General (Department of Health and Human Services)

John D. Newell, Assistant Inspector General for Automated Information Systems

J. Steven Sadler, Deputy Assistant Inspector General for Auditing

Frederick J. Pinciario, Assistant Inspector General for Investigations

Linda G. Sundro, Acting Deputy Inspector General

John R. Szpanka, Assistant Inspector General for Auditing

**FOR FURTHER INFORMATION:** Contact Marie Van Wyk, Director for Administration, Department of Commerce, Office of Inspector General, 14th & Constitution NW, Room 7713, Washington, DC 20230, (202) 377-4948.

Date: August 15, 1988.

Francis D. DeGeorge,  
Inspector General.

[FR Doc. 88-19081 Filed 8-22-88; 8:45 am]

BILLING CODE 3510-BP-M

## International Trade Administration

[A-427-098]

### Anhydrous Sodium Metasilicate From France; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration Department of Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to a request by the respondent, the Department of Commerce has conducted an administrative review of the antidumping duty order on anhydrous sodium metasilicate from France. The review covers one exporter of this merchandise to the U.S., Rhone Poulenc Chimie de Base ("Rhone Poulenc"), and the period January 1, 1987 through December 31, 1987. There were no

known shipments of this merchandise to the United States by Rhone Poulenc during the period.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** August 23, 1988.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 25, 1988, the Department of Commerce ("the Department") published in the *Federal Register* (53 FR 9785) the final results of its last administrative review of the antidumping duty order on anhydrous sodium metasilicate from France. The respondent, Rhone Poulenc Chimie de Base, requested in accordance with section 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation of the antidumping duty administrative review on March 2, 1988 (53 FR 6681). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Imports covered by the review are shipments of anhydrous sodium metasilicate, a crystalline silicate (Na<sub>2</sub>SiO<sub>3</sub>) which is alkaline and readily soluble in water. Applications include waste paper de-inking, ore-flotation, bleach stabilization, clay processing, medium or heavy duty cleaning, and compounding into other detergent formulations. Anhydrous sodium metasilicate is currently classifiable under item number 421.3400 of the *Tariff Schedules of the United States Annotated* and item numbers 2839.11.00 and 2839.19.00 of the *Harmonized System*.

The review covers one exporter of French anhydrous sodium metasilicate, Rhone Poulenc, and the period January 1, 1987 through December 31, 1987. There were no known shipments of this merchandise by Rhone Poulenc to the United States during the period and there are no known unliquidated entries.

##### Preliminary Results of the Review

Because there were no shipments during this review, we based our margin determination on the last margin found in this proceeding and we preliminarily determine that the following margin exists:

Manufacturer/exporter	Time period	Margin (percent)
Rhone Poulenc .....	1/87-12/87	*60

\*No shipments during the period.

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice, and may request a hearing within 8 days of the date of publication. Any hearing, if requested, will be held 35 days after the date of publication or the first workday thereafter. Prehearing briefs and/or written comments may be submitted not later than 25 days after the date of publication. Rebuttal briefs or rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 32 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

As provided for by § 353.48(b) of the Commerce Regulations, the Department shall require a cash deposit of estimated antidumping duties of 60 percent for Rhone Poulenc. For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after December 31, 1987 and who is unrelated to the reviewed firm, a cash deposit of 60 percent shall be required. These deposit requirements are effective for all shipments of French anhydrous sodium metasilicate entered, or withdrawn from warehouse, for consumption or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Timothy N. Bergan,

Acting Assistant Secretary for Import Administration.

Date: August 16, 1988.

[FR Doc. 88-19107 Filed 8-22-88; 8:45 am]

BILLING CODE 3510-05-M

### Petroleum Wax Candles From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to a request by an importer, the Department of Commerce has conducted an administrative review of the antidumping duty order on petroleum wax candles from the People's Republic of China. The review covers one third-country reseller of this merchandise to the United States and the period February 19, 1986 through July 31, 1987. The review indicates the existence of dumping margins for the firm during the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the calculated differences between United States price and foreign market value.

We used the best information available for the firm because it failed to respond to our request for information.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** August 23, 1988.

**FOR FURTHER INFORMATION CONTACT:** Maura Kim or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 28, 1986, the Department of Commerce ("the Department") published in the Federal Register (51 FR 30686) an antidumping duty order on petroleum wax candles from the People's Republic of China. One importer requested in accordance with § 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation of the antidumping duty administrative review on September 21, 1987 (52 FR 35466). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

**Scope of the Review**

Imports covered by this review are shipments of petroleum wax candles. Petroleum wax candles are currently classifiable under Tariff Schedules of the United States item number 755.25 and Harmonized System item number 3406.00.00.

The review covers one third-country reseller of petroleum wax candles from the People's Republic of China and the period February 19, 1986 through July 31, 1987.

The third-country reseller, P & C

Enterprises (Hong Kong), did not respond to our questionnaire. Therefore, the Department used the best information available for this firm, which was the rate for all firms published in the antidumping duty order (51 FR 30686, August 28, 1986).

**Preliminary Results of the Review**

As a result of our review, we preliminarily determine that a margin of 54.21 percent exists for P&C Enterprises (Hong Kong) for the period February 19, 1986 through July 31, 1987.

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 8 days of publication. Any hearing, if requested, will be held 35 days after the date of publication, or the first workday thereafter. Prehearing briefs and/or written comments from interested parties may be submitted not later than 25 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 32 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service.

Further, as provided for by 19 CFR 353.48(b), a cash deposit of estimated antidumping duties based on the above margin shall continue to be required for all manufacturers/exporters. This deposit requirement is effective for all shipments of Chinese petroleum wax candles entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.53a.

Timothy N. Bergan,

Acting Assistant Secretary for Import Administration.

Dated: August 18, 1988.

[FR Doc. 88-19108 Filed 8-22-88; 8:45 am]

BILLING CODE 3510-DS-M

**DEPARTMENT OF DEFENSE**

**Public Information Collection Requirement Submitted to OMB for Review**

**ACTION:** Notice.

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

*Title, Applicable Form, and Applicable OMB Control Number:* DoD FAR Supplement, Part 4, and Related Clauses; DD Forms 2051, 2051-1, and 2139; and OMB Control Number 0704-0225.

*Type of Request:* Revision.

*Average Burden Hours/Minutes Per Response:* 7 minutes.

*Frequency of Response:* On occasion.

*Number of Respondents:* 136,201.

*Annual Burden Hours:* 27,057.

*Annual Responses:* 196,013.

*Needs and Uses:* This request concerns information collection requirements related to administrative matters (e.g., Duns numbers) and to collect socioeconomic data to comply with Presidential Executive Order 12138.

*Affected Public:* Businesses and other for profit.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Eyvette R. Flynn.

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

*DOD Clearance Officer:* Ms. Pearl Rascoe-Harrison.

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

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

August 18, 1988.

[FR Doc. 88-19064 Filed 8-22-88; 8:45 am]

BILLING CODE 3810-01-M

**Public Information Collection Requirement Submitted to OMB for Review**

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the

following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title, Applicable Form, and Applicable OMB Control Number:*

DoD FAR Supplement, Part 27, Patents, Data and Copyrights; DD Form 882; and OMB Control Number 0704-0240.

*Type of Request:* Revision.  
*Average Burden Hours/Minutes Per Response:* 84 hours.

*Frequency of Response:* Monthly.  
*Number of Respondents:* 16,743.  
*Annual Burden Hours:* 2,382,416.  
*Annual Responses:* 18,756.

*Needs and Uses:* This request concerns information collection and recordkeeping requirements related to technical data, software copyrights, patents, and contracts.

*Affected Public:* Businesses and other for profit.

*Respondent's Obligation:* Mandatory.  
*OMB Desk Officer:* Ms. Eyvette R. Flynn.

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

*DOD Clearance Officer:* Ms. Pearl Rascoe-Harrison.

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

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

August 17, 1988.

[FR Doc. 88-19065 Filed 8-22-88; 8:45 am]

BILLING CODE 3810-01-M

## Defense Logistics Agency

### Privacy Act of 1974; Revised Record System

**AGENCY:** Defense Logistics Agency (DLA), Department of Defense (DoD).

**ACTION:** Notice of a revision of a DLA system of records for public comment.

**SUMMARY:** The Defense Logistics Agency of the Department of Defense proposes to revise an existing system of records subject to the Privacy Act of 1974.

**DATE:** The proposed action will be effective without further notice on September 22, 1988 unless comments are

received which would result in a contrary determination.

**ADDRESS:** Send any comments to the System Manager identified in the record system notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dave Henshall, DLA-XAM, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, Telephone: 202-274-6234, Autovon: 284-6234.

**SUPPLEMENTARY INFORMATION:** This existing record system was published at 50 FR 22902, May 29, 1985. The revision includes various modifications to the basic text. The Defense Logistics Agency systems of records as prescribed by the Privacy Act of 1974 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 85-10237 (50 FR 22897) May 29, 1985 (DoD Compilation)

FR Doc. 85-30123 (50 FR 51898) December 20, 1985

FR Doc. 86-17259 (51 FR 27443) July 31, 1986

FR Doc. 86-19035 (51 FR 30104) August 22, 1986

FR Doc. 87-21854 (52 FR 35304) September 18, 1987

FR Doc. 87-22481 (52 FR 37495) October 7, 1987

FR Doc. 88-03220 (53 FR 04442) February 16, 1988

FR Doc. 88-06658 (53 FR 09965) March 28, 1988

FR Doc. 88-12863 (53 FR 21511) June 8, 1988

FR Doc. 88-15473 (53 FR 26105) July 11, 1988

This notice is not within the purview of subsection (o) of the Privacy Act, 5 U.S.C. 552a, which requires the submission of a new or altered system report.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

August 17, 1988.

**S160.50 DLA-1**

**SYSTEM NAME:**

Criminal Incidents/Investigations File.

**SYSTEM LOCATION:**

Primary System—case files on all incidents of known or suspected criminal activity or other serious incidents: Office of Command Security and Office of General Counsel, Headquarters Defense Logistics Agency (HQ DLA) and field extension offices. Decentralized segments—above described files and files of minor nature: DLA Primary Level Field Activities (PLFAs) and six Secondary Level Field Activities (SLFAs).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Reports of investigation, messages, statements of witnesses, subjects and victims, photographs, laboratory reports,

data collection reports, and other related papers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 21, Internal Security of 1950 (Pub. L. 831, 81st Congress), DoD Directive 5105.22, Defense Logistics Agency, DoD Instruction 5240.4, Reporting of Counterintelligence and Criminal Violations, DoD Directive 5105.42, Defense Investigative Service, and DoD Instruction 5505.2, Criminal Investigations of Fraud Offenses.

**PURPOSE(S):**

Information is maintained for the purpose of monitoring the progress of investigations, identification of crime conducive conditions, crime and loss prevention, and preparation of statistical data required by higher authority. Information is used by: DLA Security and General Counsel personnel—to monitor progress of cases, develop non-personal statistical data on crime and crime investigative support for the future. DLA General Counsel—review of all available remedies. DLA supervisors and managers—to determine appropriate action against DLA employees in cases of their involvement.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information may be referred to local, state, or Federal law enforcement agencies when the information indicates a violation of local, state or federal laws. See also blanket routine uses set forth at the beginning of this agency's listing of records system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records maintained in combination of paper and automated files.

**RETRIEVABILITY:**

Hardcopy records filed chronologically by DLA case number and cross-indexed to a card index file. Indexed by name of the individual or firm involved. Automated records are retrievable by name of the individual or firm, DLA case number, PLFA number or activity code.

**SAFEGUARDS:**

Records, as well as computer terminals, are maintained in areas accessible only to DLA Security and Office of General Counsel personnel. In addition, access to a retrieval from computerized files is limited to

authorized users and is password protected.

**RETENTION AND DISPOSAL:**

Paper records from external law enforcement and investigative organizations are destroyed 5 years after the receipt of a final report in each case, or when no longer needed, whichever is later. Criminal investigative reports generated by DLA investigators/detectives are retained for 25 years, either in hard copy or microfiche, as recommended by the DIS Defense Central Investigation Index (DCIL). Automated records are retained for 10 years in the on-line mode and then transferred to magnetic tape with retention of 25 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Staff Director, Office of Command Security, DLA; Heads of PLFAs and SLFAs.

**NOTIFICATION PROCEDURE:**

Written or personal requests for information may be directed to the SYSMANAGER.

**RECORD ACCESS PROCEDURE:**

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with the file.

**CONTESTING RECORD PROCEDURES:**

DLA's rules for contesting contents as well as appealing initial determinations by the individual concerned may be obtained from the SYSMANAGERS.

**RECORD SOURCE CATEGORIES:**

Reports of investigations by DLA investigators, Security Officer, Federal, State, and local law enforcement and investigative agencies.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Parts of this system may be exempt under Title 5 U.S.C. 552a(k)(2) as applicable. Agency rules pertaining to this exemption are set forth both in Appendix C of 32 CFR Part 1288 and DLA Regulation 6400.21. For additional information, contact the System Manager.

[FR Doc. 88-19066 Filed 8-22-88; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF EDUCATION**

**Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Information Collection Requests.

**SUMMARY:** The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** Interested persons are invited to submit comments on or before September 22, 1988.

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

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

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

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the

requests are available from Margaret Webster at the address specified above.

Dated: August 18, 1988.

Carlos U. Rice,

Director for Office of Information Resources Management.

**Office of Postsecondary Education**

*Type of Review:* Revision

*Title:* Financial Status and Performance Report Forms for the Veterans Education Outreach Program (VEOP)

*Affected Public:* Non-profit institutions

*Frequency:* Annually

*Reporting Burden:*

*Responses:* 600

*Burden Hours:* 1,200

*Recordkeeping:*

*Recordkeepers:* 600

*Burden Hours:* 600

*Abstract:* Institutions of higher education that have participated in the Veterans Education Outreach Program are to submit these reports to the Department. The Department uses the information to assess the accomplishments of project goals and objectives, and to aid in effective program management.

**Office of Postsecondary Education**

*Type of Review:* Extension

*Title:* Performance Report under the Law School Clinical Experience Program

*Affected Public:* Non-profit institutions

*Frequency:* Annually

*Reporting Burden:*

*Responses:* 66

*Burden Hours:* 198

*Recordkeeping:*

*Recordkeepers:* 66

*Burden Hours:* 198

*Abstract:* Accredited law schools that have participated in the Law School Clinical Experience Program are to submit this report to the Department. The Department uses the information to assess the accomplishments of project goals and objectives, and to aid in effective program management.

[FR Doc. 88-19115 Filed 8-22-88; 8:45 am]

BILLING CODE 4000-01-M

**Office of Elementary and Secondary Education; Intent To Repay to the New Jersey State Department of Education Funds Recovered as a Result of Final Audit Determinations**

**AGENCY:** Department of Education.

**ACTION:** Notice of intent to award grantback funds.

**SUMMARY:** Under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education

(Secretary) intends to repay to the New Jersey State Department of Education, the State educational agency (SEA), an amount equal to 75 percent of the funds recovered by the U.S. Department of Education (Department) as a result of final audit determinations. This notice describes the SEA's plan, submitted on behalf of the Paterson School District (PSD), the local educational agency (LEA), for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. The notice invites comments on the proposed grantback.

**DATE:** All written comments must be received on or before September 22, 1988.

**ADDRESS:** All comments should be addressed to Dr. James Spillane, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 2043, MS-6276), Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Dr. James Spillane. Telephone: (202) 732-4692.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Department has recovered \$93,247, plus accrued interest, from the New Jersey SEA in satisfaction of claims arising from two separate audits conducted by the Department's Office of Inspector General.

The claims involved the SEA's administration of Title I of the Elementary and Secondary Education Act of 1965 (Title I) and Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1), programs that addressed the special educational needs of educationally deprived children in areas with high concentration of children from low-income families. Specifically, the Department's March 12, 1985 final audit determination found that during fiscal years (FYs) 1981 and 1982 Title I funds had been spent in PSD in violation of the supplement, not supplant requirement of section 126(c) of Title I. The requirement provided that Title I funds supplement, and not supplant, State and local funds and be expended to meet needs left unmet by funds available from those sources.

In a July 23, 1986 final audit determination, the Department found that the 1983-84 financial report of PSD contained excess claims against Chapter 1 in the amount of \$36,967. This was in violation of 34 CFR 200.56 (1983), which provided that an LEA could receive Title I funds only if it used fiscal control and funds accounting procedures to ensure

proper disbursement of and accounting for Chapter 1 funds.

**B. Authority for Awarding a Grantback**

Section 456(a) of GEPA, 20 U.S.C. 1234e(a), provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the SEA or LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that the—

(1) Practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and the SEA or LEA is, in all other respects, in compliance with the requirements of the applicable program;

(2) SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of funds to be awarded under the grantback arrangement in accordance with the SEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

**C. Plan for Use of Funds Awarded Under a Grantback Arrangement**

Pursuant to section 456(a)(2) of GEPA, the SEA has applied for a grantback of \$69,935 and has submitted a plan on behalf of PSD for use of the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of the Education Consolidation and Improvement Act of 1981, 20 U.S.C. 3801 *et seq.* The first final audit determination against the SEA resulted from improper expenditures of Title I funds, whereas the second audit determination involved excess claims against Chapter 1, which has superseded Title I. The SEA's proposal reflects the requirements in Chapter 1—a program similar to Title I, designed to serve educationally deprived children in low-income areas.

The SEA's plan proposes that the PSD will use the grantback funds to provide concentrated, computer-assisted instruction for 300 currently participating Chapter 1 students who are the most severely deficient in reading and writing and/or mathematics, after

school for two hours a day four days a week. While the program will focus on computer-assisted instruction, teachers will also provide direct instruction to small groups according to identified deficiencies. According to the plan, \$42,210 of the grantback will be used to purchase 20 computers, and the remaining \$27,725 will be used to pay for teachers' salaries and benefits. Students will participate in motivational activities to improve attendance and strengthen self-esteem. The program will be provided for eight weeks in September and October 1988. The computers that will be purchased with grantback funds will also be used by eligible students in PSD's regular school year 1988-89 Chapter 1 program. Eligible Chapter 1 students from nonpublic schools will be provided the opportunity and will be encouraged to participate in the after-school program.

**D. The Secretary's Determinations**

The Secretary has carefully reviewed the plan submitted by the SEA. Based upon that review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

**E. Notice of the Secretary's Intent to Enter Into a Grantback Arrangement**

Section 456(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the *Federal Register* a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the New Jersey SEA under a grantback arrangement. The grantback award would be in the amount of \$69,935, which is 75 percent—the maximum percentage authorized by the statute—of the amount paid by the State (less interest) to the Department as a result of the audits.

**F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made**

The SEA and LEA agree to comply with the following terms and conditions under which payment under a grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved in advance by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(2) In accordance with section 456(c) of GEPA and the SEA's plan, the funds received under the grantback arrangement for the purchase of computers (\$42,210) must be obligated by September 30, 1988, and the remaining \$27,725 must be obligated by September 30, 1989.

(3) The SEA, on behalf of the LEA, will, not later than January 1, 1989, submit a report to the Secretary that—

(a) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and approved budget; and

(b) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Dated: August 17, 1988.

William J. Bennett,  
Secretary of Education.

(Catalog of Federal Domestic Assistance  
Number 84.010, Educationally Deprived  
Children—Local Educational Agencies)

[FR Doc. 88-19112 Filed 8-22-88; 8:45 am]

BILLING CODE 4000-01-M

#### Office of Elementary and Secondary Education; Intent To Repay to the New York State Education Department Funds Recovered as a Result of a Final Audit Determination

**AGENCY:** Department of Education.

**ACTION:** Notice of intent to award grantback funds.

**SUMMARY:** Under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education (Secretary) intends to repay to the New York State Education Department, the State educational agency (SEA), \$768,600 of the \$1,110,718 recovered by the U.S. Department of Education (Department) as a result of a final audit determination. This notice describes the SEA's plan, submitted on behalf of the New York City Board of Education, the local educational agency (LEA), for the

use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. The notice invites comments on the proposed grantback.

**DATE:** All written comments must be received on or before September 22, 1988.

**ADDRESS:** All comments should be addressed to Dr. James Spillane, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 2043, MS-6276), Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Dr. James Spillane. Telephone: (202) 732-4694.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The Department has recovered \$1,110,718 from the New York SEA in satisfaction of claims arising from an audit covering fiscal years (FYs) 1980 through 1982.

The claims involved the SEA's administration of Title I of the Elementary and Secondary Education Act of 1965 (Title I), a program that addressed the special educational needs of educationally deprived children in areas with high concentrations of children from low-income families. Specifically, the Department's final audit determination found that contrary to the provisions of 20 U.S.C. 2736(b), the LEA used \$85,918 of Title I funds to pay more than the excess costs of guidance counselor services that the LEA provided as a substitute for regular counselor services that Title I children would have otherwise received. The Department's final audit determination also found that contrary to the provisions of 20 U.S.C. 2734(a) and the cost principles in Appendix C of 34 CFR Part 74, the LEA improperly used \$1,372,000 to pay the salaries of high school educational assistants who did not devote full time to the Title I program.

The refund demand of \$1,427,918 (\$85,918 + \$1,372,000) was reduced to \$1,110,718 as a result of additional information provided by the SEA. The SEA has repaid the full \$1,110,718 owed in this matter.

##### B. Authority for Awarding a Grantback

Section 456(a) of CEPA, 20 U.S.C. 1234e(a), provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to

the SEA or LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that the—

(1) Practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and the SEA or LEA is, in all other respects, in compliance with the requirements of the applicable program;

(2) SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of funds to be awarded under the grantback arrangement in accordance with the SEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

##### C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 456(a)(2) of GEPA, the SEA has applied for a grantback of \$768,600 and has submitted a plan on behalf of the LEA for use of the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of the Education Consolidation and Improvement Act of 1981. 20 U.S.C. 3801 et seq. The final audit determination against the SEA resulted from improper expenditures of Title I funds. However, since Chapter 1 superseded Title I, the SEA's proposal reflects the requirements in Chapter 1—a program, similar to Title I, designed to serve educationally deprived children in low-income areas.

The SEA's plan proposes that the LEA would use the grantback funds to purchase instructional materials and supplies for the school year 1988-89 regular Chapter 1 program. As a result, the regular Chapter 1 funds could be used by the LEA to employ 15 additional teachers to meet reading and writing remedial needs of approximately 2,550 educationally disadvantaged children. The grantback funds would make it possible to provide vital compensatory education assistance to eligible Chapter 1 students who in the absence of such funds would not receive Chapter 1 assistance.

The instructional materials and supplies purchased with grantback funds would augment the Chapter 1 Reading/Writing Program in 65 Chapter

1 high schools. These materials and supplies have been identified as the resources necessary to implement the school year 1988-89 regular Chapter 1 program. Through Chapter 1, high school students identified as in need of remediation are provided with the basic skills to allow them to experience success in the regular high school program and, ultimately, to function in society as productive citizens.

#### D. The Secretary's Determinations

The Secretary has carefully reviewed the plan submitted by the SEA. Based upon that review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action. In finding that the conditions of section 456 of GEPA have been met, the Secretary makes no determinations concerning any pending audit recommendations or final audit determinations.

#### E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the *Federal Register* a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the New York SEA under a grantback arrangement. The grantback award would be in the amount of \$768,600, which is within the range authorized by the statute.

#### F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made

The SEA and LEA agree to comply with the following terms and conditions under which payment under a grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved in advance by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be obligated by September 30, 1988, in accordance with section 456(c) of GEPA and the SEA's plan.

(3) The SEA, on behalf of the LEA, will, not later than January 1, 1989, submit a report to the Secretary which—

(a) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and approved budget, and

(b) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Dated: August 17, 1988.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistant Number 84.010, Educationally Deprived Children—Local Educational Agencies)

[FR Doc. 88-19111 Filed 8-22-88; 8:45 am]

BILLING CODE 4000-01-M

#### Notice Inviting Applications for New Awards Under the Research in Education of the Handicapped Program for Fiscal Year 1989

CFDA No.: 84.023

*Purpose:* To assist research and related purposes, and to conduct research, surveys, or demonstrations, relating to the education of, and early intervention services for, infants, toddlers, children and youth with handicaps.

*Applications Available:* August 31, 1988.

*Applicable Regulations:* (a) The Research in Education of the Handicapped Program Regulations, 34 CFR Part 324, as amended by 52 FR

43482-43483 (November 12, 1987); and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

*General:* In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary gives an absolute preference under the Research in Education of the Handicapped program for Fiscal Year 1989 to applications that respond to the following priorities; that is, the Secretary will select for funding only those applications proposing projects that meet one of these priorities. The Secretary has selected these priorities from the list of authorized projects set forth in 34 CFR 324.10. All applications submitted will be evaluated using the selection criteria at § 324.31 for research projects.

#### Priority 1—Field-Initiated Research Projects

This priority provides support for a broad range of field-initiated research projects focusing on the education of, and early intervention services for, infants, toddlers, children, and youth with handicaps consistent with the purposes of the program as stated in 34 CFR 324.1. This priority allows projects to address problems identified by researchers/investigators in the field.

#### Priority 2—Student-Initiated Research

The priority provides support for a broad range of student-initiated research projects focusing on the education of, and early intervention services for, infants, toddlers, children, and youth with handicaps consistent with the purposes of the program as stated in 34 CFR 324.1.

The Secretary particularly encourages applications for short term projects (up to 18 months) that will develop research skills in post-secondary students. The Secretary further encourages applications that, while developed by the student, will identify a principal investigator who will serve as a mentor to the student/researcher. However, in accordance with 34 CFR 75.105(c)(1), applications that meet the criteria discussed in this paragraph will not be given a competitive or absolute preference over other applications.

#### RESEARCH PRIORITIES FOR FISCAL YEAR 1989

Title and CFDA Number	Deadline for transmittal of applications	Available funds	Estimated range of awards	Estimated size of awards	Estimated number of awards	Project period in months
Field-Initiated Research Projects (CFDA No. 84.023C).....	Oct. 17, 1988 .....	\$1,200,000	\$30,000-\$130,000	\$108,000	12	Up to 60.
Student-Initiated Research Projects (CFDA No. 84.023B).....	Mar. 3, 1988 .....	\$125,000	\$3,000-\$12,000	\$8,000	15	Up to 18.

*Contact Person:* Linda Glidewell, U.S. Department of Education, Office of Special Education Programs, Division of Innovation and Development, 400 Maryland Avenue SW. (Switzer Building, Room 3094-M/S 2313), Washington, DC 20202, Telephone: (202) 732-1099.

**Program Authority:** 20 U.S.C. 1441-1444.

**Dated:** August 18, 1988.

**Madeleine Will,**

*Assistant Secretary, Office of Special Education and Rehabilitative Services.*

[FR Doc. 88-19113 Filed 8-22-88; 8:45 am]

**BILLING CODE 4000-01-M**

## DEPARTMENT OF ENERGY

### Availability of Environmental Assessment and Finding of No Significant Impact Incorporating Floodplain Statement of Findings; Remedial Action at the Green River Uranium Mill Tailings Site, Green River, UT

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of availability of Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) incorporating Floodplain Statement of Findings.

**SUMMARY:** The DOE has published an Environmental Assessment of Remedial Action at the Green River Uranium Mill Tailings Site, Green River, Utah (DOE-EA-0343), for the proposed remedial action on residual radioactive materials at the inactive uranium mill site near Green River, Utah. On the basis of the analyses in the EA, the DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and has issued a FONSI which appears immediately following this notice. The DOE has also prepared a Floodplain Assessment as part of the EA. The EA is available for public review.

#### Background

The Green River tailings site is in Grand County, Utah, 0.5 miles southeast of the town of Green River. The uranium mill tailings were produced from processing uranium ore for sale to the Atomic Energy Commission, a predecessor of the DOE, by the Union Carbide Corporation, which built and operated the mill from 1958-1961. The tailings remaining from the operations now rest in a pile covering

approximately 8 acres of the 48-acre designated site.

In 1978, the U.S. Congress passed the Uranium Mill Tailings Radiation Control Act, Pub. L. 95-604. In this Act, the Congress found that uranium mill tailings may pose a potential radiation health hazard. It authorized the DOE to carry out remedial action at each site in cooperation with other Federal agencies and with the States or Indian tribes affected by the action. It gave to the Nuclear Regulatory Commission (NRC) responsibility for consulting with the DOE over a range of subjects concerning conduct of remedial action, for concurring with the selected remedial action and with any cooperative agreement with a State or Indian tribe, and for licensing the maintenance of each tailings disposal site after the remedial action is completed. In addition, the Environmental Protection Agency (EPA) was given the responsibility to set standards to protect public health, safety, and the environment at the disposal sites.

In accordance with Pub. L. 95-604, the DOE designated 24 sites for remedial action. One of these sites is the inactive processing site near Green River, Utah. The EPA issued standards (40 CFR Part 192) for remedial actions at inactive uranium processing sites on January 5, 1983 (48 FR 590).

#### Scope of EA

The EA evaluates the no-action alternative and two alternatives for minimizing the potential public health hazards associated with the Green River site: (1) Decontaminate the buildings at the mill site and relocate the radioactive wastes from the existing tailings pile and other contaminated material to an area 600 feet south of the existing tailings pile for permanent stabilization on site—(the proposed action); (2) and stabilize the wastes on the site at the existing tailings site location. The impacts of these three alternatives are assessed in terms of effects on radiation levels, health effects, air quality, soils and mineral resources, surface water and groundwater resources, ecosystems, land use, sound levels, cultural resources, population and employment, housing and community services, economic structures, energy and water consumption, transportation networks, and non-radiological accidents.

#### Availability of the EA and FONSI

Copies of the EA and FONSI have been distributed to Federal, State, Tribal and local agencies and to organizations and individuals known to be interested in the Green River remedial action project. Additional copies may be

obtained from the Project Manager, Uranium Mill Tailings Remedial Action Project Office, U.S. Department of Energy, 5301 Central Avenue NE., Suite 1720, Albuquerque, New Mexico, 87108. Phone: (505) 844-3941.

Copies of the EA and FONSI are available for public inspection at the following locations:

- College of Eastern Utah, 451 East 400 North, Price, UT 84501
  - Brigham Young University Library, 1368 HBL, Provo, UT 84602
  - Utah State University Library, 2159 South 300 West, Salt Lake City, UT 84115
  - University of Utah, Marriott Library, Salt Lake City, UT 84112
  - Freedom of Information Reading Room, Room 1E-190, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
  - Library, Oak Ridge Operations Office, Federal Building, Oak Ridge, TN 37830
  - Green River Library, 85 South Long Street, Green River UT 84525
  - Utah State University, Merrill Library, Logan, UT 84322
  - Grand County Library, 37 South 100 East, Moab, UT 84532
  - University of Illinois, 1408 West Gregory Drive, Document Library, Room 2000, Urbana, IL 61801
  - Stewart Library—2901, Weber State College, 3750 Harrison Blvd., Ogden, UT 84408
  - Library, Richland Operations Office Federal Building, Richland, WA 99352
  - Library, Savannah River Operations, Savannah River Plant, Aiken, SC 29801
  - U.S. Department of Energy, Grand Junction Library, P.O. Box 2567, Grand Junction, CO 81502
  - Library, Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439
  - Library, Idaho Operations Office, 550 Second Street, Idaho Falls, ID 83401
- Issued in Washington, DC July 27, 1988.
- John E. Baublitz,**  
*Acting Director, Office of Remedial Action and Waste Technology, Office of Nuclear Energy.*
- [FR Doc. 88-19121 Filed 8-22-88; 8:45 am]  
**BILLING CODE 6450-01-M**

### Finding of No Significant Impact and Floodplain Statement of Findings for the Remedial Action at the Green River Uranium Mill Tailings Site, Green River, UT

**AGENCY:** U.S. Department of Energy.

**ACTION:** Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings.

**SUMMARY:** The U.S. Department of Energy (DOE) has prepared an environmental assessment (EA) (DOE/EA-0343) on the proposed remedial action at the inactive uranium mill tailings site near Green River, Utah. Based on the analyses in the EA, which is available upon request, the DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, the preparation of an environmental impact statement (EIS) is not required. The DOE has also prepared a Floodplain Assessment as part of the EA. This assessment is prepared pursuant to Executive Orders 11988 and 11990, and 10 CFR Part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements.

Under authority granted by the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978 (Pub. L. 95-604 dated November 8, 1978), the U.S. Department of Energy (DOE) proposes to clean up the residual radioactive wastes and other contaminated materials at the inactive uranium mill tailings site located at Green River, Utah. The proposed action will move and stabilize the radioactive wastes according to a plan to be concurred in by the U.S. Nuclear Regulatory Commission (NRC) and the State of Utah.

**Background**

On November 8, 1978, the Uranium Mill Tailings Radiation Control Act (UMTRCA), Pub. L. 95-604 (PL95-604), was enacted in order to address a Congressional finding that uranium mill tailings located at inactive processing sites may pose a potential and significant radiation health hazard to the public. Title I of the UMTRCA authorized the DOE to enter into cooperative agreements with affected states or Indian tribes to clean up those inactive sites contaminated with uranium mill tailings and required the Secretary of the DOE to designate sites to be cleaned up. On November 8, 1979, DOE designated 24 inactive processing sites for remedial action under Title I of the UMTRCA including the inactive uranium mill tailings site near Green River, Utah (44 FR 74892).

The UMTRCA also required the U.S. Environmental Protection Agency (EPA) to promulgate standards for remedial action at all inactive mill sites. The

purpose of these standards is to protect the public health and safety and the environment from radiological and nonradiological hazards associated with residual radioactive materials at the sites. The final standards (40 CFR Part 192) were published on January 5, 1983, and became effective on March 7, 1983. However, on September 3, 1985, the U.S. 10th Circuit Court of Appeals remanded groundwater standards 40 CFR 192.2(a)(2)-(3). Proposed standards were issued by EPA on September 23, 1987. Under UMTRCA, the DOE must comply with the proposed standards until standards are promulgated in final form. As a result, remedial action taken with regard to the Green River site would not preclude subsequent design enhancements if needed to achieve compliance and would not limit the selection of reasonable groundwater restoration methods that may be necessary when final standards are promulgated. When the final EPA standards are promulgated, the DOE will evaluate the groundwater protection requirements and undertake such action as is necessary to ensure that the final standards are met. The need for and extent of aquifer restoration will be evaluated in a separate NEPA process.

Under the UMTRCA, all remedial actions must be selected and performed with the concurrence of the NRC. The NRC has not and does not intend to issue regulations applicable to the Title I remedial actions at the inactive uranium mill tailings sites but will issue a license applicable to the 24 inactive sites for long-term surveillance and maintenance after the remedial actions are complete. On May 15, 1980, the DOE and the State of Utah entered into a cooperative agreement under Title I of the UMTRCA. The cooperative agreement set forth the terms and conditions for the DOE and Utah cooperative remedial action efforts including the DOE's development of a remedial action plan (concurred in by the State of Utah), the DOE's preparation of an appropriate environmental document, real estate responsibilities, and other concerns. The DOE and the State of Utah will provide 90 and 10 percent, respectively, of the engineering and construction costs.

**Project Description**

The Green River uranium mill tailings site covers 48 acres in Grand County, Utah, 0.5 mile southeast of the town of Green River. The mills was built in 1957 by Union Carbide Corporation and operated from 1958 through 1961, as an upgrader for ores from the Temple Mountain uranium mines approximately 40 miles to the southwest. When the

Green River mill was shut down in 1961, the plant equipment was dismantled but the buildings were left intact. Union Carbide (now UMETCO) still owns the site and buildings, which are currently vacant but leased for use to the city of Green River.

The 48-acre designated site consists of the tailings pile (eight acres), the mill yard and ore storage area (21 acres), four main buildings, a water tower, and several small buildings. The total volume of contaminated materials, including the tailings and underlying soils, is estimated to be 185,000 cubic yards (cy). The buildings are structurally sound and are marginally contaminated. Access to the mill yard is restricted by a six-foot-high security fence with locked gates. The tailings pile is also fenced to restrict vehicles and livestock access; pedestrian traffic is not restricted. The remainder of the designated site is not fenced and access is not restricted. Radiation warning signs are posted on the fences at the site. Dispersion of the tailings by wind and water erosion has contaminated approximately 64 acres of which 40 (including the area of the former ore storage and mill yard) and 24 acres are within and outside of the designated site, respectively.

The principal feature of the proposed action is the relocation of the tailings and other contaminated materials to a disposal area 600 feet south of the existing tailings pile. The tailings and other contaminated materials would be consolidated in a below-grade area; the resulting disposal cell would be contoured to have 10 percent (10 horizontal to one vertical) sideslopes and a gently sloping top of five percent. To ensure compliance with the EPA standards, the tailings and contaminated materials would be covered with 1.0 foot of compacted earth (radon/infiltration barrier) to inhibit the emanation of radon and the infiltration of water. The topslope and sideslopes of the disposal cell would be covered with a five-foot-thick layer of sand, gravel, and select fill to protect the radon/infiltration barrier from frost action, and small rock erosion protection. This layer would also protect against penetration by animals and prevent human intrusion. Various other erosion control measures would be taken to assure the long-term stability of the stabilized disposal cell.

The stabilized disposal cell would cover approximately eight acres, and would be approximately 600 feet along each side. After remedial action the area of the existing tailings pile would be backfilled, graded to promote surface drainage, and revegetated. All other

areas disturbed at the site by remedial action would be backfilled and graded to promote surface drainage. All on-site buildings would be decontaminated and left intact for unrestricted use after the remedial action. Forty-five acres of the 48-acre designated tailings site would be released for any use consistent with existing land use controls following completion of remedial action. A fence would be constructed around the disposal site. The final restricted area would cover nine acres; this would require six acres of land outside the designated site boundary. The conceptual design is subject to change during the final design process.

The DOE examined three alternatives for the remedial action in its Environmental Assessment of Remedial Action at the Green River Uranium Mill Tailings Site, Green River, Utah. The DOE's proposed action is to decontaminate the buildings at the mill site and to relocate the radioactive wastes from the existing tailings pile and other contaminated material to an area 600 feet south of the existing tailings pile for permanent stabilization on site. The other alternatives analyzed in the EA included taking no action and stabilizing the waste on site at the existing tailings site location. Each of the remedial action alternatives involves activity in a floodplain.

#### Finding

The DOE has considered the concerns that have been expressed during public meetings and government agency reviews about the environmental and health impacts from the proposed remedial action. In general, these concerns relate to the impacts from radiation released during remedial action, air quality impacts, impacts on the surface water, and impacts from the contaminated groundwater.

The EA discusses the environmental impacts resulting from the proposed remedial action and identifies mitigation measures that would be implemented to assure that the effects are not significant. The FONSI for stabilization on site at the Green River tailings site is based on the following findings which are supported by the information and analyses in the EA.

• *Radiation release*.—The increased radiation exposure above background levels of the general population at and in the vicinity of the Green River site during the remedial action would be extremely low. The total estimated excess health effects for the general population and remedial action workers were projected to be 0.0006 additional cancer deaths due to radiation from the tailings during the remedial action

period. The total estimated excess health effects for remedial action workers were projected to be 0.0005 additional cancer deaths due to radiation from the tailings during the remedial action period.

The no action alternative would result in 0.0001 total estimated excess health effects per year. This number is not directly comparable to the total estimated excess health effects mentioned above for the general population because the excess health effects estimated for the proposed action are for the duration of tailings disturbance and account for increased radon levels due to tailings disturbance. In addition, the total estimated excess health effects for the no action alternative do not consider factors such as dispersion or unauthorized removal and use of the tailings which could lead to greater excess health effects than those calculated.

The DOE would closely monitor the release of radon and airborne radioactive particulates during the remedial action. The release of radon and airborne radioactive particulates would be reduced by dampening contaminated material with water or chemical dust suppressants, by limiting the handling of contaminated material during adverse weather conditions, and by using trucks with tightfitting tailgates and covers when the materials are to be moved. Drainage controls and waste-water retention ponds would be constructed to prevent contaminated water from leaving the site.

Human exposure to residual radioactive material would be reduced further by restricting access, by providing worker training programs, and by the use of necessary monitoring and protective equipment by the remedial action workers.

The total excess health effects at and in the vicinity of the Green River tailings site after 10 and 1000 years of no action are estimated to be 0.001 and 0.1, respectively. The calculations for the no action alternative do not consider the dispersal of the tailings by natural erosion or by man; thus, the total excess health effects may be greater.

Based on the above, it was determined that the radiation impacts from the proposed action would not be significant.

• *Air quality*.—An inventory of emissions due to remedial action indicated that fugitive dust emissions would be much higher than combustion emissions. Both combustion and fugitive dust emissions would be temporary and endure only for the 14-month period of remedial action. Appropriate air quality permits will be obtained from the State

of Utah. No Federal permits will be required.

The fugitive dust emissions were used in a computer simulation model to determine the total suspended particulates (TSP) concentrations downwind from the various work sites. Results of the modeling indicate that the TSP concentrations at the Green River mill tailings site and the two borrow sites would exceed the Federal secondary and the State of Utah 24-hour TSP standards. However, this impact would be temporary and short-term, lasting only for the length of the remedial process. The maximum exceedance of the 24-hour TSP standards would occur over a four-month period (months six through nine) during peak remedial action activity. Dust suppression measures, such as water sprays or chemical dust suppressors, will be implemented at the construction site to minimize fugitive particulate emissions.

For these reasons, it was determined that the air-quality impacts of the proposed action would be temporary and would not be significant.

• *Surface-water quality*.—Surface-water runoff as a result of the cleanup and consolidation of the tailings and contaminated material would be minimum because the remedial action design includes the construction of drainage and erosion controls. This includes waste-water retention ponds constructed during site preparation to prevent the discharge of contaminated water from the site. The contaminated water would be retained for evaporation or use in the compaction of the tailings and contaminated materials, and any sediments from the ponds would be consolidated with the tailings during the final reshaping of the disposal cell.

Surface-water runoff created by excessive precipitation would not cause erosion of the stabilized disposal cell and carry contaminants into local surface waters because erosion control features such as sidelopes design and rock barriers were incorporated into the remedial action design.

On this basis, it was determined that the impacts on surface-water resources would not be significant.

• *Groundwater quality*.—Major groundwater aquifers at the Green River site are referred to in the EA as the top, upper-middle, lower-middle, and bottom hydrostratigraphic units. Percolation of tailings seepage into the groundwater system beneath the tailings pile has adversely impacted the water quality in both the top and upper-middle hydrostratigraphic units. Gross alpha activity, molybdenum, nitrate, selenium,

and uranium concentrations in the top and upper-middle hydrostratigraphic units exceed background levels, the proposed EPA maximum concentration limits, and state of Utah groundwater standards beneath and downgradient of the existing tailings pile. The vertical extent of contamination is confined to these two shallow units by strong, vertically upward hydraulic gradients between the upper-middle unit and the underlying units. The maximum depth of contamination beneath the surface of the present tailings pile is about 65 feet.

The disposal cell design incorporates many natural, durable components that would minimize infiltration and leachate generation. Compliance with the proposed standards would be aided by the following:

- Below-grade disposal of the tailings that will lessen percolation of precipitation through the tailings by limiting the exposed area of the stabilized pile.
- Emplacement of a cover system consisting of filter layers, erosion protection, and a layer to protect the radon/infiltration barrier from frost action to reduce infiltration and promote surface runoff and evaporation.
- Minimization of tailings seepage by the use of a low hydraulic conductivity radon/infiltration barrier to reduce infiltration.
- Consistent, uniform, vertical fracturing of the foundation bedrock that will prevent ponding ("bathtubbing") in the tailings and promote drainage of runoff water from the toe of the cell.
- Natural geochemical attenuation of contaminants in the tailings seepage by adsorption and precipitation reactions within the Cedar Mountain Formation fractured bedrock beneath and downgradient of the disposal cell.
- Strong, upward, vertical hydraulic gradients in the saturated bedrock downgradient of the disposal site that will inhibit downward migration of contamination.
- Natural dilution (mixing) of the tailings seepage by groundwater underflow in the Cedar Mountain Formation.
- Limitation of the lateral extent of any future contamination from tailings seepage from the disposal cell due to the prevailing flow of the shallow groundwater toward the existing contaminant plume of the mill site.

Groundwater protection at the Green River site would be consistent with the proposed EPA standards for inactive sites (40 CFR Part 192) and would be accomplished in accordance with the remedial action plan prepared by the DOE and approved by the NRC. The generic impacts of the EPA standards

were addressed in an EIS published by the EPA (EPA 521/1-83-008-1 and 2).

Based on the above, it was determined that the impacts on groundwater resources would not be significant.

- There are no endangered or threatened species or archaeological resources in the area that would be affected by the remedial action.
- No wetlands would be affected by the remedial action of the Green River tailings site.

In summary, based on the analyses in the EA, the DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969 (423 U.S.C. 4321 et seq.). Therefore, the preparation of an EIS is not required.

#### Floodplain Statement of Findings

This is a Statement of Findings prepared pursuant to Executive Orders 11988 and 11990, and 10 CFR Part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. Under authority granted by the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, the DOE proposes to clean up the residual radioactive wastes and other contaminated materials at the inactive uranium mill tailings site in Green River, Utah, and relocate these materials to an area 600 feet south of the existing tailings pile where they would be permanently stabilized. Radioactively contaminated materials are located with the 100-year floodplain of Brown's Wash. On the basis of the floodplain assessment in the Environmental Assessment (EA), Appendix F, the DOE has determined that there is no practicable alternative to the proposed activities and that the proposed action has been designed to minimize potential harm to or within the floodplain of Brown's Wash.

The proposed remedial action for the Green River tailings is stabilization on site. All of the tailings and other contaminated materials would be consolidated in a below-grade area 600 feet south of the existing pile. The tailings pile would be contoured to have 10 percent sideslopes and gently sloping top. The pile would be covered with 1.0 foot of compacted earth to inhibit radon emanation and water infiltration and to assure compliance with the EPA standards. The top and sides of the pile would be covered with a five foot-thick layer of sand, gravel, select fill and rock for erosion and frost protection. This layer would also protect against penetration by animals and inadvertent

human intrusion. A below-grade rock apron would be constructed around the pile to protect the pile against gully intrusion. The top of the stabilized pile would have an average height of 14 feet with a maximum height of 33 feet. The area of the existing tailings pile would be backfilled, graded to promote surface drainage, and revegetated. All other areas at the site disturbed by remedial action would be backfilled and graded to promote surface drainage. All on-site buildings would be decontaminated and left intact. A fence would be constructed around the stabilized tailings pile. A map showing the location of the affected floodplain can be found in the EA, Figure E.2.1.

Specific construction activities related to the floodplain area include (1) the disturbance of approximately 12.5 acres of tailings and other contaminated materials within the 100-year floodplain of Brown's Wash; (2) grading and revegetating the floodplain where excavated, including adding any necessary soil conditioners, and (3) use of water bars, mulch, riprap, or other soil erosion controls, if necessary, to minimize erosion.

The DOE examined three alternatives for the remedial actions in the EA. The DOE's proposed action is to decontaminate the Green River uranium mill tailings site and to relocate the wastes 600 feet south of the existing tailings pile for permanent stabilization on site. The other alternatives analyzed in the EA included taking no action and stabilizing the wastes in place at the Green River uranium mill tailings site.

During the action alternatives (stabilization on site or stabilization in place) at the Green River tailings site, 12.5 acres within the Brown's Wash 100-year floodplain would be disturbed by removing 20,500 cy of tailings and other contaminated materials. The majority of the disturbance would occur outside the tailings pile boundary, downstream of the tailings pile, and along both banks of the wash. These areas constitute 12 acres of the total disturbed area and contain 18,500 cy of tailings and other contaminated materials. The depths of excavation required in these areas would be one foot or less. Excavation ranging from six to nine feet would be required in an 0.5-acre area of the tailings pile within the 100-year floodplain in order to remove 4,000 cy of contaminated materials.

The no action alternative, which entails leaving the site in its present condition, would not be consistent with the intent of Congress in Pub. L. 95-604 and would not result in compliance with the EPA standards.

Potential impacts during remedial action would be mitigated by use of the following measures:

- Contaminated materials in the floodplain would be excavated during the period that the wash is dry.
- Berms, riprap or other erosion control measures would be used to minimize erosion along the banks of the wash.
- Riparian vegetation adjacent to areas subject to excavation would be left undisturbed as much as possible to reduce river velocities and associated erosion during flood events.
- Revegetation would begin as soon as practical after removal of contaminated materials.

The remedial action has been designed to conform to applicable Federal and state regulations. Before construction begins, all applicable permits and approvals, such as those required under Section 404 of the Clean Water Act, would be obtained from the U.S. Army Corps of Engineers. Utah state agencies, and other agencies having jurisdiction. Initial consultation with the agencies has taken place.

#### Single Copies of the EA are Available From

W. John Arthur, III, UMTRA Project Manager, U.S. Department of Energy, UMTRA Project Office, 5301 Central Avenue NE., Suite 1720, Albuquerque, New Mexico 87108, (505) 844-3941.

**FOR FURTHER INFORMATION, CONTACT:** Carol Borgstrom, Acting Director, Office of NEPA Project Assistance, Office of the Assistant Secretary for Environment, Safety, and Health, Room 3E-080, Forrestal Building, Washington, DC, 20585, (202) 586-4600.

Issued at Washington, DC, May 26, 1988.

Ernest C. Baynard, III,  
Assistant Secretary, Environment, Safety, and Health.

[FR Doc. 19122 Filed 8-22-88; 8:45 am]

BILLING CODE 6450-01-M

#### Federal Energy Regulatory Commission

[Docket Nos. ER88-559-000 et al.]

#### Niagara Mohawk Power Corporation et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

#### 1. Niagara Mohawk Power Corporation

[Docket No. ER88-559-000]

August 16, 1988.

Take notice that on August 11, 1988, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a proposed change to Niagara Mohawk Rate Schedule No. 142, an agreement between Niagara Mohawk and the Long Island Lighting Co. (LILCO).

Rate Schedule No. 142 provides for the wheeling of certain loads by Niagara Mohawk to LILCO. The proposed change revises the rates for the wheeling of power and energy by Niagara Mohawk. Niagara Mohawk proposes an effective date of September 1, 1988 and requests waiver of the Commission's notice requirements. In support thereof, Niagara Mohawk states that LILCO has consented to this proposed effective date.

Copies of this filing were served upon the Public Service Commission of the State of New York and the Long Island Lighting Company.

*Comment date:* September 1, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 2. Puget Sound Power & Light Company

[Docket No. ER88-557-000]

August 16, 1988.

Take notice that on August 8, 1988, Puget Sound Power & Light Company (Puget) tendered for filing, pursuant to the Commission's regulations, 18 CFR Part 35, a wholesale for resale contract between Puget and Port of Kingston. Puget states that this filing is for the renewal of an existing contract only and therefore represents no change in rate or revenues to the Company.

*Comment date:* September 1, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Kansas City Power & Light Company

[Docket No. ER88-50-000]

August 17, 1988.

Take notice that on August 9, 1988, Kansas City Power & Light Company filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act, to issue, from time to time, up to \$750 million aggregate amount of short-term debt instruments, with maturity dates of not later than June 30, 1991.

*Comment date:* September 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 4. Empire Energy-Niagara Cogeneration, Inc.

[Docket No. QF88-378-000]

August 17, 1988.

On July 27, 1988, Empire Energy-Niagara Cogeneration, Inc. (Applicant), of 2548 Vestal Parkway East, P. O. Box 797, Vestal, New York, 13851-0797, amended its application, filed May 10, 1988, for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located on the site of the existing Harrison Radiator Division of General Motors Corporation in the Town of Lockport, New York. The facility will consist of three combustion turbine generators, three heat recovery steam generators (HRSG's), and one extraction/condensing steam turbine generator. The thermal output of the facility, in the form of extraction steam, will be used by the Harrison Radiator Division for process use and space heating. The primary energy source will be natural gas. The electric power production capacity of the facility will be 166.7 MW. The facility is expected to be operational in the third quarter of 1990.

*Comment date:* Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

#### 5. GWF Power Systems Company, Inc.

[Docket No. QF85-496-002]

August 17, 1988.

On August 8, 1988, GWF Power Systems Company (Applicant), of 17780 Fitch Street, Irvine, California 92714 submitted for filing application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at 20200 Van Ness Boulevard, Torrance, Los Angeles County, California. The facility will consist of a fluidized bed combustion system providing steam to a turbine-generator. Applicant states that the primary energy source will be waste in the form of petroleum coke. The maximum net electric power production capacity of the facility will be 11.477 MW.

*Comment date:* Thirty days from publication in the Federal Register, in

accordance with Standard Paragraph E at the end of this notice.

#### 6. GWF Power Systems Company, Inc.

[Docket No. QF85-496-002 et al.]

August 17, 1988.

On August 1, 1988 GWF Power Systems Company, Inc. (Applicant) of 17780 Fitch Street, Irvine, California 92714 submitted for filing 5 applications for certification of a facilities as qualifying small power production facilities pursuant to § 292.207 of the Commission's regulations. No determination has been made that any of the submittals constitutes a complete filing.

The docket numbers and locations of the 5 small power production facilities are listed below. Each facility will consist of a fluidized bed combustion system providing steam to a turbine generator. Applicant states that the primary energy source of the facilities will be waste in the form of petroleum coke. The maximum net electric power production capacity of each facility will be 17.365 MW.

*Comment date:* Thirty days from publication in the *Federal Register*, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-19104 Filed 8-22-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-679-009 et al.]

#### Interstate Power Company et al.; Natural Gas Certificate Filings

August 17, 1988.

Take notice that the following filings have been made with the Commission:

#### 1. Interstate Power Company

[Docket No. CP86-679-009]

Take notice that on August 11, 1988, Interstate Power Company (Petitioner), 1000 Main Street, Dubuque, Iowa 52001, filed in Docket No. CP86-679-009 a petition to amend the order issued October 7, 1987, in Docket No. CP86-679-008 pursuant to section 7 of the Natural Gas Act so as to authorize the transportation of natural gas on a firm basis for Hawkeye Chemical Company (Hawkeye) for an extended term ending October 7, 1989, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that in Docket No. CP86-679-008 it was authorized to transport up to a maximum of 22.0 billion Btu of natural gas per day for Hawkeye for a term expiring on October 7, 1988. Petitioner indicates that pursuant to the transportation gas service agreement dated October 27, 1987, it seeks to extend the transportation service authorized in Docket No. CP86-679-008 until October 7, 1989. Petitioner also requests approval of provisions related to imbalances of gas deliveries by Hawkeye to Petitioner. No other changes are proposed.

*Comment date:* September 7, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

#### 2. Carnegie Natural Gas Company

[Docket No. CP86-662-000]

Take notice that on August 5, 1988, Carnegie Natural Gas Company (Carnegie) 800 Regis Avenue, Pittsburgh Pennsylvania 15236, filed in Docket No. CP86-662-000 an application pursuant to section 7(b) of the Natural Gas Act to abandon a transportation service for United States Steel Corporation under a contract which has now expired, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

*Comment date:* September 7, 1988, in accordance with Standard Paragraph F at the end of this notice.

#### 3. National Fuel Gas Supply Corporation

[Docket No. CP84-7-006]

Take notice that on August 9, 1988, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, First Revised Volume Nos. 1 and 2, the following tariff sheets:

*First Revised Volume No. 1*

Fourth Substitute Sixth Revised Sheet No. 4

Second Substitute Original Sheet No. 26

Second Substitute Original Sheet No. 27  
Substitute Original Sheet No. 28  
Substitute First Revised Sheet No. 28  
Second Revised Sheet No. 28  
Substitute First Revised Sheet No. 100  
Substitute Original Sheet Nos. 101-104

*First Revised Volume No. 2*

Seventh Revised Sheet No. 1-B  
Tenth Revised Sheet No. 1-C  
First Revised Sheet No. 450  
First Revised Sheet No. 460  
First Revised Sheet No. 470  
First Revised Sheet No. 481  
First Revised Sheet No. 492  
First Revised Sheet No. 502  
Second Revised Sheet No. 513

National states that the purpose of this filing is to comply with the Commission's order issued in Docket Nos. CP84-7-004 and CP84-7-005 on January 2, 1987.

National's filing is said to revise certain provisions of its Rate Schedule CD to more closely conform those provisions to similar provisions under its full requirements sales Rate Schedule RQ. Specifically, National's filing reflects changes to section 7.2 of Rate Schedule CD.

The proposed effective date of these tariff sheets is August 1, 1988, except for the following:

Sheet No.	Proposed effective date
Substitute First Revised Sheet No. 28 (Vol. No. 1).	Nov. 1, 1988.
Second Revised Sheet No. 28 (Vol. No. 1).	Nov. 1, 1987.
Seventh Revised Sheet No. 1-B (Vol. No. 2).	Aug. 1, 1988.
Tenth Revised Sheet No. 1-C (Vol. No. 2).	Aug. 1, 1988.
First Revised Sheet No. 460 (Vol. No. 2).	Nov. 1, 1988.

Copies of National's filing were served on National's jurisdictional customers and on interested State Commissioners.

*Comment date:* August 24, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural

Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 88-19105 Filed 8-22-88; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 10120-001]

**Adirondack Hydro Development Corp.;  
Surrender of Preliminary Permit**

August 17, 1988.

Take notice that the Adirondack Hydro Development Corporation, permittee for the Independence River Project No. 10120 located on the Independence River in Lewis County, New York has requested that its preliminary permit be terminated. The preliminary permit was issued on May 6, 1987, and would have expired on April 30, 1990. The permittee states that analysis of the Independence River Project did not indicate feasibility for development.

The permittee filed the request on November 4, 1987, and the preliminary permit for Project No. 10120 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following

that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 88-19055 Filed 8-22-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA88-3-25-002]

**Mississippi River Transmission Corp.;  
Rate Change**

August 17, 1988.

Take notice that on July 5, 1988 Mississippi River Transmission Corporation ("MRT") tendered for filing, to be effective June 1, 1988, the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1: Substitute Twenty-Third Revised Sheet No. 4  
Ninth Revised Sheet No. 4A  
Substitute Alternative Original Sheet No. 4A.1  
Tenth Revised Sheet No. 42  
Seventh Revised Sheet No. 50  
Substitute Third Revised Sheet No. 62  
Substitute Second Revised Sheet No. 63

MRT states that the filing is being submitted to comply with the Commission's June 1, 1988 order concerning MRT's June 1 annual PGA filing, and to amend that filing for certain modifications as described below.

MRT states that the revised tariff sheets reflect: (1) Lower Base Tariff Rates as submitted by MRT in its Docket No. RP88-170 compliance filing dated June 6, 1988; (2) revised D-1 and D-2 Demand Charge Current Adjustments resulting from rate changes by a pipeline supplier; (3) revised ACA and GRI Adjustments to reflect such charges on an MMBtu basis rather than an Mcf basis; and (4) minor pagination changes.

MRT states the combined impact of the purchased gas and base rate adjustments contained herein on MRT's Rate Schedule CD-1 is an increase of \$.003 per Mcf in Demand Charge D-1, a decrease of \$.0087 per Mcf in Demand Charge D-2, and a decrease in the commodity charge of \$.0009 per Mcf. The single part rate under Rate Schedule SGS-1 reflects a decrease of \$.0093 per Mcf. The quarterly cost impact of such changes on MRT's jurisdictional customers is a decrease of approximately \$.1 million when compared to the original June 1, 1988 PGA.

MRT states that the filing also contains tariff sheets reflecting revisions to the Fixed Take-or-Pay Charges

applicable to each of its jurisdictional customers resulting from lower monthly amounts billed to MRT by its upstream pipeline suppliers, and a reconciliation of amounts paid compared to amounts collected as of May 31, 1988. The quarterly cost impact of such changes on MRT's jurisdictional customers is a decrease of approximately \$.2 million.

MRT states that the filing also contains revision to MRT's Fixed Take-or-Pay flow through tariff provisions necessary to address the specific upstream pipeline supplier proposals on file with the Commission.

MRT states that copies of its filing have been served on all jurisdictional customers and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 25, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 88-19056 Filed 8-22-88; 8:45 am]  
BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-3433-8]

**Agency Information Collection  
Activities Under OMB Review**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and are available to the public for review and comments. The ICRs describe the nature of the information collection and their expected cost and burden; where

appropriate, they include the actual data collection instrument.

**FOR FURTHER INFORMATION CONTACT:** Carla Levesque at EPA, (202) 382-2740.  
**SUPPLEMENTARY INFORMATION:**

**Office of Solid Waste and Emergency Response**

*Title:* Information Requirements for Facilities Petitioning for Hazardous Waste Delisting. (EPA ICR #1189).

*Abstract:* EPA requires facilities wishing to have a waste removed from the Agency's list of hazardous waste to file a petition for delisting. For a delisting, information is necessary to establish that the waste does not exhibit the characteristics for which it was listed, or any additional factors which may cause the waste to be hazardous. The Agency reviews this information to determine whether to grant or deny the petition.

*Burden Statement:* Public reporting burden for this collection of information is estimated to average 627 hours for a delisting petition. This estimate includes the time for reviewing instructions, analyzing and describing the waste, the facility, and testing and handling procedures. Where required, the annual recordkeeping burden is 4 hours per petition.

*Respondents:* Businesses and other facilities generating solid waste.

*Estimated No. of Respondents:* 50.  
*Estimated Total Annual Burden:* 31,418 hours.

*Estimated Frequency of Collection:* On occasion.

**Office of Pesticides and Toxic Substances**

*Title:* Notice of Arrival of Pesticides and Devices. (EPA ICR# 0152).

*Abstract:* To ensure that imported pesticides and pesticide devices are not adulterated or mislabeled or otherwise violative of FIFRA, importers or their agents must submit a "Notice of Arrival of Pesticides and Devices" (EPA Form No. 3540-1) to the Agency prior to importation to the U.S.

*Burden Statement:* Public reporting burden for this collection of information is estimated to average 20 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the collection of information.

*Respondents:* Importers of pesticides and pesticide devices.

*Estimated No. of Respondents:* 3,500.  
*Total Estimated Annual Burden:* 2,100 hours.

*Estimated Frequency of Collection:* One-time only.

Send comments regarding these burden estimates, or any other aspects of these collections of information, including suggestions for reducing the burden, to:

Carla Levesque, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M Street SW., Washington, DC 20460  
and

Marcus Peacock (ICR# 1189) Tim Hunt (ICR# 0152), Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place NW., Washington, DC 20503, (Telephone (202) 395-3084).

**OMB Response to Agency PRA Clearance Request**

EPA ICR# 1250; Request for Contractor Access to TSCA Confidential Business Information; was approved 08/02/88; OMB# 2070-0075; expires: 08/31/91.

Date: August 15, 1988.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 88-19071 Filed 8-22-88; 8:45 am]

BILLING CODE 8560-50-M

**FEDERAL COMMUNICATIONS COMMISSION**

**Information Collection Requirement Approval by Office of Management and Budget**

August 18, 1988.

The following information collection requirements have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact Doris Benz, Federal Communications Commission, telephone (202) 632-7513.

OMB No.: 3060-0061

*Title:* Annual Report of Cable Television Systems  
Schedule 1—Community Unit Data  
Schedule 2—Physical System Data  
*Form No.:* FCC 325.

The approval has been extended through 4/30/91. The current edition of the computer-generated form with a previous expiration date of 5/31/88 will be updated accordingly.

OMB No.: 3060-0073

*Title:* Application for and Certification of Overtime Service Involving Inspection of Ship Radio Equipment  
*Form No.:* FCC 808.

The approval has been extended through 7/31/91. The December 1985 edition with a previous expiration date

of 7/31/88 will remain in use until updated forms are available.

OMB No.: 3060-0127

*Title:* Assignment of Authorization  
*Form No.:* FCC 1048.

The approval has been extended through 6/30/91. Current editions with a previous expiration date of 7/31/88 will remain in use until updated forms are available.

OMB No.: 3060-0141

*Title:* Renewal Notice and Certification in the Private Operational Fixed Microwave Radio Service  
*Form No.:* FCC 402-R.

The approval has been extended through 6/30/91. The current edition of the computer-generated form with a previous expiration date of 7/31/88 will be updated accordingly.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-19095 Filed 8-22-88; 8:45 am]

BILLING CODE 6712-01-M

**Public Information Collection Requirement Submitted to Office of Management and Budget for Review**

August 17, 1988.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW; Suite 140, Washington, DC 20037. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-3785.

OMB Number: 3060-0068

*Title:* Application for Consent to Assignment of Radio Station Construction Permit or License (For stations in services other than broadcast)

*Form Number:* FCC 702

*Action:* Extension

*Respondents:* Businesses including small businesses

*Frequency of Response:* On occasion

*Estimated Annual Burden:* 400

*Responses:* 2,000 Hours

*Needs and Uses:* FCC Form 702 is filed to request Commission approval of assignment of radio station

construction permit or license. Without this information, the Commission would not be able to effectively carry out its statutory obligations. The data will be used by the Commission staff to determine the financial, legal and technical qualifications of the applicant.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-19098 Filed 8-22-88; 8:45 am]

BILLING CODE 6712-01-M

#### Advisory Committee on Advanced Television Service Steering Committee; Meeting

Released: August 17, 1988.

A meeting of the Steering Committee of the Advisory Committee on Advanced Television Service will be held on: September 8, 1988, 4:30 p.m., Commission Meeting Room (Room 856), 1919 M Street NW., Washington, DC.

The agenda for the meeting will consist of:

1. Introduction
2. Approval of the last meeting's minutes
3. Progress reports by Subcommittee chairmen
4. Discussion of future work plans and schedule
5. Report on budget and funding
6. Discussion of private sector testing facilities
7. Date and location of next Steering Committee meeting
8. Other business
9. Adjournment.

All interested persons are invited to attend. All attendees must enter the building before its normal closing at 5:30 p.m. or make arrangements for late entry by contracting David Siddall at the below telephone number prior to the meeting. Those interested also may submit written statements at the meeting. Oral statements and discussion will be permitted under the direction of the Steering Committee Chairman.

Any questions regarding this meeting should be directed to Richard E. Wiley at (202) 429-7010 or David R. Siddall at (202) 632-7792.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-19099 Filed 8-22-88; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

##### Submission of Bank Call Reports

**AGENCY:** Federal Financial Institutions Examination Council (FFIEC).

**ACTION:** Final action.

**SUMMARY:** The FFIEC has approved two proposals relating to the submission of Reports of Condition and Income (Call Reports) that were issued for public comment from April 7, 1988 through June 15, 1988. The approved proposals relate to the Call Reports of FDIC-insured commercial banks and FDIC-insured state-chartered savings banks.

As approved by the FFIEC, the term "submission date" in the Call Report instructions is now defined as the date by which a bank's completed Call Report must be received by the banking agencies (or their collection agent if the report is submitted electronically).

A filing will be considered timely, regardless of when it is received, if it is mailed first class and postmarked no later than the third calendar day preceding the submission deadline. If an overnight delivery service is used, entry of the report into the delivery system on the day before the submission deadline will constitute timely submission.

The FFIEC also approved requiring those banks with more than one foreign office (other than a shell branch or an international banking facility) that use any of the additional 15 calendar days allowed for the completion of their reports to submit their Call Reports electronically via the electronic data transmission system that was implemented with the March 31, 1988 Call Report.

The implementation of the term "submission date" will become effective with the September 30, 1988 Call Report. The mandatory use of the electronic transmission system by banks using any of the additional 15 calendar days for report submission will be implemented as of the June 30, 1989 report date.

**EFFECTIVE DATES:** September 30, 1988 for the definition of the term Call Report "submission date", and June 30, 1989 for the requirement that certain banks file their Call Reports electronically.

**ADDRESS:** Federal Financial Institutions Examination Council, 1776 G Street NW., Suite 701, Washington, DC 20006.

##### FOR FURTHER INFORMATION CONTACT:

OCC: David C. Motter, Special Assistant to the Chief National Bank Examiner, (202/447-1587), Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, DC 20219.

Board: Rhoger H Pugh, Manager, Division of Banking Supervision and Regulation, (202/728-5883), Board of Governors of the Federal Reserve System, 20th & Constitution Avenue NW., Washington, DC 20551.

FDIC: Robert F. Storch, Planning and Program Development Specialist, Division of Bank Supervision, (202/898-6905), Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** In recent years, the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), and state banking authorities have increased their use of data from the quarterly Reports of Condition and Income (Call Reports) for bank supervisory and surveillance purposes. The greater reliance on these reports as a means of identifying, at an early stage, those banks which are experiencing deterioration in their financial condition has prompted efforts to achieve more timely availability of these data. The agencies have made and are continuing to make every effort to shorten the time required to process the reports. In order to improve the timeliness of the Call Report data, the banking agencies proposed to define the term "submission date" and require banks with foreign offices that use any of the additional 15 calendar days that they may use to complete their Call Reports to submit their reports electronically.

The proposals were published for public comment in the *Federal Register* on April 7, 1988. The comment period ended on June 15, 1988. Ninety-four comment letters were received. Commenters included five major trade associations, three state bankers' associations, four bank holding companies and 82 commercial and savings banks.

The New York Clearing House (NYCH) supported the proposal to define "submission date" as the date by which the Call Report must be received by the agencies. However, the NYCH suggested that the mandatory use of electronic submission for banks utilizing some portion of the additional 15 days be phased in over the period to June 1989, since some of these banks may not be ready to submit electronically by September, 1988. Two banks made the same suggestion. The NYCH stated that, during the phase-in period, reports from these banks should be in the hands of the agencies at least by the 45th day.

The Bank Administration Institute (BAI) also supported the definition of "submission date" contained in the proposals. BAI said: "Differing interpretations of this term resulting in a range of receipt dates by the banking agencies are incompatible with achieving the Council's goals of expeditiously processing Call Reports and preparing Uniform Bank Performance Reports."

In addition, the BAI recommended that the electronic submission requirements for banks with foreign offices be deferred until December 31, 1988. The American Bankers Association opposed the "compression of Call Report submission time," lauded the move toward electronic submission of Call Reports, and urged the agencies to develop methods that would reduce the period required for processing the Call Reports. The latter point was also made by a number of bank commenters.

A number of commenters observed that, in return for requiring completed Call Reports to be received not later than the 30th calendar day after the Call Report date, the banking agencies should also complete their report processing earlier than at present and thereby increase the timeliness with which Call Report data in general and Uniform Bank Preference Reports (UBPRs) in particular are available to banks and others. In response to this suggestion, the banking agencies have committed themselves to completing the production of the Call Report file, used to generate UBPRs, by the 40th calendar day after the submission date. Currently, this file is completed by the 45th calendar day after the submission date.

The Independent Bankers Association of America (IBAA) opposed any changes in the definition of submission date. However, they stated that " \* \* \* the bankers believe an earlier submission date would be feasible. Requiring call reports to be postmarked for submission on the 20th calendar day would not cause any undue hardships for the March, June, and September reporting periods." It is the view of the IBAA that 30 days would still be required for the December report because of the plethora of other reports due at the same time.

The United States League of Savings Institutions stated that the FFIEC proposals did not go far enough indicating that savings institutions are able to meet a 20-day deadline when submitting their quarterly Thrift Financial Reports, which are more complex and cumbersome than the commercial bank Call Report.

Among the 86 bank holding company and commercial and savings bank commenters, eight supported the

redefinition of "submission date" and 78 opposed it. Many bankers who opposed the submission date proposals stated that they would not be able to complete their Call Reports within the "required" 27 days, perhaps not realizing that, if they were to use commercially available Call Report preparation software and submit their data electronically, they would still have the full 30 calendar days to complete their reports.

August 18, 1988.

Robert J. Lawrence,

*Executive Secretary, Federal Financial Institutions Examination Council.*

Accordingly, effective with the September 30, 1988 Call Report, the term "submission date" will be defined as the date by which a bank's completed Call Report must be received by the banking agencies (or their collection agent if the report is submitted electronically). Effective with the June 30, 1989 Call Report, all banks with more than one foreign office using any of the additional 15 calendar days for report submission will be required to submit their Call Reports electronically via the approved electronic data transmission system.

[FR Doc. 88-19116 Filed 8-22-88; 8:45 am]

BILLING CODE 6210-01-M

## FEDERAL RESERVE SYSTEM

### County Bancorporation, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842)(c).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than September 14, 1988.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *County Bancorporation, Inc.*, Jackson, Missouri; to acquire 100 percent of the voting shares of Century State Bancshares, Inc., Columbia, Missouri, and thereby indirectly acquire Century State Bank, Columbia, Missouri. In connection with this application, Merger Company, Inc., Jackson, Missouri, has applied to become a bank holding company by merging with Century State Bancshares.

Board of Governors of the Federal Reserve System, August 17, 1988.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 88-19047 Filed 8-22-88; 8:45 am]

BILLING CODE 6210-01-M

### Change in Bank Control Notices; Acquisitions of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 7, 1988.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Miller M. Pettey*, Bells, Tennessee; to acquire 15.49 percent of the voting shares of Crockett County Bancshares, Inc., Bells, Tennessee, and thereby indirectly acquire Bells Banking Company, Bells, Tennessee.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Jon D. Hoffmaster*, Omaha, Nebraska, to acquire 25.3 percent, and David C. Melena, Omaha, Nebraska, to acquire 5.1 percent of the voting shares of Nebraska National Corporation, and

thereby indirectly acquire Nebraska National Bank, Omaha, Nebraska.

Board of Governors of the Federal Reserve System, August 17, 1988.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 88-19048 Filed 8-22-88; 8:45 am]

BILLING CODE 6210-01-M

### Southern Michigan Bancorp, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 14, 1988.

A. Federal Reserve Bank of Chicago  
(David S. Epstein, Vice President) 230  
South LaSalle Street, Chicago, Illinois  
60690:

1. *Southern Michigan Bancorp, Inc.*,  
Coldwater, Michigan; to acquire Lease

Pack Incorporated, Mason, Michigan, and thereby engage in leasing personal or real property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 17, 1988.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 88-19049 Filed 8-22-88; 8:45 am]

BILLING CODE 6210-01-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Office of the Secretary

#### Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Service's claims collection regulations (45 CFR Part 30) provides that the Secretary shall charge annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the *Federal Register*.

The Secretary of the Treasury has certified a rate of 14.375% for the quarter ended June 30, 1988. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Date: August 18, 1988.

Dennis J. Fischer,

*Deputy Assistant Secretary, Finance.*

[FR Doc. 88-19106 Filed 8-22-88; 8:45 am]

BILLING CODE 4150-04-M

### Food and Drug Administration

[Docket No. 88N-0300]

#### Drug Export; Recombigen® HIV EIA Test Kits

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Cambridge BioScience has filed an application requesting approval for the export of the biological product Recombigen® HIV EIA test kits to

Canada, West Germany, Italy, Sweden, The Netherlands, Norway, Finland, Austria, France, United Kingdom, Japan, Switzerland, Spain, Belgium, Denmark, Ireland, and Australia.

**ADDRESS:** Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

#### FOR FURTHER INFORMATION CONTACT:

Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8095.

**SUPPLEMENTARY INFORMATION:** The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Cambridge BioScience, 365 Plantation Street, Biotechnology Research Park, Worcester, MA 01605, has filed an application requesting approval for the export of the biological product Recombigen® HIV EIA test kits, to Canada, West Germany, Italy, Sweden, The Netherlands, Norway, Finland, Austria, France, United Kingdom, Japan, Switzerland, Spain, Belgium, Denmark, Ireland, and Australia. The Recombigen® HIV EIA test kit is an *in-vitro* qualitative enzyme immunoassay for the detection of antibody to human immunodeficiency virus (HIV), which is also known as human T-lymphotropic virus type III (HTLV-III) or lymphadenopathy virus (LAV), in human serum or plasma. The application was received and filed in the Center for Biologics Evaluation and Research on

July 13, 1988, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by September 2, 1988, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated under 21 CFR 5.44.

Dated: August 4, 1988.

Thomas S. Bozzo,

Director, Office of Compliance Center for  
Biologics Evaluation and Research.

[FR Doc. 88-19042 Filed 8-2-88; 8:45 am]

BILLING CODE 4160-01-M

### Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before EPA's advisory committee.

Meeting: The following advisory committee meeting is announced:

#### Gastrointestinal Drugs Advisory Committee

*Date, time, and place.* September 15 and 16, 1988, 9 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.

*Type of meeting and contact person.*

Open public hearing, September 15, 1988, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5:30 p.m.; open committee discussion, September 16, 1988, 9 a.m. to 5:30 p.m., Joan C. Standaert, Center for Drug Evaluation and Research (HFD-180), Food and Drug Administration, 5600

Fishers Lane, Rockville, MD 20857, 301-443-0479 or 419-259-6211.

*General function of the committee.* The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of gastrointestinal disorders and diseases and makes recommendations regarding the appropriate clinical development of such products.

*Agenda—Open public hearing.*

Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

*Open committee discussion.* The committee will discuss: (1) Cytotec (misoprostol) new drug application (NDA) 19-268, Searle and Co., for prevention of nonsteroidal anti-inflammatory drug (NSAID) peptic ulceration; and (2) Dipentum (olsalazine) NDA 19-715, Pharmacia, Inc., for prolongation of remission between acute attacks of ulcerative colitis (relapse prevention), treatment of mild attacks of ulcerative colitis, and adjunctive treatment of moderate to severe ulcerative colitis.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meeting announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever long period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be

permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, Rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: August 15, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-19040 Filed 8-2-88; 8:45 am]

BILLING CODE 4160-01-M

**Public Conferences; Notice of Meetings****AGENCY:** Food and Drug Administration.**ACTION:** Notice.

**SUMMARY:** This notice announces forthcoming public conferences scheduled by the Food and Drug Administration (FDA), Center for Biologics Evaluation and Research. The conferences are planned (1) to foster an exchange of information and opinion concerning screening and diagnostic uses of serologic tests for human T-lymphotropic virus, type I (HTLV-I), and (2) to discuss the significance of the human response to monoclonal antibodies as it relates to human anti-murine antibody (HAMA) formation and subsequent doses of similar or different monoclonal antibodies.

**Meetings:** The following public conferences are announced:

**Serologic Testing For HTLV-I in Blood and Plasma Derivatives**

**Date, time, and place.** September 15, 1988, 8 a.m. to 5 p.m., National Institutes of Health, Jack Masur Auditorium, Warren Grant Magnuson Clinical Center, Bldg. 10, 9000 Rockville Pike, Bethesda, MD.

**Type of meeting and contact person:** FDA's Center for Biologics Evaluation and Research has planned a public conference to foster an exchange of information and opinion concerning screening and diagnostic uses of serologic tests for human T-lymphotropic virus, type I (HTLV-I) open public meeting; no preregistration required; Hilda Kopit, Center for Biologics Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

**Agenda—Open public conference.** Among the topics to be discussed are: (1) basic epidemiology of HTLV-1 and HTLV-II, (2) experience with serologic tests for HTLV-I in various population groups, (3) approach to donor screening and confirmatory testing, and (4) notification and counseling of seropositive donors.

**Significance of the Human Response to Monoclonal Antibodies**

**Date, time, and place.** September 26 and 27, 1988, 9 a.m. to 5:30 p.m., Gaithersburg Marriott Hotel, 820 Lakeforest Blvd., Gaithersburg, MD.

**Type of meeting and contact persons.** FDA's Center for Biologics Evaluation and Research has planned a public conference to discuss the significance of the human response to monoclonal antibodies as it relates to human anti-

murine antibody (HAMA) formation and subsequent doses of similar or different monoclonal antibodies; open public meeting; registration is open; papers and comments solicited for presentation; Curtis L. Scribner (HFB-230), 301-443-4864, for information on biological investigational new drugs, or Thomas Hoffman (HFN-838), 301-496-4538, for information on blood and blood products, Center for Biologics Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Agenda—Open public conference.** Among the topics to be discussed are: (1) prognostic factors for HAMA development, (2) methods of detection and quantitation of HAMA, (3) significance of HAMA in the subsequent use of monoclonal antibodies and (4) strategies for the prevention of HAMA.

**Dated:** August 17, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-19041 Filed 8-22-88; 8:45 am]

BILLING CODE 4160-01-M

**National Institutes of Health****National Center for Nursing Research; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the National Advisory Council for Nursing Research scheduled for September 15-16, 1988, in Building 37, Room 6-B23, NIH, Bethesda, Maryland, which was published in the *Federal Register* on July 29, 1988 (53 FR 28703).

This Council was in have convened at 9:00 a.m. on September 15, 1988, and 8:30 a.m. on September 16, 1988, in Room 6B23 on Building 37 on the NIH campus, but the location has been changed to the Crowne Plaza Holiday Inn, Rockville Pike, Rockville, Maryland.

The meeting will be open to the public on September 15, from 9 a.m. to 1:30 p.m. and on September 16 from 8:30 a.m. to adjournment.

**Dated:** August 17, 1988.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 88-19068 Filed 8-22-88; 8:45 am]

BILLING CODE 4140-01-M

**National Institute of Diabetes and Digestive and Kidney Diseases, National Digestive Diseases Advisory Board; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on September 18-19, 1988, from

8:15 a.m. to approximately 5 p.m., at the Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia 22209. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue evaluation of the implementation of the long-range digestive diseases plan. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Digestive Diseases Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496-8045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

**Dated:** August 17, 1988.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 88-19069 Filed 8-22-88; 8:45 am]

BILLING CODE 4140-01-M

**DEPARTMENT OF THE INTERIOR****Office of the Secretary****Privacy Act of 1974; Deletion of Notice of System of Records**

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior is deleting from its inventory of Privacy Act systems of records a notice describing records formerly maintained by the Government of the Trust Territory of the Pacific Islands (TTPI). The system of records notice being abolished is entitled "Trust Territory of the Pacific Islands Employee Records—Interior, Office of the Secretary—95" and was previously published in the *Federal Register* on January 26, 1984 (49 FR 3274). Due to changes that have occurred in the administration of the TTPI, the records, as described in the notice, are no longer maintained.

This change shall be effective on August 23, 1988. Additional information regarding this action may be obtained from the Department Privacy Act Officer, Office of the Secretary (PMI), Room 2242, Main Interior Building, U.S. Department of the Interior, Washington, DC 20240.

**Dated:** August 10, 1988.

Oscar W. Mueller, Jr.,

Director, Office of Management Improvement.

[FR Doc. 88-19058 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-93-M

**Bureau of Indian Affairs****San Carlos Irrigation Project, Arizona;  
Fiscal Year Operation and  
Maintenance Charge**

**AGENCY:** Bureau of Indian Affairs,  
Department of the Interior.

**ACTION:** General Notice.

**SUMMARY:** The purpose of this general notice is to change the per acre assessment rate for the operation and maintenance of the irrigation facilities of the Joint Works of the San Carlos Irrigation Project to properly reflect the cost of labor, materials, equipment and services. The change is from \$31.16 per acre to \$29.63 per acre per year.

**EFFECTIVE DATE:** This general notice shall become effective when published for FY 1990.

**FOR FURTHER INFORMATION CONTACT:** Project Engineer, San Carlos Irrigation Project, P.O. Box 250, Coolidge, Arizona 85228, telephone (602) 723-5439.

**SUPPLEMENTARY INFORMATION:**

**Authority:** The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385).

This general notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Assistant Secretary for Indian Affairs to the Area Director in 10 BIAM 3 and pursuant to 171.1(e) of Part 171, Subchapter H, Chapter 1, Title 25 of the Code of Federal Regulations.

Determination Under E.O. 12291: Pursuant to E.O. 12291 of February 17, 1981 (46 FR 13193, February 19, 1981), each agency is to determine whether a rule it intends to issue is a major rule. The Bureau of Indian Affairs has determined that for the purpose of E.O. 12291, the proposed rate change is not a major rule and does not require preparation of Regulatory Impact Analysis because:

1. It will not have annual effect on the economy of \$100 million or more; or
2. It will not result in major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. It will not have significant adverse effects on competition, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign markets-based enterprises in domestic or export markets.

**Regulatory Flexibility Analysis:**

Pursuant to the Regulatory Flexibility Act of 1980 and 43 CFR Part 14, each agency is required to prepare and make available for public comment on regulatory flexibility analysis of a proposed rule will have a significant economic effect on a substantial number of small entities. The Bureau of Indian Affairs has determined that,

(1) A substantial number of small entities will not be effected as the proposed rate change will have effect upon one entity, the San Carlos Irrigation Drainage District, organized and existing under the laws of the State of Arizona; and

(2) The impacts of the proposed rate change will not cause an adverse economic impact upon a substantial number of small entities.

**Basis of Proposal:** A Preliminary FY 1990 Irrigation O&M Rate study was made of operation, maintenance and replacement costs of the Joint Works of the San Carlos Irrigation Project. On April 11, 1988, the study was presented to the Fact Finding Committee made up of representatives from the Gila River Indian community, the San Carlos Irrigation and Drainage District (SCIDD), Pima Agency, San Carlos Irrigation Project (SCIP), and Phoenix Area Office.

A proposed FY 1990 Irrigation O&M Rate was developed based on the data presented at the Fact Finding Committee meeting and suggestions made by the committee members. This proposed O&M rate study was provided to the Pima Agency, Gila River Indian Community, and the San Carlos Irrigation and Drainage District. Written comments (italic) were received on from the San Carlos Irrigation and Drainage District. A summary of these comments and the Project's responses follow:

*(1) SCIDD questioned why the rate study included 60 employees when only 42 currently work for the Project. SCIDD also requested information on number of employees and cost for the past three to five years.*

The rate study used payroll cost for pay period three of current employees and projected the cost forward using a three percent per year cost increase. The information requested by SCIDD will be made available.

*(2) SCIDD suggested that the Project is projecting too much equipment and that the \$330,000 is excessive since \$250,000 has been requested in FY 88 & 89. SCIDD feels that \$200,000 is adequate.*

The \$330,000 used is approximately 70% of the replacement cost of equipment list used in the rate study. The listed equipment will be evaluated

to determine what equipment can be eliminated in future rate studies.

*(3) SCIDD objected to the power rate of 3.66 cents/KWH used in the O&M, rate study and proposed that 2.14 cents/KWH would be more reasonable.*

The 3.66 cents/KWH was developed in a study conducted by the Project and presented at the Fact Finding Committee meeting and is believed to be appropriate.

SCIDD accepted the assessment rate adjustment of \$29.63 per acre, however they requested that for future rates the final rate study be given at least one month in advance for analysis and discussion. No comments were received from Pima Agency or Gila River Indian Community. The Project Engineer submitted his recommendation to the Phoenix Area Director for a change in the per acre assessment rate for operation and maintenance of the irrigation facilities of the Joint Works of the San Carlos Irrigation Project for Fiscal Year 1990 and subsequent years thereafter, until further notice, at a rate of 29.63 per acres for land under the Project. The revenue to be derived from the assessment would provide for the projected costs of all labor, materials, equipment replacement and power for irrigation pumps required for operation and maintenance of the project.

**Principal Author:** The principal author of this document is Thomas W. Neumann, P.E., Bureau of Indian Affairs, San Carlos Irrigation Project, P.O. Box 250, Coolidge, Arizona 85228, telephone (602) 723-5439.

The general notice shall read as follows:

**San Carlos Irrigation Project O&M  
Assessment, Joint Works**

Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and Repayment Contract of June 8, 1931, as amended, between the United States and San Carlos Irrigation and Drainage District, and in accordance with applicable provision of the Order of the Secretary of the Interior of June 15, 1938, the cost of the operation and maintenance of the Joint Works of the San Carlos Irrigation Project for Fiscal Year 1990 is estimated to be \$3,285,528 and the rate of assessment for the said fiscal year and subsequent fiscal years until further notice is hereby fixed at \$29.63 for each assessable acre of land.

**James H. Stevens,**

*Phoenix Area Director.*

[FR Doc. 88-19082 Filed 8-22-88; 8:45 am]

**BILLING CODE 4310-02-M**

**Bureau of Land Management**

[AK-968-4213-15; AA-60708]

**Alaska Native Claims Selection; Cook Inlet Region, Inc.**

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(e), will be issued to Cook Inlet Region, Inc. for approximately 11 acres. The lands involved are in the vicinity of Fort Richardson, Alaska. The parcel is a portion of lot 1, Sec. 18, T. 13 N., R. 2W., Seward Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government, or a regional corporation shall have until September 22, 1988, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Ramona Chinn,

Chief, Branch of Cook Inlet and Ahtna Adjudication.

[FR Doc. 88-19073 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-JA-M

[AK-964-4213-15; AA 8103-2]

**Alaska Native Claims Selection; Doyon Ltd.**

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Doyon, Limited, notice of which was published in the Federal Register, 44 FR 25937 to 25939, on May 3, 1979, is modified by limiting the season of use on easement EIN 8 L to winter use.

A Notice of the modified DIC will be

published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the modified DIC may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government, or regional corporation, shall have until September 22, 1988, to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given May 3, 1979, is final.

Stanley H. Bronczyk,

Chief, Branch of Doyon Adjudication.

[FR Doc. 88-19074 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-JA-M

[WY-920-08-4121-11; W-111732]

**Invitation for Coal Exploration License; Wyoming**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Invitation for Coal Exploration License.

**SUMMARY:** Powder River Coal Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Campbell and Converse Counties, Wyoming:

T. 41 N., R. 70 W., 6th P.M., WY.,  
 Sec. 2: Lots 5 through 16 inclusive;  
 Sec. 3: Lots 5 through 16 inclusive;  
 Sec. 4: Lots 5 through 15 inclusive;  
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 5: Lots 5 through 18 inclusive;  
 Sec. 6: Lots 8 through 23 inclusive;  
 Sec. 7: Lots 5 through 20 inclusive;  
 Sec. 18: Lots 5 through 20 inclusive;  
 Sec. 19: Lots 5 through 20 inclusive;  
 Sec. 20: Lots 1 through 16 inclusive;  
 Sec. 28: Lots 2 through 7, 10 through 15,  
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 41 N., R. 71 W., 6th P.M., WY.,  
 Sec. 25: Lots 1 through 14 inclusive.

T. 42 N., R. 70 W., 6th P.M., WY.,  
 Sec. 21: Lots 1 through 16 inclusive;  
 Sec. 27: Lots 1 through 16 inclusive;  
 Sec. 31: Lots 5 through 20 inclusive;

Sec. 34: Lots 1 through 16 inclusive;  
 Sec. 35: Lots 1 through 16 inclusive;  
 Containing 9,527.67 acres.

All of the coal in the above land consists of unleased Federal coal, within the Powder River Basin known coal leasing area. The purpose of the exploration is to construct ground water monitoring sites and to establish cropline and thickness of the Wyo-Dak Anderson coal seam in the area.

**ADDRESSES:** A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W-111732): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82003; and Bureau of Land Management, 1701 East 'E' Street, Casper, Wyoming 82601.

**SUPPLEMENTARY INFORMATION:** This notice of invitation will be published in a newspaper once each week for two consecutive weeks beginning the week of August 22, 1988, and in the Federal Register. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and to Powder River Coal Company no later than 30 days after publication of this invitation in the Federal Register. The written notice should be sent to the following addresses: Mr. Ronald J. Braig, Powder River Coal Company, P.O. Box 3034, Gillette, Wyoming 82717 and the Bureau of Land Management, Wyoming State Office, Branch of Mining Law and Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82003-1828.

The foregoing is published in the Federal Register pursuant to Title 43 Code of Federal Regulations, Section 3410.2-1(c)(1).

Gary W. Horton,

Acting State Director.

[FR Doc. 88-19075 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-22-M

[CA-060-43-7122-08-D063]

**California Desert District; Intent To Prepare Environmental Impact Statement and Notice of Availability of Preplanning Analysis for Proposed Expansion of Army National Training Center at Fort Irwin, CA**

**AGENCY:** Bureau of Land Management, Interior. Cooperating Agency: National Training Center, Army.

**ACTION:** Notice of Intent.

**SUMMARY:** Notice is hereby given that the Bureau of Land Management and the

Army will prepare an environmental impact statement (EIS) for the proposed expansion of the Army National Training Center, Fort Irwin, California (NTC). Expansion would involve withdrawal of public lands managed by the Bureau of Land Management (BLM), and acquisition of private and state of California lands.

This Notice of Intent (NOI) is an amendment to the NOI published by the Department of the Army on February 24, 1988.

On June 10, 1988, the Army proposed to the BLM that BLM consider a withdrawal of some portion of a study area of approximately 390,000 acres of public lands adjacent to the existing facility at the NTC for military use. These public lands and intermingled state and private lands would be acquired by the National Training Center upon the approval of Congress. The EIS would result in a recommendation by BLM to the Secretary of the Interior regarding the appropriateness of the additional withdrawal of public lands for Army use.

Dates: Following are scheduled dates for public scoping meetings:

Location	Date	Time
Holiday Inn, Crown Room A, 1200 University Ave., Riverside, California.	9/12/88	1:00 p.m. 7:00 p.m.
County Board of Supervisors Chambers, 385 N. Arrowhead Ave., San Bernardino, California.	9/13/88	7:00 p.m.
Green Tree Inn, Crystal A Room, 14173 Green Tree Blvd., Victorville, California.	9/14/88	7:00 p.m.
Barstow Station Inn, 1511 E. Main St., Barstow, California.	9/15/88	7:00 p.m.
Baker Community Hall, 100 Community Lane.	9/22/88	7:00 p.m.

Scoping comments will be accepted at these meetings or, if received in writing, on or before September 26, 1988. Mail scoping comments to: Karla Swanson, Bureau of Land Management, Barstow Resource Area, 150 Coolwater Lane, Barstow, CA 92311.

A Preplanning Analysis (PPA) containing preliminary planning issues (public land uses, natural and cultural resources, and social and economic considerations) and decision criteria is available at this time for public comment. Copies of the Preplanning Analysis can be obtained from the address above. Comments on this document are also due on or before September 26, 1988.

**SUPPLEMENTAL INFORMATION:** The expansion of the National Training Center would allow for brigade level training, for which the existing NTC at Fort Irwin was established in 1981, but which existing area within the NTC cannot accommodate.

Five preliminary alternatives have been identified, including No Action. The alternatives that would allow for the expansion of the National Training Center (NTC) include:

**Alvord Mountain Alternative—** Approximately 230,000 acres east and south of existing NTC boundaries, including portions of the South Avawatz Mountains, Soda Mountains, and Alvord Mountain. The boundary would reach to within one mile of I-15 and south of I-15 to encompass the Manix siding. All alternatives for expansion would also include the area south of Goldstone and north of the Paradise Range.

**Coyote Basin Alternative—** Approximately 305,000 acres east and south of existing NTC boundaries. Includes all of the Alvord Alternative plus the Coyote Basin south to the Calico Mountains.

**Superior Valley Alternative—** Approximately 300,000 acres mostly west and south of existing NTC boundaries. The expansion area would be west to include the Superior Lake area and south the Mud Hills. The area east of the Boulder Utility Corridor would be excluded as would the Manix railroad siding. Coyote Basin and a portion of the South Avawatz Mountains would be a part of this alternative.

**WSA Exclusion Alternative—** Approximately 280,000 acres strictly south and west of the existing NTC boundaries to avoid the three BLM wilderness study areas.

**FOR FURTHER INFORMATION CONTACT:** Karla Swanson, Bureau of Land Management, Barstow Resource Area, 150 Coolwater Lane, Barstow, CA 92311, (619) 256-3591.

Date: August 12, 1988.  
Gerald Hillier,  
District Manager.  
[FR Doc. 88-19052 Filed 8-22-88; 8:45 am]  
BILLING CODE 4310-40-M

#### Meeting of Miles City District Advisory Council; Montana

**AGENCY:** Bureau of Land Management, Miles City District Office, Interior—(MT-020-08-4410-02).

**ACTION:** Notice of Meeting.

**SUMMARY:** Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City District

Advisory Council will be held Thursday, October 6, 1988, at 8 a.m. in the Banquet Room of Jorgenson's Restaurant, 1720 Eleventh Avenue, Helena, Montana. The meeting is being held in Helena to allow the District Advisory Council to participate in a field tour to be conducted by the Butte District Office of the Bureau of Land Management on October 5. Following the meeting, there will be a round table discussion of multiple use issues with members of the Lewistown and Butte District Advisory councils.

The agenda is as follows:

1. Approve minutes of last meeting.
2. Update on selected District programs.
3. Wild Horse Sanctuary Program.
4. Budget outlook for FY89.
5. Status of Advisory Council nominations.
6. New Business.
7. Opportunity for public comment.
8. Adjourn.

The meeting is open to the public. The public may make oral statements before the Advisory Council or file written statements for the Council's consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be maintained in the Bureau of Land Management District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

**FOR FURTHER INFORMATION CONTACT:** District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Date: August 15, 1988.  
Sandra E. Sacher,  
Acting District Manager.  
[FR Doc. 88-19053 Filed 8-22-88; 8:45 am]  
BILLING CODE 4310-DN-M

[OR-020-08-4321-12: GP8-220]

#### Oregon; Wild Horse Gathering Schedule Meeting Notice

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Burns District Office: Statewide wild horse gathering schedule public meeting.

**SUMMARY:** In accordance with Pub. L. 92-195, this notice sets forth the public meeting date to discuss the use of helicopters in gathering wild horses and the proposed gathering schedule in Oregon for FY 89 and 90.

**DATE:** September 15, 1988, 3: P.M. to 4:30 P.M.

**ADDRESS:** The meeting will take place at the BLM Burns District Office in Hines, Oregon.

**FOR FURTHER INFORMATION CONTACT:** Joshua L. Warburton, District Manager, Burns District, Bureau of Land Management, HC 74-12533 Hwy. 20 West, Hines, Oregon 97738—Telephone (503) 573-5241.

**SUPPLEMENTARY INFORMATION:** The use of helicopters to gather wild horses throughout southeastern Oregon in Fiscal Year 1989 and 1990 will be discussed along with other aspects of the program and adoption process. Information concerning the gathering of all Oregon wild horse herds will be presented at the meeting. The total number of horses expected to be gathered will be between 1,250 and 1,500 depending on the availability of funds and the capability of the Burns District to process and adopt out the horses gathered.

This meeting is open to the public. Persons interested in making an oral statement at this meeting are asked to notify the District Manager, Burns District Office, HC 74-12533 Hwy. 20 West, Hines, Oregon, 97738 by September 8, 1988. Written statements must be received by this date.

Summary minutes of the meeting will be available for public inspection and duplication within 30 days following the meeting.

Dated: August 5, 1988.

Joshua L. Warburton,  
District Manager.

[FR Doc. 88-19057 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-33-M

### Minerals Management Service

#### Development Operations Coordination Document

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Huffco Petroleum Corporation has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 4405 and 4407, Blocks 518 and 523, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Pelican Island, Texas.

**DATE:** The subject DOCD was deemed submitted on August 15, 1988. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael D. Joseph; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2875.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service make information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: August 15, 1988.

J. Rogers Pearcy,  
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-19051 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-MR-M

### National Park Service

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 13, 1988. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by September 7, 1988.

Beth Boland,

Acting Chief of Registration, National Register.

#### ALASKA

Ketchikan Gateway Borough-Census Area  
McKay Marine Ways, 1935 Tongass Ave.,  
Ketchikan, 88001569

#### COLORADO

##### San Juan County

Cascade Boy Scout Camp, Adjacent to Lime  
Creek Rd., San Juan National Forest,  
Durango vicinity, 88001529

#### CONNECTICUT

##### Hartford County

Robbins, John, House, 282 Old Main St.,  
Rocky Hill, 88001526

##### New Haven County

Riverside Cemetery, Riverside St., from  
Sunnyside to Summit Sts., Waterbury,  
88001525

#### NEW MEXICO

##### Bernalillo County

Art Annex (New Mexico Campus Buildings  
Built 1906-1937 TR), NE corner of Central  
Ave. and Terrace St., UNM, Albuquerque,  
88001540

Carlisle Gymnasium (New Mexico Campus  
Buildings Built 1906-1937 TR), UNM  
campus W of Yale Blvd., Albuquerque,  
88001541

Estufa (New Mexico Campus Buildings Built  
1906-1937 TR), SE corner of University  
Blvd. and Grand Ave., UNM, Albuquerque,  
88001542

President's House (New Mexico Campus  
Buildings Built 1906-1937 TR), NE corner  
of Roma Ave. and Yale Blvd., UNM,  
Albuquerque, 88001543

Raynolds, Sara, Hall (New Mexico Campus  
Buildings Built 1906-1937 TR), UNM  
campus on Terrace St. north of Central  
Ave., Albuquerque, 88001544

Scholes Hall (New Mexico Campus Buildings  
Built 1906-1937 TR), UNM campus S of  
Roma Ave., Albuquerque, 88001545

##### Dona Ana County

Air Science (New Mexico Campus Buildings  
Built 1906-1937 TR), NE corner of N.

Horseshoe and Espina St., NMSU, Las Cruces, 88001546  
*Foster Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, SE corner of S. Horseshoe and Sweet, NMSU, Las Cruces, 88001547

*Goddard Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, S. Horseshoe between Espina and Sweet, NMSU, Las Cruces, 88001548

*University President's House (New Mexico Campus Buildings Built 1906—1937 TR)*, S of University Ave. between Espina and Solano, NMSU, Las Cruces, 88001549

#### Grant County

*Bowden Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, NE of Light Hall and SW of Heating Plant, WNMU, Silver City, 88001552

*Fleming Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, 10th St. NE of Bowden Hall, WNMU, Silver City, 88001553

*Graham Gymnasium (New Mexico Campus Buildings Built 1906—1937 TR)*, Florida St., WNMU, Silver City, 88001554

*Heating Plant (New Mexico Campus Buildings Built 1906—1937 TR)*, 10th St. NE of Bowden Hall, WNMU, Silver City, 88001555

*Light Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, N side of College Ave. at B St., WNMU, Silver City, 88001556

*Ritch Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, 10th St. SE of Fleming Hall, WNMU, Silver City, 88001557

#### Otero County

*Administration Building (New Mexico Campus Buildings Built 1906—1937 TR)*, 1900 N. White Sands Blvd., NMSUH, Alamogordo, 88001564

*Auditorium and Recreation Building (New Mexico Campus Buildings Built 1906—1937 TR)*, 1900 N. White Sands Blvd., NMSUH, Alamogordo, 88001565

*Central Receiving Building (New Mexico Campus Buildings Built 1906—1937 TR)*, 1900 N. White Sands Blvd., NMSUH, Alamogordo, 88001566

*Infirmiry Building (New Mexico Campus Buildings Built 1906—1937 TR)*, 1900 N. White Sands Blvd., NMSUH, Alamogordo, 88001567

#### Roosevelt County

*Administration Building (New Mexico Campus Buildings Built 1906—1937 TR)*, S side of University Pl. and campus green., ENMU, Portales, 88001558

#### San Miguel County

*Rogers Administration Building (New Mexico Campus Buildings Built 1906—1937 TR)*, National Ave., NMHU, Las Vegas, 88001559

#### Santa Fe County

*Connor Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, 1060 Cerrillos Rd., NMSD, Santa Fe, 88001561

*Hospital (New Mexico Campus Buildings Built 1906—1937 TR)*, 1060 Cerrillos Rd., NMSD, Santa Fe, 88001562

*School Building Number 2 (New Mexico Campus Buildings Built 1906—1937 TR)*,

1060 Cerrillos Rd. NMSD, Santa Fe, 88001560

*Superintendent's Residence (New Mexico Campus Buildings Built 1906—1937 TR)*, 1060 Cerrillos Rd., NMSD, Santa Fe, 88001563

#### Socorro County

*Brown Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, New Mexico Institute of Mining and Technology, Socorro, 88001550

*Fitch Hall (New Mexico Campus Buildings Built 1906—1937 TR)*, New Mexico Institute of Mining and Technology, Socorro, 88001551

#### NEW YORK

##### Westchester County

*Austin, Richard, House*, 196 Croton Ave., Ossining, 88001527

#### OREGON

##### Clackamas County

*Hall—Chaney House*, 10200 SE Cambridge La., Milwaukie, 88001522

##### Clatsop County

*Warren, Daniel Knight, House*, 107 Skipanon Rd., Warrenton, 88001521

##### Coos County

*Abernethy, Edwin and Ethel, House*, Box 103, Sitkum Route, Myrtle Point vicinity, 88001532

##### Klamath County

*Valley Hospital*, 405 Pine St., Klamath Falls, 88001524

##### Lane County

*Pacific Cooperative Poultry Producers Egg-Taking Station*, 506 Olive St., Eugene, 88001523

##### Multnomah County

*Lipman—Wolfe and Company Building*, 521 SW Fifth Ave., Portland, 88001531

##### Union County

*Anthony, John, House*, 1606 Sixth St., La Grande, 88001530

#### SOUTH DAKOTA

##### Fall River County

*Camp Collier (39FA413)*, Address Restricted, Edgemont vicinity, 88001533

#### TENNESSEE

##### Sullivan County

*Bristol Virginia—Tennessee Slogan Sign*, E. State St., Bristol, 88001568

#### WASHINGTON

##### Pend Oreille County

*Metaline Falls School*, 302 Park, Metaline Falls, 88001518

##### Thurston County

*Rice, L. N., House (Thurston County MRA)*, 12247 Vail Rd., SE, Velm vicinity, 88001520

##### Whitman County

*Canyon Grain Bin and Chutes (Grain Production Properties in Eastern*

*Washington MPS)*, E of County Rd. 7030, 2 mi. NE of jct. County Rds. 7030 and 7010, Hay vicinity, 88001539

*Heilsberg, Gustave, Farm (Grain Production Properties in Eastern Washington MPS)*, Rt. 2, Colfax vicinity, 88001534

*Interior Grain Tramway (Grain Production Properties in Eastern Washington MPS)*, Snake River Canyon, 2 mi. N of Wawawai, Pullman vicinity, 88001538

*McGregor Ranch (Grain Production Properties in Eastern Washington MPS)*, 6 mi. S of Hooper, Hooper vicinity, 88001535

*Steinke, Max, Barn (Grain Production Properties in Eastern Washington MPS)*, Rt. 1, Box 130, St. John vicinity, 88001536

*Tekoa Grain Company Elevator & Flathouse (Grain Production Properties in Eastern Washington MPS)*, 4 mi. W of Tekoa, Lone Pine vicinity, 88001537

#### Yakima County

*Holtzinger, C. M., Fruit Company Building*, N. Second Ave. and W. Yakima Ave., Yakima, 88001517

*Union Pacific Freight Building*, 104 W. Yakima Ave., Yakima, 88001519

[FR Doc. 88-19083 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-70-M

#### Management Policies; Criteria for Parklands

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of availability of proposed revised management policies on Criteria for Parklands with request for review and comments.

**SUMMARY:** The National Park Service is proposing revised management policies for new area studies and criteria for determining national significance. These policies, in their final form, will be incorporated in the revised National Park Service Management Policies as a part of chapter 2.

**DATE:** Written comments will be accepted until September 23, 1988.

**ADDRESS:** Comments should be directed to: Chief, Office of Policy, National Park Service, P.O. Box 37127, MIB-MS1226, Washington, DC 20013-7127.

Single copies of the draft management policies may be requested from National Park Service, Office of Policy, 18th & C Streets NW., MIB-MS1226, Washington, DC 20013-7127. Copies are available for review in the National Park Service Washington Office and all regional offices. Addresses of the Washington Office and regional offices are:

National Park Service, 18th & C Streets NW, Main Interior Building, Room 1226, Washington, DC 20013-7127  
 Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 107, Anchorage, AK 99503

Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, PA 19106

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102

National Capital Parks, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242

North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109-3572

Pacific Northwest Regional Office, National Park Service, 83 South King Street, Suite 212, Seattle WA 98104

Rocky Mountain Regional Office, National Park Service, 12795 West Alameda Parkway, P.O. Box 25287, Lakewood, CO 80225

Southeast Regional Office, National Park Service, 75 Spring Street SW, Atlanta, GA 30303

Southwest Regional Office, National Park Service, P.O. Box 723, Santa Fe, New Mexico 87504-0728

Western Regional Office, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, CA 94102

**FOR FURTHER INFORMATION CONTACT:**  
Office of Policy, 202/343-4298 or 7456.

**SUPPLEMENTARY INFORMATION:** The proposed policies for studying potential additions to the national park system reflect revised criteria for national significance adopted since 1978 for National Historic Landmarks and National Natural Landmarks. This statement updates the policy in effect since 1978 to more clearly distinguish significance considerations from questions of suitability, feasibility, and management alternatives. The proposed policy outlines four basic significance factors that apply to natural, cultural, and recreation resources and provides examples for each category of resource. This approach replaces the separate criteria for national recreation areas that appeared in the 1978 policies. The revised policy outlines criteria for new national park system units, but does not address what designation (park, monument, seashore, recreation area) would be most appropriate. Introductory material in the 1978 policy has been condensed to avoid duplication with other chapters in the new management policies. The new policy statement also includes a definition and criteria for affiliated areas, responding to directions from Congress in Pub. L. 100-336.

The Service is hereby soliciting comment from any and all interested groups or individuals on these policies. We urge you to be specific as to how the policy might be changed or strengthened. All comments will be reviewed and, where appropriate,

incorporated. The policies will remain on review for 30 days. The revised final policy and an explanation of how comments were addressed will be published in the *Federal Register*. These policies, in final form, will become a part of chapter 2 of the National Park Service Management Policies.

Denis P. Galvin,  
*Acting Director.*  
August 17, 1988.

#### New Area Studies and Criteria

The National Park Service (Park Service) plays a broad role in identifying nationally significant natural, cultural, and recreational resources and assisting in their preservation both inside and outside the national park system. The areas managed by the National Park Service are only one part of a broader national system of special and protected areas managed by innumerable federal, state, and local agencies and the private sector, and addition to the national park system is only one of many alternatives for ensuring the preservation of significant national resources for public enjoyment and benefit. A great variety of specially designated areas, including natural landmarks, historic landmarks, wild and scenic rivers, trails, wilderness areas, areas of critical environmental concern, biosphere reserves, and recreation areas, managed by the U.S. Forest Service, Fish and Wildlife Service, Bureau of Land Management, other federal, state, county, and local agencies, Indian tribes, and the private sector, complete the broader national inventory.

As directed by Congress, the National Park Service will study and monitor areas to determine if they are nationally significant and if so, do they have potential for inclusion in the national park system. Planning for the future of the national park system is guided by a framework of themes representing all the aspects of America's natural and cultural heritage. Additions to the system recognize new understanding of natural resources and biological diversity, national recreational trends, and the continuing progress of history. New area studies may be initiated within the Service or may be conducted in response to requests from Congress, other federal, state, or local agencies, or the private sector. The Service will review all proposals and provide advice about planning, studies, or other appropriate actions. Where formal new area studies are appropriate, the Service will establish priorities and conduct studies as funds are available.

To be eligible for favorable consideration as a unit of the national

park system, an area must (1) possess nationally significant natural, cultural, or recreational resources, (2) be a suitable and feasible addition to the system, and (3) require direct Park Service management instead of alternative protection by other agencies or the private sector. These criteria are designed to ensure that the national park system includes the most outstanding examples of the nation's natural, cultural, and recreational resources. They also recognize that inclusion in the national park system is not the only option for preserving the nation's outstanding resources.

#### Criteria for National Significance

A natural, cultural, and recreational resource will be considered nationally significant if it meets all of the following criteria:

It is an outstanding example of a particular type of resource.

It possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage.

It offers opportunities for recreation, public use, and enjoyment or for scientific study superior to other resources of the same type.

It retains integrity as a true, accurate, and relatively unspoiled example of a resource.

Examples of nationally significant natural resources include:

An outstanding site that illustrates the characteristics of a geologic landform or biotic area that is still widespread.

A rare remnant geologic landform or biotic area of a type that was once widespread but is now vanishing due to human settlement and development.

A geologic landform or biotic area that was extremely uncommon in the region or nation prior to European settlement.

A site possessing exceptional diversity of ecological components (species, communities, habitats) or geologic features (landforms, observable manifestations of geologic processes).

A site containing biotic species or communities whose natural distribution at that location makes them unusual (a relatively large population at the limit of its range, or an isolated population).

A site harboring a concentrated population of a rare plant or animal species, particularly one officially recognized as threatened or endangered.

A critical refuge necessary for the continued survival of a species.

A site containing rare or unusually abundant fossil deposits.

An area with outstanding scenic qualities, such as dramatic topographic

features, unusual contrasts in landforms or vegetation, spectacular vistas, or other special landscape features.

A site that is an invaluable ecological or geological benchmark due to an extensive and long-term record of research and scientific discovery.

Nationally significant cultural resources include districts, sites, buildings, structures, or objects that possess exceptional value or quality in illustrating or interpreting our heritage and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. Examples are resources that:

Are associated with events that have made a significant contribution to and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained.

Are associated importantly with the lives of persons nationally significant in the history of the United States.

Represent some great idea or ideal of the American people.

Embody the distinguishing characteristics of an architectural type specimen, exceptionally valuable for study of a period, style, or method of construction or that represent a significant, distinctive, and exceptional entity whose components may lack individual distinction.

Are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture.

Have yielded or may be likely to yield information of major scientific importance by revealing new cultures or by shedding light upon periods of occupation over large areas of the United States.

Ordinarily cemeteries, birthplaces, graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, and properties that have achieved significance within the past 50 years are not considered appropriate for addition to the national park system unless they have transcendent importance, unless they possess inherent architectural or artistic significance, or unless no other site associated with that theme remains.

Examples of nationally significant recreation resources include:

A natural or cultural feature providing a special setting for a variety of recreational activities different from those available at the local or regional level.

A spacious area located near a major population center with the potential to provide exceptional recreational opportunities and to serve visitors from around the nation rather than solely from the immediate vicinity.

An area that protects a unique recreation resource that is scarce and disappearing in a multi-state region, such as an outstanding recreational river, a unique maritime environment or coastline, or a unique scenic area.

A unique combination of natural, cultural, and recreational resources that collectively offer outstanding opportunities for public use and enjoyment even though each feature might not individually be considered nationally significant.

#### *Suitability and Feasibility*

To be suitable for addition to the national park system an area must represent a theme or type of recreational resource that is not already adequately represented in the national park system. Adequacy of representation will be determined on a case-by-case basis by evaluating the proposed addition in relation to other units in the national park system.

To be feasible as a new unit of the national park system an area must be of sufficient size and appropriate configuration to ensure long-term protection of resources and to accommodate public use, and it must have potential for efficient administration at a reasonable cost. Important feasibility factors include landownership, acquisition costs, access, threats to the resource, and staff or development requirements.

#### *Management Alternatives*

Studies of potential new park units will evaluate an appropriate range of management alternatives, which may include:

Continued management by states, local governments, Indian tribes, the private sector, or other federal agencies.

Technical or financial assistance to others through established NPS programs or special projects.

Management by others as a designated national natural landmark, national historic landmark, national wild and scenic river, national trail, biosphere reserve, state or local park, or other specially designated and protected area.

Cooperative management, including designation as an affiliated area.

New additions to the national park system will not usually be recommended if other arrangements can provide adequate protection for the resource and opportunities for public enjoyment.

#### *Affiliated Areas*

Congress and the Secretary of the Interior have given special recognition to a small group of nationally significant areas that are affiliated with but not technically part of the national park system. These affiliated areas are protected and managed by other organizations and agencies, but they have some formal financial or legal relationship with the National Park Service, often including technical or financial assistance beyond what is normally available to national landmarks.

To be eligible for affiliated status, areas must meet the same criteria for national significance as national landmarks or potential units of the national park system. However, affiliated areas are not necessarily suitable or feasible as new units of the system. Designation as an affiliated area is a management alternative appropriate for nationally significant resources that can be most effectively protected by others through a cooperative arrangement with the National Park Service. Although the National Park Service does not have direct management responsibility for affiliated areas, the Service usually maintains oversight responsibilities to assure that management and operations meet Park Service standards.

[FR Doc. 88-19072 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-70-M

#### **Office of Surface Mining Reclamation and Enforcement**

##### **Flat Fork Creek Watershed Lands Unsuitable for Mining Petition**

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

**ACTION:** Notice of intent to resume the petition review process and to prepare a combined petition evaluation document/environmental impact statement and notice of scoping meeting/comment period for the petition to designate certain lands in the Flat Fork Creek watershed in Morgan County, Tennessee, as unsuitable for surface coal mining operations.

**SUMMARY:** On November 25, 1985, the Office of Surface Mining Reclamation and Enforcement (OSMRE) acknowledged the receipt of a petition filed by the Legal Environmental

Assistance Foundation on behalf of the petitioners.

On February 12, 1988, OSMRE suspended processing of the petition. The suspension resulted from an appeal filed on December 19, 1985, by the Legal Environmental Assistance Foundation on behalf of the petitioners with the U.S. Department of the Interior, Board of Land Appeals (IBLA). The IBLA rules at 43 CFR 4.21 provide that an appeal suspends the effect of a decision until IBLA rules on the appeal. On April 7, 1988, a decision on the appeal was made in favor of the Secretary of the Interior, and OSMRE has, therefore, resumed the petition review process.

Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSMRE) intends to prepare a combined petition evaluation document/environmental impact statement (PED/EIS) for the decision on this petition to designate certain lands within the Flat Fork Creek watershed in Morgan County, Tennessee, as unsuitable for surface coal mining pursuant to section 522(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

OSMRE has identified four alternatives that the combined PED/EIS would evaluate as described in the supplementary information of this notice. OSMRE requests that other agencies and the public submit written comments or statements on the need for an IES on the petition and the scope of the issues which should be analyzed in the combined document.

**DATES:** Written comments must be received by 5 p.m. local time, October 24, 1988. Oral comments may be presented at the scoping meeting to be held at the Central Elementary School, Wartburg, Tennessee, on September 22, 1988.

**ADDRESS:** Written comments must be received at, or hand-delivered to, the Office of Surface Mining Reclamation and Enforcement, Division of Tennessee Permitting, attention of Willis Gainer, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902. Copies of the petition are available upon request from the Office of Surface Mining Reclamation and Enforcement at the above address. The public record on the petition is available for review during normal working hours at the OSMRE office listed above.

**FOR FURTHER INFORMATION CONTACT:** Bruce Klein at the OSMRE office listed above, telephone: (615) 673-4330.

**SUPPLEMENTARY INFORMATION:** On September 27, 1985, the Frozen Head State Park Association, Inc., Tennessee Citizens for Wilderness Planning, the

Sierra Club, and three citizens, filed a petition with OSMRE requesting, in accordance with Section 522(c) of Public Law 95-87, that certain lands within the Flat Fork Creek watershed in Morgan County, Tennessee, be designated as unsuitable for surface coal mining operations. The Federal Program for Tennessee, as administered by OSMRE, applies to all surface coal mining operations in Tennessee including the processing of lands unsuitable petitions (49 FR, 38874 October 1, 1984). The petition was declared administratively complete on January 24, 1986. The 21-page petition and 217 pages of exhibits were submitted by Carol S. Nickle, Attorney for the petitioners. Ms. Nickle's address is Legal Environmental Assistance Foundation, 531 South Gay Street, Suite 810, Knoxville, Tennessee 37902. A copy of the petition is available for public inspection at the County Assessor's Office in Wartburg, Tennessee, and at the OSMRE Knoxville Field Office listed above. In addition, the public record on the petition is available for review during normal working hours at the OSMRE office listed above.

On February 12, 1988, OSMRE suspended processing of the petition. The suspension resulted from an appeal filed on December 19, 1985, by the Legal Environmental Assistance Foundation on behalf of the petitioners with the U.S. Department of the Interior, Board of Land Appeals (IBLA). The appeal resulted from a decision of the Director, Office of Surface Mining Reclamation and Enforcement, holding that an unsuitability determination made by the Commissioner of the Tennessee Department of Health and Environment would no longer be recognized. The IBLA rules at 43 CFR 4.21 provide that an appeal suspends the effect of a decision until IBLA rules on the appeal. On April 7, 1988, a decision on the appeal was made upholding the Director's decision and OSMRE has, therefore, resumed the petition review process.

The major allegations of the petition are:

1. Reclamation is not technologically and economically feasible.
2. Mining the area would be incompatible with State and local land-use plans or programs.
3. Mining could result in significant damage to important historic, cultural, scientific, and esthetics values and natural systems.
4. Mining could result in substantial loss or reduction of the water supply.

The several alternatives available to OSMRE for evaluation in the combined

document range from not designating any of the lands in the area as unsuitable to designating all the lands in the petition area as unsuitable. The alternatives are as follows:

*Alternative 1*—Designate the entire petition area as unsuitable for all surface coal mining operations.

*Alternative 2*—Not designate any of the area as unsuitable for all surface coal mining operations.

*Alternative 3*—Designate parts of the petition area as unsuitable for surface coal mining operations.

A. Designate as unsuitable for all or certain types of surface coal mining operations those parts of the petition area in which such operations would be incompatible with existing State or local land-use plans or programs.

B. Designate as unsuitable for all or certain types of surface coal mining operations those parts of the petition area in which such operations would result in significant damage to important historic, cultural, scientific, and esthetics values and natural systems.

C. Designate as unsuitable for all or certain types of surface coal mining operations those parts of the petition area in which such operations could result in substantial loss or reduction of the water supply.

*Alternative 4*—Designate the entire petition area as unsuitable for surface coal mining but allow underground mining with or without certain restrictions.

A scoping comment period is intended to raise the relevant issues to be addressed by the combined document. The scoping meeting will be held at the Central Elementary School in Wartburg, Tennessee, on September 22, 1988, at 7:00 p.m. (EDT). The comment period will close on October 24, 1988, at 5:00 p.m. (EDT) local time. OSMRE seeks public comments in relation to the scope of issues to be addressed by the impact evaluation, including impacts and alternatives that should be addressed. Written comments submitted should be specific and confined to issues pertinent to the petition. The public comments received during the scoping period will assist OSMRE in making a decision on the petition evaluation and in preparing the environmental impact statement. OSMRE believes that the proposed action is a major Federal action that may significantly affect the quality of human environment and may require the preparation of an EIS.

OSMRE additionally gives notice here that, should information or analyses show that the proposed action does not require an EIS, it will terminate the environmental impact statement process

through an appropriate notice in the **Federal Register**.

Date: August 15, 1988.

Robert H. Gentile,

Director, Office of Surface Mining  
Reclamation and Enforcement.

[FR Doc. 88-19093 Filed 8-22-88; 8:45 am]

BILLING CODE 4310-05-M

## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-304 (Sub-No. 1X)]

### Mid-Louisiana Rail Corp.—Exemption for Discontinuance of Trackage Rights Between Winnfield and Alexandria, LA

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* to discontinue its trackage rights over a line of the Louisiana & Arkansas Railway Company (L&A) between milepost 25.00 near Winnfield, LA and milepost 73.00 near Alexandria, LA, and to terminate its trackage rights agreement with L&A. L&A will continue to operate over the line.

Applicant has certified (1) that no local traffic has moved over the line under the trackage rights agreement for at least 2 years and that overhead traffic may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the discontinuance 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 22, 1988 unless stayed pending reconsideration. Petitions to stay regarding matters that do not involve environmental issues<sup>1</sup> and formal

<sup>1</sup> A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether

expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2)<sup>2</sup> must be filed by August 29, 1988 and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 7, 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: Mark M. Levin, Esq., Weiner, McCaffrey, Brodsky & Kaplan, P.C., 1350 New York Ave., NW., Suite 800, Washington, DC 20005-4797.

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 discontinuance.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will serve the EA on all parties by August 23, 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) 275-7216.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: August 12, 1988.

By the Commission, Jane F. Mackall,  
Director, Office of Proceedings.

Noreta R. McGee,  
Secretary.

[Finance Docket No. 31295; Directed  
Service Order No. 1504; Supplemental  
Order No. 3]

### The New York, Susquehanna and Western Railway Corp.; Directed Service; The Delaware and Hudson Railway Co., Debtor (Francis P. Dicello, Trustee)

AGENCY: Interstate Commerce  
Commission.

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.

<sup>2</sup> See *Exemption of Rail Abandonment or Discontinuance—Offers of Financial Assistance*, 4 I.C.C.2d 164 (1987), and final rules published in the *Federal Register* on December 22, 1987 (52 FR 48440-48446).

**ACTION:** Directed Service Order No. 1504, Supplemental Order No. 3.

**SUMMARY:** The Commission has concluded that cause exists to extend the directed service period and is extending for 180 days the authority for The New York, Susquehanna and Western Railway Corporation (NYS&W) to act as a directed rail carrier without federal subsidy or compensation under 49 U.S.C. 11125 over the lines of the Delaware and Hudson Railway Company, Debtor (Francis P. Dicello, Trustee) (D&H), and in doing so to use D&H equipment (under a private compensation agreement). Should D&H be able to resume operations or NYSW desire to terminate operations before the 180-day period runs out, the directed service authority of the NYS&W will expire on the 10th day following notice to the Commission of D&H's intention to resume operations or of NYSW's intention to cease operations.

**DATES: Effective Date and Duration:** Supplemental Order No. 3 shall be effective on August 17, 1988, and shall continue in force and effect until February 13, 1989, unless otherwise modified or terminated by further order of the Commission.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar (202) 275-7245 or Bernard Gaillard (202) 275-7849. [TDD for hearing impaired: (202) 275-1721]

**SUPPLEMENTARY INFORMATION:** NYS&W's authorization to provide service on the D&H system is due to expire August 17, 1988. In a notice served July 20, 1988 (53 FR 27773, July 22, 1988) the Commission sought comments from interested and affected parties (including the D&H trustee in bankruptcy) on several issues concerning service over the D&H system. We have reviewed the comments and conclude that, for the same reasons explained in our initial directed service order, cause exists to extend NYS&W's authorization under 49 U.S.C. 11125(b)(1).<sup>1</sup> Accordingly, we will extend for 180 days NYS&W's authorization to provide service on the D&H system without subsidy or compensation under 49 U.S.C. 11125(b)(5).

The D&H Trustee, in his comments, indicates that he recognizes that D&H has not been relieved of its obligation to

<sup>1</sup> While in its comments NYS&W originally requested that further directed service be ordered under 49 U.S.C. 11123, it subsequently asked that the authorization under 49 U.S.C. 11125 be continued subject to clarification regarding its employee protection liability. That matter is discussed *infra*.

operate its lines, and that, while D&H cannot begin service immediately, it may be possible for D&H to resume operations in the near future. The Trustee, therefore, supports continued interim operations of the D&H lines. Moreover, the Trustee supports continued operations by NYS&W, which he describes as the ideal interim operator. The Trustee contends that the NYS&W maintains the competitive balance that is necessary for the region and that was intended by Congress.<sup>2</sup>

Extension of the directed service order for 180 days will not interfere with the possible resumption of D&H operations by the D&H trustee. Because the directed service authorization is based on the D&H's discontinuance of transportation service, if the D&H trustee resumes service before the 180-day extension period runs out, the NYS&W's directed service authorization would expire upon D&H's resumption of service.

Conrail expresses a view that the authorization for an interim operator to use the D&H trackage rights over its line would constitute an assignment of those rights which is not permitted without Conrail's approval. We disagree. The use of lines and trackage rights by a carrier as a substitute for D&H, with the permission of D&H so as to carry out D&H's common carrier obligation, does not effect an assignment. NYS&W is simply operating for D&H and stands in D&H's shoes vis-a-vis trackage rights over Conrail.

The majority of the other comments received (from shippers, other railroads, the U.S. Department of Transportation, several States, affected Counties, and others) also support NYS&W's continued operation of the D&H for reasons ranging from the belief that service has been improved during the interim period to the view that the present temporary arrangement protects the competitive balance in the region. Most parties believe these interim operations are essential.

While some labor interests express reservations about the property of the past NYS&W interim operations with respect to employees, labor generally supports continued interim operations of the D&H. It should be noted that, by providing service under this order, NYS&W does not become liable for any employee protection obligations that would otherwise be the responsibility of

D&H. Nor does NYS&W become responsible for any employee protection obligations of D&H which have accrued prior to initiation of directed service or which may accrue subsequent thereto.

Finally it should be assumed that, just as the Trustees may determine that D&H is able to resume rail service operations, so too may the NYS&W, as the directed rail carrier (DRC) determine that it is no longer able to continue to provide directed rail service prior to the 180-day expiration of this order. Accordingly we will also provide that, in the event the parties reach such decision, this order will expire on the 10th day following the Commission's receipt of written notice of any such decision(s) from the parties. Upon receipt of such notice an appropriate supplemental order will automatically be entered terminating directed service.

This notice will be served on all parties to this proceeding including those listed in our June 22, 1988 decision, as well as the trustee in bankruptcy and the U.S. District Court for the District of Delaware (Bankruptcy Filing No. 88-342).

This action will not significantly affect either the quality of the human environment or energy conservation.

It is ordered:

1. NYS&W is authorized for an additional 180 days to continue to operate D&H's lines under the terms and conditions previously established.

2. This decision and order shall be effective on August 17, 1988, and shall continue in force and effect until February 13, 1989, unless otherwise modified or terminated by further order of the Commission.

Decided: August 17, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 88-19102 Filed 8-22-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 40X)]

**Southern Railway Co.—Abandonment Exemption Between Sheffield And Florence, AL**

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 2.7-mile line of railroad between milepost 4.3-MF, at Sheffield, AL, and milepost 7.0-MF, at Florence, AL.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic may be rerouted, and (2) that no formal complaint filed by a user of rail service

on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant with 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 22, 1988 (unless stayed pending reconsideration). Petitions to stay regarding matters that do not involve environmental issues<sup>1</sup> and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2)<sup>2</sup> must be filed by August 29, 1988 and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 7, 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: Roger A. Petersen, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510-2191.

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 23, 1988. Other interested

<sup>1</sup> 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.

<sup>2</sup> See *Exemption of Rail Abandonments of Discontinuance—Offers of Financial Assistance*, 4 I.C.C. 2d 164, (1987), and final rules published in the *Federal Register* on December 22, 1987 (52 FR 48440-48446).

<sup>2</sup> The Consolidated Rail Corporation (Conrail) does not seek to replace the NYS&W as an interim operator, but indicates that, should the NYS&W not seek, or be found unsuitable by the Commission, to continue directed rail service operations, Conrail would be willing to serve D&H's customers, but only under the framework of 49 U.S.C. 11123 and 11124 (rerouting of traffic), and only upon specified terms.

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: August 12, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGree,  
Secretary.

[FR Doc. 88-18963 Filed 8-22-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-301 (Sub-No. 2X)]

**Southrail Corp.; Exemption for Abandonment Between Laurel and Bay Springs, MS, in Jones and Jasper Counties, MS**

Applicant has filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments* to abandon approximately 21.8 route miles in Jones and Jasper Counties, MS, between milepost 111.20 at or near Laurel not including active shipper sidings, and milepost 133.00 at or near Bay Springs.

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 government 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 discontinuance of service 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

22, 1988 (unless stayed pending reconsideration). Petitions to stay regarding matter that do not involve environmental issues<sup>1</sup> and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2)<sup>2</sup> must be filed by August 29, 1988 and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 7, 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: Mark M. Levin; Weiner, McCaffrey, Brodsky & Kaplan, P.C. 1350 New York Avenue, NW., Suite 800, Washington, DC 20005-4797.

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 23, 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: August 18, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-19100 Filed 8-22-88; 8:45 am]

BILLING CODE 7035-01-M

<sup>1</sup> 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 *Exemption of Out-of-Service Rail Lines*, 4 I.C.C. 2d 164, 400 (1988).

<sup>2</sup> See *Exem. of Rail Line Aband. or Discont.—Offers of Financial Assistance*, 4 I.C.C. 2d 164,

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 2, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 2, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 15th day of August 1988.

**Marvin M. Fooks,**

Director, Office of Trade Adjustment Assistance.

served December 21, 1987, and final rules published in the *Federal Register* on December 22, 1987 (52 FR 48440-48446).

## APPENDIX

Petitioner: (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Atlantic Fuels Marketing Corp. (Company)	Montvale, NJ	8-15-88	8-2-88	20,866	Crude oil.
Bioelectron, Inc. (Workers)	Hackensack, NJ	8-15-88	7-29-88	20,867	Bone growth stimulator.
Fabric Masters (ILGWU)	Carlstadt, NJ	8-15-88	7-29-88	20,868	Coats.
Devon Apparel, Inc. (ILGWU)	Philadelphia, PA	8-15-88	8-2-88	20,869	Ladies' sportswear.
M&D Coat Co. (ILGWU)	Hoboken, NJ	8-15-88	7-27-88	20,870	Coats.
Magnetek Universal Mfg (Workers)	Paterson, NJ	8-15-88	8-2-88	20,871	Ballasts and starters for lights.
N&J Originals (ILGWU)	Hoboken, NJ	8-15-88	7-29-88	20,872	Coats.
Newcor, Inc. (Workers)	Bay City, MI	8-15-88	8-1-88	20,873	Automated welding machinery.
P.V.S. Chemicals, Inc. (Workers)	Copley, OH	8-15-88	8-3-88	20,874	Sulfuric acid.
Phillips Petroleum Co. (Workers)	Denver, CO	8-15-88	8-2-88	20,875	Oil and gas.
Precision Materials (Workers)	Mine Hill, NJ	8-15-88	8-1-88	20,876	Irradiation of products.
Reichhold Chemicals, Inc. (OCAW)	Ferndale, MI	8-15-88	8-5-88	20,877	Alkyd resins.
U.S. Can Co. Plant #23 (Company)	Passaic, NJ	8-15-88	7-29-88	20,878	Metal containers.
Wilshire Knitting Mills (ILGWU)	Philadelphia, PA	8-15-88	8-3-88	20,879	Ladies and mens' sweaters.

[FR Doc. 88-19127 Filed 8-22-88; 8:45 am]

BILLING CODE 4510-30-M

**Mine Safety and Health Administration**

[Docket No. M-88-134-C]

**The Ohio Valley Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

The Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, Ohio 43902 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Powhatan No. 6 Mine (L.D. No. 33-01159) located in Belmont County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.
2. Petitioner states that due to continued deterioration of roof conditions the old Main Return from the West Seals to the No. 1 Fan cannot be safely traveled, and rehabilitation of these entries would create a diminution of safety to the examiners and miners.
3. As an alternate method, petitioner proposes to establish input and output evaluation stations in lieu of traveling the aircourse in its entirety.
4. In support of this request, petitioner states that—
  - (a) The input station would be established immediately outby the No. 1 West seal;
  - (b) The output station would be established at the No. 1 Fan;
  - (c) Air measurement stations and approaches to them would be maintained in a safe and traveled condition;

(d) These entries are not used as an escapeway, and no miners or materials will pass through them;

(e) The return aircourse in question is located in a noncoal producing area of the mine;

(f) Weekly methane and air quality/quantity readings would be taken by a certified individual;

(g) A date board would be located at each checkpoint for the purpose of recording initials, date, and time of each examination; and

(h) Methane or other harmful, noxious, or poisonous gases would not be permitted to accumulate in the airways. An increase of 0.5% methane or a reduction of 10% in air quantity when compared to the last readings at any check station would be cause for immediate investigation and appropriate action.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

**Request for Comments**

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: August 16, 1988.

[FR Doc. 88-19126 Filed 8-22-88; 8:45 am]

BILLING CODE 4510-43-M

**NATIONAL COMMUNICATIONS SYSTEM****Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee; Meeting**

A meeting of the of the Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee will be held Wednesday, August 31, 1988. The meeting will be held at the MITRE Corporation, 7525 Colshire Drive, McLean, VA. Registration will begin at 8:30 a.m. and the meeting will start at 9 a.m. The agenda is as follows:

- A. Opening remarks.
- B. Administrative remarks.
- C. Briefings on industry and Government activities.

Due to the requirement to discuss classified information, in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (202) 692-9274 or write the Manager, National Communications System, Washington, DC 20305-2010.

Terrence N. Danner,

Captain, USN, Assistant Manager, NCS Joint Secretariat.

[FR Doc. 88-19091 Filed 8-22-88; 8:45 am]

BILLING CODE 3610-05-M

**NUCLEAR REGULATORY COMMISSION****Advisory Committee on Nuclear Waste; Meeting Notice**

The Advisory Committee on Nuclear Waste (ACNW) will hold an open meeting on September 13-14, 1988, 8:30 a.m., Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

*Low-Level Waste and Decommissioning Division (Open)*—estimated time: 1.5 hrs.—The Committee will be briefed by the Director of the Division of Low-Level Waste and Decommissioning on plans for FY 1989.

*Regulatory Responsibility (Open)*—estimated time: 1.5 hrs.—The Committee will be briefed on an ASME paper on proposed regulatory responsibilities for mixed waste.

*Low-Level Waste Handling Processes (Open)*—estimated time: 1.5 hrs.—The Committee will be briefed by the NRC Staff on cement-based LLW forms.

*High Density Polyethylene HICs (Open/Closed)*—estimated time: 2 hrs.—The Committee will be briefed by the NRC Staff on High Density Polyethylene HICs.

*Below Regulatory Concern (Open)*—estimated time: 1 hr.—The Committee will continue its review of the Below Regulatory Concern (BRC) issue with the goal of developing a position which could be incorporated in an NRC policy statement before the International Meeting on BRC is held in Washington, DC, in October 1988.

*Decommissioning Rule (Open)*—estimated time: 0.5 hr.—The Committee will be briefed on the rulemaking on "General Requirements for Decommissioning Nuclear Facilities.

*DOE's Dry Spent Fuel Storage Cask Study (Open)*—estimated time: 45 mins.—The Committee will be briefed by the NMSS/IMNS staff on the DOE study on dry cask design and use.

*Committee Activities (Open)*—estimated time: 2 hrs.—The Committee will discuss anticipated and proposed Committee activities, future meeting schedule, and administrative matters, as appropriate.

Procedures for the conduct of and participation in ACNW meetings were published in the *Federal Register* on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. The Office of the ACRS is providing Staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the Office of the ACRS as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman.

Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the Office of the ACRS, Mr. Raymond Fraley (telephone 202/634-3265) until August 26 and after August 29 (telephone 301/492-8049), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

Date: August 17, 1988.

Andrew L. Bates,

Acting Advisory Committee Management Officer.

[FR Doc. 88-19084 Filed 8-22-88; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Notice of Proposed Meetings**

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, and of the ACNW, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published July 26, 1988 (53 FR 28085). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the *Federal Register* approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS full Committee and ACNW meetings designated by an asterisk (\*) will be open in whole or in part to the public. ACRS full Committee and ACNW meetings begin at 8:30 a.m. and ACRS Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS full Committee and ACNW meetings and when ACRS Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the September 1988 ACNW and the September 1988 ACRS full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634-3265, ATTN:

Barbara Jo White) until August 26 and after August 29 (telephone 301/492-8049) between 7:30 a.m. and 4:15 p.m., Eastern Time.

#### **ACRS Subcommittee Meetings**

*Pilgrim Restart*, August 26, 1988, Plymouth, MA. The Subcommittee will review the proposed restart of the Pilgrim plant.

*Safety Philosophy, Technology, and Criteria*, September 1, 1988, Bethesda, MD. The Subcommittee will discuss the Staff's proposed implementation plan for the Safety Goal Policy Statement.

*Maintenance Practices and Procedures*, September 7, 1988, Bethesda, MD. The Subcommittee will discuss and review the maintenance rule and associated NUREG document.

*Advanced Pressurized Water Reactors*, September 15, 1988, Bethesda, MD. The Subcommittee will review the draft SER in regard to the reactor, reactor coolant system, and regulatory conformance for the WAPWR RESAR SP/90 design.

*Reliability Assurance*, September 16, 1988, Bethesda, MD. The Subcommittee will continue its review of the Equipment Qualification-Risk Scoping Study with special emphasis on the peer review comments.

*Mechanical Components*, October 26-27, 1988, Bethesda, MD. The Subcommittee will discuss recent work related to valve reliability, including: isolating high energy line tests at Wyle Laboratory, compressed air systems and valves, seismic tests on an aged Shippingport valve, etc.

*Advanced Boiling Water Reactors*, November 15-16, 1988, Bethesda, MD. The Subcommittee will continue its FDA review of this standard plant. Detailed ACRS questions will be covered on review module 1. An overview of the second review module is planned.

*Babcock & Wilcox Reactor Plants*, November 30-December 1, 1988, Sacramento, CA. The Subcommittee will meet to study the lessons learned from the approximately 2-year shutdown of Rancho Seco that occurred following the December 16, 1985 overcooling event. Topics include monitoring extended start-up program as well as plant and organization changes as a result of the restart effort.

*Advanced Pressurized Water Reactors*, Date to be determined (September), Bethesda, MD. The Subcommittee will review the licensing review bases document being developed for Combustion Engineering's Standard Safety Analysis Reports-Design Certification (CESSAR-DC).

*Advanced Reactor Designs*, Date to be determined (September), Bethesda, MD. The Subcommittee will review the draft SERs for the liquid metal reactors (LMRs).

*Occupational and Environmental Protection Systems*, Date to be determined (September/October), Bethesda, MD. The Subcommittee will review: (1) The "hot particle" problem, (2) monitoring the quality and quantity of airborne radionuclides in/out of containment following an accident, (3) the emergency planning rule, (4) the control room habitability report by ANL, and (5) other related matters.

*Peach Bottom Restart (Ad Hoc)*, Date to be determined (September/October), York City, PA. The Subcommittee will review the proposed restart plan for the Peach Bottom Plant.

*Advanced Pressurized Water Reactors*, Date to be determined (October), Bethesda, MD. The Subcommittee will discuss the comparison of WAPWR (RESAR SP/90) design with other modern plants (in U.S. and abroad).

*Thermal Hydraulic Phenomena*, Date to be determined (October), Bethesda, MD. The Subcommittee will review: (1) The final report of the Technical Program Group on the Code Scaling, Applicability and Uncertainty (CSAU) Methodology and (2) the status of the B&W MIST and OTSG follow-on research programs.

*Decay Heat Removal Systems*, Date to be determined (October), Bethesda, MD. The Subcommittee will review the proposed resolutions of Generic Issue 23, "RCP Seal Failures."

*Joint Core Performance/Thermal Hydraulic Phenomena*, Date to be determined (October/November), Bethesda, MD. The Subcommittee will review the implications of the core power oscillation event at LaSalle, Unit 2.

*Containment Systems*, Date to be determined (October/November), Bethesda, MD. The Subcommittee will review the NRC Staff's document on final recommendations for containment performance and improvements (BWR Mark I only).

*Decay Heat Removal Systems*, Date to be determined, Bethesda, MD. The Subcommittee will explore the issue of the use of bleed and feed for decay heat removal in PWRs.

*Thermal Hydraulic Phenomena*, Date to be determined, Bethesda, MD. The Subcommittee will discuss the status of Industry Best-Estimate ECCS Model submittals for use with the revised ECCS Rule.

*Auxiliary Systems*, Date to be determined, Bethesda, MD. The

Subcommittee will discuss the: (1) Criteria being used by utilities to design Chilled Water Systems, (2) regulatory requirements for Chilled Water Systems design, and (3) criteria being used by the NRC Staff to review the Chilled Water Systems design.

*Auxiliary Systems*, Date to be determined, Bethesda, MD. The Subcommittee will review the adequacy of the Staff's plans to implement the recommendations resulting from the Fire Risk Scoping Study.

#### ACRS Full Committee Meetings

September 8-10, 1988—Items are tentatively scheduled.

\*A. *Hydrogen Control Requirements (Open)*—Review and report on NRC Staff proposed resolution of USI A-48, Hydrogen Control Measures and Effects of Hydrogen Burns on Safety Equipment.

\*B. *Testing of Motor-Operated Valves (Open)*—Briefing regarding proposed changes in the requirements for in-situ testing of MOVs.

\*C. *Maintenance of Nuclear Plants (Open)*—Briefing and comment on the proposed NRC rule regarding maintenance of nuclear power plants.

\*D. *Severe Accident Management (Open)*—Briefing by NRC representatives regarding the status of work on management of severe nuclear power plant accidents.

\*E. *Pilgrim Nuclear Plant (Open)*—Briefing and comment regarding proposed restart of the Pilgrim Nuclear Plant.

\*F. *NRC Regulatory Guides (Open)*—Briefing and comment regarding proposed publication of revised NRC Regulatory Guide 1.106, Revision 2, Thermal Overload Protection for Motor-Operated Valves for Nuclear Power Plants.

\*G. *USI A-45, Decay Heat Removal (Open)*—Discuss proposed ACRS report on the proposed resolution of USI A-45, Shutdown Decay Heat Removal Requirements for Nuclear Power Plants.

\*H. *Generic Issue-99, Loss of RHR Capability During Plant Shutdown (Open)*—Review and report on the proposed resolution of GI-99, Loss of Residual Heat Removal Capability in PWRs During Shutdown Conditions.

\*I. *High Temperature Gas Cooled Reactors (Open)*—Discuss proposed ACRS report regarding proposed HTGR standard design by DOE.

\*J. *TVA Nuclear Power Plant Management, Reorganization and Operations (Open)*—Discuss recent TVA reduction in force and reorganization, lessons learned by the NRC Staff from TVA operational and

construction problems, and briefing regarding proposed restart of the Browns Ferry Nuclear Power Plant.

\*K. *NRC Safety Goal Implementation Plan (Open)*—Review and comment on proposed NRC plan for implementation of its safety goals on risk to the public from nuclear power plant operation.

\*L. *International Operating Experience (Open)*—Discuss lessons learned regarding design and operation of U.S. power reactors from the Chernobyl nuclear power plant accident.

\*M. *Important Safety Related Issues (Open)*—Discuss proposed hierarchical structure for important safety related issues identified by ACRS members.

\*N. *Nuclear Power Plant Operator Qualifications (Open)*—Briefing regarding lessons learned from implementation of the revised operator qualification methodology of Examiner Standard 601.

\*O. *ACRS Subcommittee Activities (Open/Closed)*—Hear and discuss the reports of ACRS subcommittees and members regarding assigned activities including thermal hydraulic phenomena, use of nuclear power plant operating experience, etc.

P. *Appointment of ACRS Members (Closed)*—Discuss qualifications of candidates proposed for appointment to the ACRS and members considered for reappointment to the Committee.

\*Q. *ACRS Future Activities (Open)*—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

\*R. *ACRS Practice and Procedures (Open)*—Discuss ACRS practices and procedures such as proposed meeting dates for CY-1989, appointment of nominating panel for ACRS Officers for CY-1989, etc.

\*S. *IAEA International Symposium (Open/Closed)*—Report of IAEA International Symposium on the Operational Safety Experience from Nuclear Power Plants.

October 6-8, 1988—Agenda to be announced.

November 17-19, 1988—Agenda to be announced.

#### ACNW Full Committee Meetings

September 13 and 14, 1988.

*Low-Level Waste and Decommissioning Division (Open)*—The Committee will be briefed by the Director of the Division of Low-Level Waste and Decommissioning on plans for FY 1989.

**Regulatory Responsibility (Open)**—The Committee will be briefed on an ASME paper on proposed regulatory responsibilities for mixed waste.

**Low-Level Waste Handling Processes (Open)**—The Committee will be briefed by the NRC Staff on cement-based LLW forms.

**High Density Polyethylene HICs (Open/Closed)**—The Committee will be briefed by the NRC Staff on High Density Polyethylene HICs.

**Below Regulatory Concern (Open)**—The Committee will continue its review of the Below Regulatory Concern (BRC) issue with the goal of developing a position which could be incorporated in an NRC policy statement before the International Meeting on BRC is held in Washington, DC, in October 1988.

**Decommissioning Rule (Open)**—The Committee will be briefed on the rulemaking on "General Requirements for Decommissioning Nuclear Facilities."

**DOE's Dry Spent Fuel Storage Cask Study (Open)**—The Committee will be briefed by the MNSS/IMNS staff on the DOE study on dry cask design and use.

**Committee Activities (Open)**—The Committee will discuss anticipated and proposed Committee activities, future meeting schedule, and administrative matters, as appropriate.

November 3-4, 1988—Agenda to be announced.

Date: August 17, 1988.

Andrew L. Bates,  
Acting Advisory, Committee Management  
Officer.

[FR Doc. 88-19085 Filed 8-22-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

**Consumers Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-6 issued to the Consumers Power Company (the licensee), for operation of the Big Rock Point Plant located in Charlevoix County, Michigan.

In accordance with the licensee's application for amendment dated July 7, 1988, the proposed amendment would modify Big Rock Point Technical Specifications by replacing the requirement to partial-stroke test the Reactor Depressurization System depressurizing valves quarterly with a

requirement to full-stroke test all four depressurizing valves each refueling outage.

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 September 22, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to

intervene, which must include a list of the contentions that are sought to be litigated in the matter and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Martin J. Virgilio: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, 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 July 7, 1988, which is available for public inspection at the Commission's Public Documents Room, 1717 H Street, NW., Washington, DC 20555, and at the North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Dated at Rockville, Maryland, this 12th day of August 1988.

For the Nuclear Regulatory Commission.  
**Martin J. Virgilio,**  
*Director, Project Directorate III-1, Division of Reactor Projects—III, IV, V & Special Projects.*

[FR Doc. 88-19087 Filed 8-22-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461]

**Illinois Power Co. et al.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. NPF-62 issued to the Illinois Power Company \* (IP), Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc. (the licensees), for operation of the Clinton Power Station, Unit 1, located in DeWitt County, Illinois.

This amendment consists of a proposed change to Technical Specification Section 4.8.2.1 concerning emergency DC battery loads. During the review of a plant modification, the licensees determined that the emergency DC battery loads had changed. As a result, changes were made to the low power operating license Technical Specifications in order to reflect the revised loading. Based upon subsequent review by the licensees, it has been determined that a Division II load (Fire Protection distribution panel) had not originally been taken into account. Thus a change to Specification 4.8.2.1.d.2.b was required in order to accurately reflect the 4-hour Division II battery emergency loading profile.

The application for the 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

\* Illinois Power Company is authorized to act as agent for Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc. and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, 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 February 16, 1988 (53 FR 4476). No request for a hearing or petition of leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the Environmental Assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated October 30, 1987, (2) Amendment No. 8 to License No. NPF-62, and (3) Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW.; and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. 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 15th day of August 1988.

For the Nuclear Regulatory Commission.  
**Daniel R. Muller,**  
*Director, Project Directorate III-2, Division of Reactor Projects—III, IV, V and Special Projects.*

[FR Doc. 88-19090 Filed 8-22-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

**Northeast Nuclear Energy Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-21, issued to Northeast Nuclear Energy Company (the licensee), for operation of Millstone Nuclear Power Station, Unit No. 1, located in New London County, Connecticut. The application for amendment is dated June 24, 1988.

The proposed amendment would revise the Technical Specifications Section 5.5 by adding a new section, Section 5.5.C, to reflect the maximum number of spent fuel assemblies authorized in the spent fuel pool. Currently there is no restriction in the Technical Specifications regarding a limiting number of spent fuel assemblies in the spent fuel pool. This amendment has been proposed by the licensee in conjunction with their proposed expansion of the capacity of the spent fuel pool. The proposed expansion of the pool will increase the capacity from 2184 to 3229 fuel assemblies. This expansion is to be accomplished by the removal of the seismic restraint devices from the existing spent fuel racks, movement of these racks to the southwest corner of the spent fuel pool, and the installation of ten new spent fuel pool racks. The new spent fuel pool racks will have the same storage density as the current racks. The licensee's proposal does not include plans for fuel assembly consolidation. This expansion of the spent fuel pool will provide full core off land capability until approximately 1999.

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 September 22, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition

should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene 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 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 Mr. John F. Stolz: petitioner's name and telephone

number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Gerald Garfield, Esq., Day Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

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.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662, October 15, 1985) 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR

2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, Subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions). The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart 6 apply.

For further details with respect to this action, see the application for amendment dated June 24, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Dated at Rockville, Maryland, this 11th day of August 1988.

For the Nuclear Regulatory Commission.  
John F. Stolz,  
Director, Project Directorate I-4, Division of  
Reactor Projects I/II.  
[FR Doc. 88-19086 Filed 8-22-88; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No.: 9999004; License No.: General License EA 87-223]

**Wrangler Laboratories, Larsen Laboratories, Orion Chemical Company, and John P. Larsen, Provo, Utah; Order Revoking Licenses**

I  
Wrangler Laboratories, Larsen Laboratories, and Orion Chemical Company (the licensees) are firms using source material under general licenses granted by the Nuclear Regulatory Commission (the Commission/NRC) pursuant to 10 CFR 40.22. The general license granted by 10 CFR 40.22 authorizes the use or transfer of not

more than 15 pounds of source material at one time and the receipt of not more than 150 pounds of source material in any one calendar year.

## II

Mr. John P. Larsen has been doing business as (dba) Wrangler Laboratories, Larsen Laboratories, and Orion Chemical Company and is the owner and sole proprietor of these firms. Mr. Larsen's companies are all involved in the chemical processing of depleted uranium (DU). The licensees receive slugs of DU, dissolve the material in boiling nitric acid, precipitate uranyl acetyl acetate (UAA) using 2,4 pentanedione, dissolve the UAA precipitate in benzene to produce recrystallized UAA, and subsequently dry, grind, filter, package and ship the pure UAA product. The UAA product is ultimately used as a catalyst in the production of Department of Defense munitions.

On August 23, 1982, an inspection was conducted at Orion Chemical Company. During the inspection, NRC determined that the licensee was in violation of several regulatory requirements. These violations included possession of source material at one time in excess of the 15-pound limitation on such material, refusal to make records available to NRC, unauthorized disposal of DU, and failure to maintain complete records. Subsequently, on September 3, 1982, the NRC issued an Order to Show Cause and Order Temporarily Suspending License (Effective Immediately). On October 25, 1982, the NRC issued an Order Rescinding Order to Show Cause and Order Temporarily Suspending License. This action was taken following the licensee's corrective measures to bring the operations into compliance. On December 15, 1982, the NRC issued a Notice of Violation (NOV) and Proposed Imposition of Civil Penalty for the above violations. The amount of the Civil Penalty was \$500. March 18, 1983, the licensee responded to the NOV and paid the Civil Penalty.

As a result of the August 1982 inspection, the NRC determined that Mr. Larsen's chemical processing activity should be conducted under a specific license, due to the potential for contamination of workers and the environment. A specific license (SUB/1436) was issued by the NRC in December 1983 to Larsen Laboratories of Provo, Utah. The responsibility for overseeing this specific license was transferred to the State of Utah upon its becoming an Agreement State. On May 13, 1985, Utah reissued to Larsen Laboratories specific Radioactive Material License UT2500183, which

authorizes possession of up to 150 kilograms of DU at one time.

On April 15, 1986, NRC received an allegation of improper activities being conducted by Larsen Laboratories. The allegation was transferred to the State of Utah, which performed inspections and found numerous violations. In all, the State of Utah found five contaminated facilities in which Mr. Larsen had conducted activities.

At one of these facilities, contaminated liquids were leaking from drums that had been stored on a truck for approximately 2 years. On November 5, 1986, the State of Utah issued an Order Suspending License (Effective Immediately) and Order Imposing Civil Monetary Penalties in the amount of \$13,000. The Order, which is still in effect, required, among other specified actions, that the licensee: (1) Not receive or use source material except to secure or transfer such source material in its possession, (2) dispose of radioactive wastes, (3) decontaminate two facilities in the Orem area, (4) move to production facilities that have been approved through license amendment procedures, and (5) obtain a qualified Radiation Protection Officer. On January 15, 1987, a Settlement Agreement between the State of Utah and Larsen Laboratories was signed. The Agreement required that the specified activities in the Order be completed by April 15, 1987, and that \$8,000 of the Civil Penalties would be suspended. The licensee paid the remaining \$5,000 Civil Penalties but has not complied with items (4) and (5) of that Order.

On October 28, 1987, the State of Wyoming informed the NRC of an allegation that it had received concerning improper activities at Wrangler Laboratories in Evanston, Wyoming. On November 4-5 1987, NRC inspected Wrangler Laboratories and found that Mr. Larsen, dba Wrangler Laboratories, was conducting chemical operations in a temporary facility and appeared to have exceeded uranium possession limits. As a result of NRC concerns, an enforcement conference was held with Mr. Larsen on December 2, 1987, in Salt Lake City. Subsequent to the November 4-5, 1987, inspection of the Evanston, Wyoming, facility, NRC Region IV also obtained agreements with Mr. Larsen for certain corrective measures intended (1) to terminate licensed activities at the Evanston facility, which was considered inadequately equipped for the chemical processing of depleted uranium, (2) to provide followup monitoring for certain individuals who had previously shown elevated uranium in their urine, and (3)

to safely remove all licensed material, waste, and contamination from the facility so that it could be returned to unrestricted use. These actions were specified in Confirmation of Action Letters (CALs) issued on November 12, December 8, and 31, 1987 and March 18 and April 1, 1988.

NRC Region IV also began an investigation of Mr. Larsen's NRC licensed activities. This action was taken in response to questions raised during the NRC inspection and the enforcement conference concerning Mr. Larsen's previous activities in acquiring, processing, and transferring DU, and questions surrounding bioassay samples and Mr. Larsen's compliance with the CALs. The results of the investigation have not been issued as of the date of this Order. However, the investigative results available substantiate the NRC staff's concerns that Mr. Larsen's activities under the general license were conducted with a significant disregard for the safety of himself and his employees, and for the public health and safety. This was indicated by the uranium levels in the employee bioassay samples.

Due to the questions surrounding Mr. Larsen's activities, the apparent use of inadequate controls that resulted in contamination exceeding NRC guidelines, evidence of internal contamination of workers, and Mr. Larsen's apparent inability to strictly comply with Confirmation of Action Letters, an NRC Order dated February 25, 1988, issued to Mr. Larsen and the companies he represents suspended the general licenses. The Order also allowed the licensees and Mr. Larsen to show cause why the Order should not have been issued by filing a written answer under oath or affirmation setting forth the matters of fact and law on which the licensees and Mr. Larsen rely. Mr. Larsen's response to the Order, which was not under oath or affirmation, was sent by letter dated March 18, 1988. That response is addressed below and in the Appendix to this Order.

Mr. Larsen's March 18, 1988, reply to the NRC Order confirmed the following information:

(1) That he exceeded the 15-pound limit for transfer of source material under a general license issued pursuant to 10 CFR 40.22 by originating shipments from Wyoming of 16.7 and 16.3 pounds of DU on June 1 and December 20, 1987, respectively. He also confirmed that he transferred DU from his Utah facility to his customer on five dates (December 9, 1986; February 2, 9, and 17, and March 3, 1987) that were well after the State of Utah's November 3, 1986 Order

suspending his specific license and requiring, among other things, that he *immediately* place all source material in his possession in locked storage or transfer such material to an authorized recipient.

(2) That he exceeded the annual limit of 150 pounds for receipt of source material under a general license at his Evanston, Wyoming, facility. The amount received was at least 155.8 pounds in 1987.

(3) That, in deviation from Item 1 of the CAL dated November 12, 1987, Mr. Larsen failed to obtain baseline urine samples from two individuals who worked in the final processing and cleanup of the Evanston, Wyoming, facility. According to Mr. Larsen, "their baseline levels were assumed to be zero," and he "was trying to keep expenses down."

(4) That, in deviation from Item 2 of the CAL dated December 31, 1987, Mr. Larsen failed to submit with the workers' urine samples a background sample. The employee samples that were submitted showed high uranium values that Mr. Larsen later attributed to contamination within the sample containers and/or the fact that the samples were damaged in transit to the laboratory.

(5) That, in deviation from Item 3 of the CAL dated December 31, 1987, Mr. Larsen stopped collecting urine samples from two individuals every 3 days, as committed to, before he had received confirmation that results from two consecutive samples were less than 30 micrograms per liter.

(6) That, in deviation from Item 4 of the CAL dated December 31, 1987, the results of certain urine bioassay results that showed a high uranium concentration were not submitted to the Region IV office when they were received by Mr. Larsen. In his letter of March 18, 1988, Mr. Larsen claims the results were not sent to Region IV because "the samples were questionable." In addition to the above, the NRC had determined by inspection or by other information provided by Mr. Larsen that his activities in Wyoming involved the following:

• Mr. Larsen stated in the March 18, 1988 reply to the Order Suspending License that when he moved his operation from Utah to Wyoming he started with "a new understanding and resolve for absolute confinement of source material and waste materials," and "on the whole, we were much improved in our work operation." Despite this claim, the NRC found that Mr. Larsen's Wyoming facility was inadequate for the purpose it was being used. For example, prudent engineering

controls such as those that Mr. Larsen was committed to under the terms of his Utah license for the same activity—ventilation and air filtration units or filtered fume hoods—were not in place in Larsen's Wyoming facility. There was no plumbing in the facility, and few contamination surveys or air samples had been documented by Mr. Larsen.

• The personnel bioassay samples obtained by Mr. Larsen have shown unacceptably high uranium concentrations. Since February 1987, samples have been submitted on a total of four individuals who have worked at the Evanston facility. All four have, on at least one occasion, exceeded levels at which action is recommended by NRC. Of all the sample results reported, 50 percent exceeded the action level (30 ug/l). Mr. Larsen has suggested reasons for the high values, including contaminated sample containers, samples damaged and found leaking in transport, the consumption of food in his facility which may have been contaminated, and questionable analytical results by the contractor laboratory. Many, if not all, of these reasons could have been confirmed or ruled out if Mr. Larsen had complied with the CALs by collecting samples in containers known to be free of contamination, by submitting baseline and background samples, and by collecting samples according to the committed schedule.

### III

Aside from Mr. Larsen's enforcement history and previous noncompliance under his specific licenses in Utah, the activities conducted in Wyoming under an NRC general license have raised serious concerns within the NRC. The activities have taken place in a facility which was inadequate, with no assurance that similar activities in the future would be conducted in a more suitable facility. The activities, which have involved the chemical processing of significant amounts of source material, are of such a nature that the radiation safety, chemical safety, and waste disposal aspects of the operation should not be conducted under a general license. Moreover, activities of this nature were not anticipated by the AEC at the time of 10 CFR 40.22 rulemaking. The exemption in 10 CFR 40.22(b) from the requirements of 10 CFR Parts 19 and 20 clearly indicates that activities under the general license were seen as not involving an occupational radiation hazard. Finally, the specific conduct of Mr. Larsen's Wyoming operation with respect to compliance with source material possession limits and Confirmation of Action Letters has

established a record of performance unacceptable to the NRC.

In consideration of the collective conclusions stated above, I lack the requisite reasonable assurance that Mr. Larsen, individually, and his companies will comply with Commission requirements in the future. Therefore, I have determined that the public health, safety, and interest require that the general license authorization for Mr. Larsen, as well as the named licensees, to receive and use NRC licensed material, under their respective general licenses, should be revoked.

### IV

Accordingly, in view of the foregoing and pursuant to Sections 62, 63, 81, 161b, 161c, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 40, *it is hereby ordered* that:

The general license authority of 10 CFR 40.22 with respect to Wrangler Laboratories, Larsen Laboratories, Orion Chemical Company, and Mr. John P. Larsen is revoked and the foregoing licensees and Mr. Larsen shall not receive or use source material under the auspices of a general license in locations under MRC jurisdiction.

### V

Upon consent of Mr. Larsen or the licensees to the provisions set forth in Section IV of this Order, the provisions specified in Section IV above shall be final without further Order.

### VI

Pursuant to 10 CFR 2.202(b), Mr. Larsen, either one or more of the licensees, or any other person adversely affected by this Order, may request a hearing within 20 days of this Order. Any request for hearing shall be submitted to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Enforcement, Office of the General Counsel at the same address and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011. If a person other than Mr. Larsen dba the licensees, requests a hearing, that person shall set forth, with particularity, the manner in which the petitioner's interest is adversely affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). Upon the failure of the licensee to request a hearing within the specified time, this Order shall be final without further proceedings.

If a hearing is requested, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 15th day of August 1988.

James M. Taylor,

Deputy Executive Director for Regional Operations.

[FR Doc. 88-19089 Filed 8-22-88; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Invitation for Public Comment

**AGENCY:** Office of Management and Budget.

**ACTION:** Request for comments on proposed revision of OMB Circular No. A-76, "Performance of Commercial Activities".

**SUMMARY:** This Notice contains proposed Transmittal Memorandum No. 7, dated August 8, 1988, to Circular No. A-76, "Performance of Commercial Activities."

This Transmittal Memorandum updates the retirement cost factors and other fringe benefit cost factors for federal employees, and the tax rates used for commercial firms, deletes material mark-up rates applied for General Services Administration (GSA) items, and revises material mark-up rates applied to Defense Logistics Agency (DLA) items, used by Executive Branch agencies in cost comparison studies under OMB Circular No. A-76.

This Memorandum rescinds Transmittal Memorandum No. 4, dated October 29, 1986, which implemented the requirements of the Federal Employees Retirement System Act of 1986 (FERS) to exclude the employers' costs of social security (OASDI) and thrift plans from A-76 cost comparisons. Public Law 100-366, signed on July 13, 1988, requires all retirement costs to be included in A-76 cost comparisons. This Memorandum also deletes the requirement for agencies to publish their schedules for conducting cost comparison studies in the *Commerce Business Daily* and the *Federal Register*. Summary reports on the implementation of OMB Circular No. A-76 to be submitted by all agencies to the Office of Federal Procurement Policy, OMB, are deleted; future information will be contained in the A-76 Management Information System.

The updated standard retirement cost factor represents the Government's share of the full dynamic normal costs of the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS). This is a composite factor based on the percentage of payroll costs participants in each system represent. The Government's contributions to Social Security (OASDI) and thrift savings plan costs are also included.

The revised fringe benefit cost factors represent the amount the Government contributes to Medicare and to other fringe benefits for employees (workmen's compensation, bonuses and awards and unemployment programs). These revised cost figures were provided by the Office of Personnel Management. Originally, prices paid by the agencies for GSA material did not include all the costs of the acquisition and storage functions performed by GSA, and these costs were added through the use of a standard factor. Public Law 100-202, section 619 now requires inclusion of these costs in the GSA prices, therefore, it is no longer necessary to apply a mark-up rate to GSA prices.

The revised mark-up rates to be applied to DLA prices show full acquisition and supply costs were provided by DLA.

The Tax Rate Table provides by types of industry the appropriate tax rates in relation to business receipts. The tax rates have been revised by the Internal Revenue Service to reflect the latest rates as of 1984.

The deletion of the requirement for agencies to publish their schedules once per year in the *Commerce Business Daily* and the *Federal Register* is a result of Executive Order 12615, Performance of Commercial Activities, dated November 19, 1987, which required OMB to publish the schedules.

The annual reporting requirements in Chapter 4 of the Supplement to OMB Circular No. A-76, are deleted. The data will be obtained from the A-76 Management Information System on a quarterly basis.

The revision does not require any agency to (1) create or maintain a duplicative control/monitoring/reporting system or (2) adopt any additional controls, not presently in compliance with the Federal Acquisition Regulations (FAR).

**DATE:** September 2, 1988.

Comments should be submitted to the Director, Office of Management and Budget, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Linda Mesaros, Office of Federal

Procurement Policy, Office of Management and Budget, (202) 395-3300.  
James C. Miller III,  
Director.  
August 8, 1988.

[Circular No. A-76, Revised Transmittal Memorandum No. 7]

### Memorandum For Heads Of Executive Departments And Agencies

From: James C. Miller, III, Director  
Subject: Performance of Commercial Activities

This Transmittal Memorandum revises the treatment of retirement costs for both government and contractors and updates certain other cost factors. Public Law 100-366 amends the "Federal Employees' Retirement System Act of 1986" to require that all employer paid retirement costs for the Federal Employees Retirement System and the contractor be included in the A-76 cost comparison process. Transmittal Memorandum No. 4 is rescinded by this memorandum. Therefore, all renumbered lines, added lines on the cost comparison forms at Illustrations 1-1 and 5-1, and added paragraphs introduced by Transmittal Memorandum No. 4 are hereby deleted. In addition, this Memorandum updates two fringe benefit cost factors, deletes the mark-up rates applied to General Services Administration (GSA) materials, revises the mark-up rates applied to Defense Logistics Agency (DLA) materials, and revises contractor tax rates. This Memorandum also changes the instructions for publication of inventories and study schedules, and deletes all of Chapter 4, "Annual Reporting Requirement" in Part I of the Supplement.

Paragraph C.1.b, Chapter 1, Part I, of the Supplement

The requirement in this paragraph for agencies to publish their schedules for conducting cost comparison studies in the *Commerce Business Daily* and the *Federal Register* is deleted. Executive Order 12615 requires the Office of Management and Budget to publish the schedules.

Chapter 4, Part I, of the Supplement

This chapter is deleted. Quarterly reporting is required by Executive Order 12615. It will be accomplished through the A-76 Management Information System.

Illustration, 1-1, Chapter 1, Part IV, of the Supplement

Lines 13 through 17 of the cost comparison form for in-house vs.

contract performance should be changed back to the original nomenclature and format specified in the Supplement, dated August, 1983. Delete the Line—Social Security (OASDI) and Savings Plan Costs (Deduct), which was added by Transmittal Memorandum No. 4. Lines 13 through 17 should be as follows:

Total Contract Costs.....	Line 13
Conversion Differential.....	Line 14
Total (Line 13 & 14).....	Line 15
Cost Comparison (Line 15 minus Line 6).....	Line 16
Cost Comparison Decision.....	Line 17

Paragraph D.3.g(1)(a), Chapter 2, Part IV, of the Supplement

The revised standard retirement cost factor to be used is 21.7 percent for all agencies except the Department of Medicine and Surgery (DM&S) within the Veterans Administration (VA). The factor for DM&S is 11.4 percent. The standard factor represents the Government's share of the full dynamic normal costs of the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS). This factor also includes the Government's contributions to the Old Age, Survivors and Disability Insurance (OASDI) portion of Social Security and thrift savings plan costs.

The revised retirement cost factors for special class employees are 26 percent for air traffic controllers and 25.5 percent for law enforcement and fire protection employees, except for fire fighters within DM&S. The factor for DM&S is 15.6 percent.

Paragraphs D.3.g(1)(b), and D.3.g(1)(c). Chapter 2, Part IV, of the Supplement

Revised standard fringe benefit cost factors to be applied under paragraph D.3.g. in the Supplement to the Circular are as follows:

Fringe benefit factor	Revised cost
FICA (Medicare).....	2.17
Federal employee miscellaneous fringe benefits (workmen's compensation, bonuses and awards and unemployment programs).....	1.70

The factor for Federal employee insurance remains at 4.7 percent.

Paragraph D.3.g(2), Chapter 2, Part IV, of the Supplement

Add the following paragraph at the end of D.3.g(2) to Chapter 2, Part IV of the Supplement: (The original paragraph was deleted by Transmittal Memorandum No. 4)

"The Federal Insurance Contributions Act (FICA) cost factor listed below, will be applied to civilian employees not covered by either of the two civilian retirement systems (normally intermittent and temporary employees). Be careful to apply the FICA rate only to wages and salaries subject to the tax; there is an annual salary limitation for FICA tax (See Transmittal Memorandum No. 6). Costs for employees covered by FICA are as follows:

FY 1989.....	8.23
FY 1990.....	8.34
FY 1991.....	8.37
FY 1992.....	8.37
FY 1993.....	8.37

Paragraphs E.3.a(1), (2), and (3), Chapter 2, Part IV of the Supplement

The material mark-up rates which are applied for GSA material and supply services under paragraph E.3.a.(1), (2), and (3) are deleted. Public Law 100-202, Section 619 provides for the inclusion of acquisition and storage costs in the price charged by GSA.

Paragraph E.3.b.(1) and (2), Chapter 2, Part IV, of the Supplement

The material mark-up rate which are applied for DLA material and supply services are revised as follows:

Material	Percent
Wholesale Stock Fund.....	13.6
Direct Delivery.....	6.2

Paragraphs H and I, Chapter 3, Part IV, of the Supplement

Delete these paragraphs which were added by Transmittal Memorandum No. 4. Add the following paragraph H as originally contained in Chapter 3, Part IV of the Supplement dated August, 1983; this paragraph had been deleted by Transmittal Memorandum No. 4:

"H. TOTAL—LINE 13

Add lines 7, 8, 9 and 10. If there is a number in parenthesis; i.e., a deduction, in line 11, add to line 12 and subtract this total from the total of lines 7 through 10 and enter the difference on line 13. If the number in line 11 is not in parenthesis, it should be added to the total of lines 7 through 10, and then subtract line 12 from the total of lines 7 through 11 and enter the difference on line 13."

Chapter 4, Part IV, of the Supplement

Delete the renumbering of line numbers referenced by Transmittal Memorandum No. 4. Proper numbering is the original numbering contained in Chapter 4, Part IV of the Supplement dated August, 1983.

Illustration 5-1, Chapter 5, Part IV, of the Supplement

Lines 15 through 19 of the "Cost Comparison Form for Expansions, New Requirements and Conversion to In-House Performance" should be changed back to the original nomenclature and format specified in the Supplement, dated August, 1983. Delete the Line—Social Security (OASDI) and Savings Plan Costs (Deduct), which was added by Transmittal Memorandum No. 4. Lines 5 through 19 should be as follows:

TOTAL CONTRACT COSTS.....	Line 15
CONVERSION DIFFERENTIAL (For Expansions, note net difference, Chapter V, E.).....	Line 16
TOTAL (Line 8 & 16).....	Line 17
COST COMPARISON (Line 17 minus line 15).....	Line 18
COST COMPARISON DECISION.....	Line 19

Appendix D, Part IV, of the Supplement

A revised Tax Rate Table, Appendix D, with new tax rates is attached. This tax table will be substituted for the Appendix D found in Part IV of the Supplement to the Circular.

This revision is effective as follows: all changes affecting retirement costing procedures shall be effective as of July 13, 1988 and shall apply to all cost comparisons in process where the Government's in-house cost estimate had not been opened before that date. All other changes in the Transmittal Memorandum are effective upon publication.

Attachment

PART IV.—COST COMPARISON HANDBOOK, APPENDIX D, TAX RATE TABLE 1

Code No.	Industry	Tax rate (percent)
<b>Extractive industries</b>		
10-01-0400	Agriculture Production.....	0.9
10-01-0600	Agricultural Services.....	0.6

## PART IV.—COST COMPARISON HANDBOOK, APPENDIX D. TAX RATE TABLE 1—Continued

Code No.	Industry	Tax rate (percent)
20-02-1010	Mining Iron Ores.....	2.7
20-02-2070	Mining Copper, Lead, Zinc, Gold and Silver Ores.....	0.6
20-02-1098	Mining Other Metals.....	0.7
20-03-1150	Coal Mining.....	0.9
20-05-1430	Sand, Gravel, Dimension, Crushed and Broken Stone.....	1.8
<b>Construction</b>		
30-06-1510	General building (construction).....	0.5
30-06-1531	Operative builders (construction).....	1.2
30-07-1600	Heavy construction.....	0.7
30-08-1711	Plumbing, heating, air conditioning.....	0.5
30-08-1731	Electrical work.....	0.5
30-08-1798	Other special trades.....	0.6
<b>Manufacturing</b>		
40-09-2010	Meat products.....	0.7
40-09-2020	Dairy products.....	1.2
40-09-2030	Preserved fruits and vegetables.....	1.8
40-09-2040	Grain mill products.....	1.3
40-09-2050	Bakery products.....	2.0
40-09-2060	Sugar and confectionery products.....	2.3
40-09-2089	Bottled soft drinks and flavorings.....	1.9
40-09-2096	Other food and kindred products.....	1.2
40-12-2315	Men's and boy's clothing.....	1.5
40-12-2345	Women's and children's clothing.....	1.2
40-12-2388	Other apparel and accessories.....	1.3
40-12-2390	Other fabricated textile products.....	1.2
40-13-2415	Logging, sawmills and planing mills.....	1.1
40-13-2430	Millwork, plywood, related products.....	1.4
40-13-2498	Other wood products.....	1.0
40-14-2500	Furniture and fixtures.....	2.4
40-15-2625	Pulp, paper and board mills.....	1.6
40-15-2699	Other paper products.....	3.0
40-16-2710	Newspapers (printing and publishing).....	4.5
40-16-2720	Periodicals (printing and publishing).....	1.9
40-16-2735	Books, greeting cards and miscellaneous publishing.....	4.1
40-16-2799	Commercial and other printing and printing trade services.....	1.4
40-17-2815	Industrial chemicals, plastics materials and synthetics.....	2.4
40-17-2830	Drugs.....	0.7
40-17-2840	Soap, cleaners and toilet goods.....	2.0
40-17-2850	Paints and allied products.....	1.8
40-17-2898	Agricultural and other chemical products.....	2.7
40-18-2998	Petroleum and coal products, not elsewhere classified.....	0.8
40-19-3050	Rubber products; plastics, footwear, hose and belting.....	2.0
40-19-3070	Miscellaneous plastics products.....	1.5
40-20-3140	Leather footwear.....	1.8
40-20-3198	Leather and leather products not elsewhere classified.....	0.7
40-21-3225	Glass products.....	1.6
40-21-3240	Cement, hydraulic.....	0.8
40-21-3270	Concrete, gypsum and plaster products.....	2.4
40-21-3298	Other nonmetallic mineral products.....	2.5
40-22-3370	Ferrous metal industries; miscellaneous primary metal products.....	0.6
40-22-3380	Nonferrous metal industries.....	0.7
40-23-3410	Metal cans and shipping containers.....	1.9
40-23-3428	Cutlery, hand tools and hardware; screw machine products, bolts and similar products.....	3.4
40-23-3430	Plumbing and heating, except electric and warm air.....	3.2
40-23-3440	Fabricated structural metal products.....	1.4
40-23-3460	Metal forgings and stampings.....	1.4
40-23-3470	Casting, engraving and allied services.....	1.5
40-23-3480	Ordnance and accessories, except vehicles and guided missiles.....	3.0
40-23-3490	Miscellaneous fabricated metal products.....	1.9
40-24-3520	Farm machinery.....	0.6
40-24-3530	Construction and related machinery.....	0.8
40-24-3540	Metal working machinery.....	1.4
40-24-3550	Special industry machinery.....	1.5
40-24-3570	Office and computing machines.....	7.0
40-24-3598	Other machinery, except electrical.....	2.0
40-25-3665	Radio, television, communication equipment.....	1.3
40-25-3670	Electronic components and accessories.....	2.2
40-25-3698	Other electronic equipment.....	2.7
40-26-3710	Motor vehicles and equipment.....	2.4
40-27-3725	Aircraft, guided missiles and parts.....	1.2
40-27-3730	Ship and boat building and repairing.....	1.3
40-27-3798	Other transportation equipment, except motor vehicles.....	2.5
40-28-3815	Scientific instruments and measuring devices, watches and clocks.....	3.3
40-28-3845	Optical, medical and ophthalmic goods.....	3.1
40-28-3860	Photographic equipment and supplies.....	3.3

## PART IV.—COST COMPARISON HANDBOOK, APPENDIX D, TAX RATE TABLE 1—Continued

Code No.	Industry	Tax rate (percent)
40-29-3998	Miscellaneous manufacturing and manufacturing not allocable .....	1.9
<b>Transportation and Utilities</b>		
50-30-4000	Railroad transportation .....	1.3
50-30-4100	Local and interurban passenger transit .....	1.7
50-30-4200	Trucking and warehousing .....	1.1
50-30-4400	Water transportation .....	0.9
50-30-4500	Transportation by air .....	1.4
50-30-4600	Pipe lines, except natural gas .....	1.5
50-30-4700	Transportation services not elsewhere classified .....	0.5
50-31-4825	Telephone, telegraph and other communication services .....	3.1
50-31-4830	Radio and Television broadcasting .....	3.8
50-32-4910	Electric services .....	3.7
50-32-4920	Gas production and distribution .....	1.5
50-32-4930	Combination utility services .....	3.8
50-32-4990	Water supply and other sanitary services .....	3.6
<b>Wholesale Trade</b>		
61-33-5004	Groceries and related products .....	0.4
61-34-5008	Machinery, equipment and supplies .....	0.8
61-35-5010	Motor vehicles and automotive equipment .....	1.9
61-35-5030	Lumber and construction materials .....	0.6
61-35-5050	Metals and minerals, except petroleum and scrap .....	0.4
61-35-5060	Electrical goods .....	0.9
61-35-5070	Hardware, plumbing and heating .....	0.8
61-35-5098	Other durable goods .....	0.7
61-35-5110	Paper and paper products .....	0.5
61-35-5129	Drugs, chemicals and allied products .....	0.9
61-35-5130	Apparel, piece goods and notions .....	0.6
61-35-5150	Farm-product raw materials .....	0.1
61-35-5170	Petroleum and petroleum products .....	0.3
61-35-5180	Alcoholic beverages .....	0.7
61-35-5190	Miscellaneous nondurable goods; wholesale trade not allocable .....	0.6
<b>Retail Trade</b>		
62-36-5220	Building materials dealers .....	0.9
62-36-5251	Hardware stores .....	0.7
62-36-5265	Garden supplies and mobile home dealers .....	0.5
62-37-5300	General merchandise stores .....	1.2
62-38-5400	Food stores .....	0.5
62-39-5541	Gasoline service stations .....	0.2
62-39-5598	Other automotive dealers .....	0.6
62-40-5600	Apparel and accessory stores .....	1.3
62-41-5700	Furniture and home furnishings stores .....	1.1
62-42-5800	Eating and drinking places .....	1.0
62-43-5912	Drug stores and proprietary stores .....	1.1
62-43-5921	Liquor stores .....	0.3
62-43-5995	Other retail stores .....	0.7
63-44-5997	Wholesale and retail trade not allocable .....	0.6
<b>Services</b>		
80-52-7000	Hotels and other lodging places .....	1.1
80-53-7200	Personal services .....	1.3
80-54-7310	Advertising services .....	1.1
80-54-7389	Business services, except advertising .....	1.2
80-55-7500	Auto repair and services .....	0.8
80-55-7600	Miscellaneous repair services .....	0.7
<b>Services</b>		
80-52-7000	Hotels and other lodging places .....	1.1
80-53-7200	Personal services .....	1.3
80-54-7310	Advertising services .....	1.1
80-54-7389	Business services, except advertising .....	1.2
80-55-7500	Auto repair and services .....	0.8
80-55-7600	Miscellaneous repair services .....	0.7
80-56-7812	Motion picture production, distribution and services .....	0.9
80-56-7830	Motion picture theatres .....	2.0
80-56-7900	Amusement and recreation services, except motion pictures .....	1.0
80-57-8015	Physicians' services .....	0.5
80-57-8021	Dentists' services .....	0.3
80-57-8050	Nursing and personal care facilities .....	0.7
80-57-8071	Medical Laboratories .....	1.4
80-57-8099	Other medical services .....	1.7

## PART IV.—COST COMPARISON HANDBOOK, APPENDIX D, TAX RATE TABLE 1—Continued

Code No.	Industry	Tax rate (percent)
80-57-8111	Legal services.....	0.5
80-57-8200	Educational services.....	1.2
80-57-8599	Miscellaneous services, not elsewhere classified.....	0.8

<sup>1</sup> Tax Rates are in relation to business receipts. Does not reflect revisions contained in the 1987 Standard Classification Manual.

[FR Doc. 88-18350 Filed 8-22-88; 8:45 am]

BILLING CODE 3110-01-M

## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI. Exceptions from the Competitive Service.

**FOR FURTHER INFORMATION CONTACT:** Leesa Martin, (202) 632-0728.

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on July 26, 1988 (53 FR 143). Individual authorities established or revoked under Schedule A, B, or C between July 1, 1988, and July 31, 1988, appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

#### Schedule A

No Schedule A authorities were established or revoked during July.

#### Schedule B

No Schedule B authorities were established or revoked during July.

#### Schedule C

##### Department of Agriculture

One Private Secretary to the Deputy Secretary. Effective July 1, 1988.

One Private Secretary to the Under Secretary for International Affairs and Commodity Programs. Effective July 26, 1988.

One Confidential Assistant to the Assistant Secretary for Special Services. Effective July 28, 1988.

##### Department of the Army

One Secretary (Stenography) to the Under Secretary of the Army. Effective July 15, 1988.

##### Department of Commerce

One Special Assistant to the Director General for the U.S. and Foreign Commercial Service. Effective July 1, 1988.

One Special Assistant to the Director General for the U.S. and Foreign Commercial Service. Effective July 6, 1988.

One Confidential Assistant to the Director General for the U.S. and Foreign Commercial Service. Effective July 1, 1988.

One Confidential Assistant to the Assistant Secretary for Trade Development. Effective July 6, 1988.

One Private Secretary to the Deputy General Counsel for the Office of the Secretary. Effective July 8, 1988.

One Deputy Director to the Deputy Assistant Secretary for Congressional Affairs. Effective July 12, 1988.

One Congressional Liaison Assistant to the Deputy Director for Congressional Affairs. Effective July 13, 1988.

One Confidential Assistant to the Director for Executive Programs. Effective July 15, 1988.

One Confidential Assistant to the Director for the Office of Business Liaison. Effective July 15, 1988.

One Confidential Assistant to the Deputy Under Secretary for Export Administration. Effective July 15, 1988.

One Confidential Assistant to the Deputy Assistant Secretary for Trade Development. Effective July 15, 1988.

One Confidential Assistant to the Director for the Office of Public Affairs. Effective July 15, 1988.

One Deputy Director to the Director for Executive Programs. Effective July 20, 1988.

One Confidential Assistant to the Deputy Assistant Secretary for Capital Goods and International Construction. Effective July 28, 1988.

##### Department of Defense

One Special Assistant to the Assistant Secretary of Defense for Legislative Affairs. Effective July 6, 1988.

##### Department of Education

One Confidential Assistant to the Director for Public Affairs Service. Effective July 26, 1988.

One Executive Secretary to the Chief of Staff/Counselor to the Secretary. Effective July 28, 1988.

One Special Assistant to the Secretary. Effective July 28, 1988.

##### Department of Energy

One Staff Assistant to the Under Secretary of Energy. Effective July 14, 1988.

One Senate Liaison Specialist to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental, and Public Affairs. Effective July 19, 1988.

##### Department of Health and Human Services

One Special Assistant to the Director for Policy Development Staff. Effective July 1, 1988.

One Executive Assistant to the Assistant Secretary for Legislation. Effective July 6, 1988.

One Senior Executive Assistant to the Deputy Commissioner for Policy and External Affairs. Effective July 27, 1988.

##### Department of Housing and Urban Development

One Confidential Assistant to the Special Assistant to the Secretary for Public Affairs. Effective July 1, 1988.

One Staff Assistant to the Deputy Assistant Secretary for Research. Effective July 12, 1988.

##### Department of the Interior

One Special Assistant to the Deputy Assistant Secretary for Policy and Analysis. Effective July 1, 1988.

One Special Assistant to the Director for Bureau of Mines. Effective July 6, 1988.

One Special Assistant to the Deputy Assistant Secretary for Policy and Analysis. Effective July 4, 1988.

One Special Assistant to the Director of Security and Drug Enforcement. Effective July 28, 1988.

One Staff Assistant to the Assistant to the Secretary and Director for External Affairs. Effective July 28, 1988.

One Special Assistant to the Solicitor.  
Effective July 28, 1988.

*Department of Justice*

One Executive U.S. Marshal to the  
U.S. Marshal, Western District Texas.  
Effective July 1, 1988.

One Confidential Assistant to the  
Deputy Attorney General for Offices,  
Boards and Divisions. Effective July 1,  
1988.

One Chief of Staff to the Director for  
Community Relations Service. Effective  
July 19, 1988.

*Department of Labor*

One Deputy Liaison Officer to the  
Assistant Secretary for Congressional  
Affairs. Effective July 8, 1988.

One Staff Assistant to the Assistant  
Secretary for Employment and Training.  
Effective July 15, 1988.

*Department of State*

One Foreign Affairs Officer to the  
Assistant Secretary for the Bureau of  
International Organization Affairs.  
Effective July 8, 1988.

*Department of Transportation*

One Director to the Federal Highway  
Administrator for the Office of Public  
Affairs. Effective July 27, 1988.

*Department of Treasury*

One Legislative Manager to the  
Assistant Secretary for Legislative  
Affairs. Effective July 27, 1988.

*Arms Control and Disarmament Agency*

One Congressional Affairs Specialist  
to the Director of Congressional Affairs.  
Effective July 28, 1988.

One Secretary (Typing) to the  
Assistant Director for Strategic  
Programs Bureau. Effective July 28, 1988.

*Commodity Futures Trading  
Commission*

One Special Assistant to the  
Commissioner. Effective July 7, 1988.

*General Services Administration*

One Senior Advisor to the Regional  
Administrator Region 9. Effective July  
14, 1988.

*International Trade Commission*

One Staff Assistant to the  
Commissioner. Effective July 1, 1988.

One Staff Assistant (Legal) to the  
Commissioner. Effective July 5, 1988.

One Staff Assistant (Economics) to  
the Commissioner. Effective July 6, 1988.

*National Archives and Records  
Administration*

One Presidential Diarist to the  
Archivist of the United States. Effective  
July 7, 1988.

*Office of Management and Budget*

One Public Affairs Specialist to the  
Assistant Director of Public Affairs.  
Effective July 7, 1988.

*Office of Personnel Management*

One Special Assistant to the Director  
for the Office of Public Affairs. Effective  
July 1, 1988.

One Confidential Assistant to the  
Chief of Staff for the Office of the  
Director. Effective July 28, 1988.

*Pension Benefit Guaranty Corporation*

One Secretary (Typing) to the  
Principal Deputy Executive Director.  
Effective July 1, 1988.

*United States Tax Court*

One Trial Clerk to the Judge. Effective  
July 27, 1988.

One Trial Clerk to the Judge. Effective  
July 28, 1988.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3  
CFR 1954-1958 Comp., P. 218.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 88-18916 Filed 8-22-88; 8:45 am]

BILLING CODE 6325-01-M

**SECURITIES AND EXCHANGE  
COMMISSION**

[File No. 22-18446]

**Application and Opportunity for  
Hearing; Fleet/Norstar Financial  
Group, Inc.**

August 18, 1988.

Notice is hereby given that Fleet/  
Norstar Financial Group, Inc. (the  
"Company") has filed an application  
pursuant to clause (ii) of section  
310(b)(1) of the Trust Indenture Act of  
1939 (the "Act") for a finding by the  
Securities and Exchange Commission  
(the "Commission") that the trusteeship  
of Citibank, N.A. ("Bank") under an  
indenture dated as of February 15, 1986  
("February Indenture") between the  
Company, Bank and Bankers Trust  
Company which was heretofore  
qualified under the Act and the  
trusteeship of the Bank as successor  
trustee under indentures dated as of  
October 1, 1981 ("October Indenture"),  
September 1, 1983 ("September  
Indenture"), April 1, 1984 ("April  
Indenture"), August 1, 1984 ("August  
Indenture") and August 1, 1984 ("August  
1984 Indenture"), each supplemented as  
of January 1, 1988, between Norstar  
Bancorp Inc. ("Norstar") and Morgan  
Guaranty Trust Company of New York  
("Morgan"), as Trustee, which were  
heretofore qualified under the Act, is not

so likely to involve a material conflict of  
interest as to make it necessary in the  
public interest or for the protection of  
investors to disqualify the Bank from  
acting as trustee under any of such  
indentures.

Section 310(b) of the Act provides in  
part that if a trustee under an indenture  
qualified under the Act has or shall  
acquire any conflicting interest (as  
defined in the section), it shall, within  
ninety days after ascertaining that it has  
such conflicting interest, either eliminate  
such conflicting interest or resign.  
Subsection (1) of such Section provides,  
with certain exceptions stated therein,  
that a trustee under a qualified  
indenture shall be deemed to have a  
conflicting interest if such trustee is  
trustee under another indenture of the  
same obligor.

The Company alleges:

(1) Pursuant to the October Indenture,  
Norstar has issued \$36,250,000 aggregate  
principal amount of its 10% Non-  
Assignable Debentures (The Oneida  
National Bank and Trust Company of  
Central New York Series) ("Oneida  
Series"). The Oneida Series was  
registered under the Securities Act of  
1933 ("1933 Act") and the October  
Indenture was qualified under the Act.

(2) Pursuant to the September  
Indenture, Norstar has issued  
\$42,335,716 aggregate principal amount  
of its 10% Non-Assignable Debentures  
(Security New York State Corporation  
Series) ("Security Series"). The Security  
Series was registered under the 1933 Act  
and the September Indenture was  
qualified under the Act.

(3) Pursuant to the April Indenture,  
Norstar has issued \$60,000,000 aggregate  
principal amount of its 13%  
Debentures due May 1, 2014 and  
\$65,000,000 aggregate principal amount  
of its 9% 7-Year Notes ("Debt  
Securities"). The Debt Securities were  
registered under the 1933 Act and the  
April Indenture was qualified under the  
Act.

(4) Pursuant to the August Indenture,  
Norstar has issued \$9,226,875 aggregate  
principal amount of its 12% Non-  
Assignable Debentures (Bank of Long  
Island, N. A. Series) ("Long Island  
Series"). The Long Island Series was  
registered under the 1933 Act and the  
August Indenture was qualified under  
the Act.

(5) Pursuant to the August 1984  
Indenture, Norstar has issued  
\$13,750,000 aggregate principal amount  
of its 12% Non-Assignable Debentures  
(Banc of Maine Corporation Series)  
("Banc Maine Series"). The Banc Maine  
Series was registered under the 1933 Act

and the August 1984 Indenture was qualified under the Act.

(Each of the Indentures under which Norstar is an obligor will be referred to herein collectively as the "Norstar Indentures".)

(6) Pursuant to the February Indenture, the Company has issued \$75,000,000 aggregate principal amount of its 8.25% Notes due March 1, 1991; \$50,000,000 aggregate principal amount of its 8.00% Notes due January 20, 1992; \$125,000,000 aggregate principal amount of its 8.625% Notes due July 15, 1992; and \$50,000,000 aggregate principal amount of its 8.9% Notes due September 1, 1992 ("Notes"), for all of which series the Bank was designated as trustee. The Notes were registered under the 1933 Act and the February Indenture was qualified under the Act.

(7) The Company, Norstar and Morgan entered into a Supplemental Indenture dated as of January 1, 1988 for each of the five Norstar Indentures to evidence the succession of the Company to Norstar and the assumption by the Company of the covenants of Norstar in the Norstar Indentures.

(8) On March 30, 1988, Morgan gave notice of the Company of its resignation as trustee under the Norstar Indentures, such resignation to be effective upon appointment by the Company of a successor trustee and the acceptance by the successor trustee of such appointment. The Company desires to appoint the Bank as successor trustee.

(9) The Company is not in default under the February Indenture, the Norstar Indentures or any other indenture.

(10) The obligations of the Company under the February Indenture and the Norstar Indentures are unsubordinated, wholly unsecured, and rank *pari passu* *in se*. The provisions of the February Indenture and the Norstar Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of such Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the Offices of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than September 6, 1988, request in writing

that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of fact or law raised by the application that he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-19123 Filed 8-22-88; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### Resumption of Consideration of Disaster Declaration Requests

On Monday, June 10, 1988, the Small Business Administration published a Notice in the *Federal Register* (53 FR 21959) stating that, due to a severe shortage of operating funds, beginning June 3, 1988, the Agency was forced to cease to consider any requests for disaster declarations in order to avoid the unlawful expenditure of funds which have not been appropriated. The Notice provided that this action would remain in effect until either a supplemental appropriation for the current fiscal year or an appropriation for the fiscal year beginning October 1, 1988 is approved.

On August 14, 1988 the President signed into law a supplemental appropriation which provides additional operating funds for the Agency's disaster program (Pub. L. 100-393, 102 Stat. 969).

Accordingly, SBA will resume consideration of requests for disaster declarations, including those not considered since June 3, 1988. Any requests for disaster declarations received will be processed and if found to meet regulatory requirements (13 CFR Part 122 for physical disaster loans and *id.* § 123.41(c) for economic injury disaster loans), appropriate notices will be published in the *Federal Register* and announced through local media.

The June 10, 1988 Notice also cautioned that the shortage of operating funds could impair ongoing disaster operations and processing. With the

receipt of additional operating funds, this caution is no longer applicable.

Date: August 15, 1988.

James Abdnor,

Administrator.

[FR Doc. 88-19035 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

### [Declaration of Disaster Loan Area No. 6626]

#### California; Declaration of Disaster Loan Area

The City of Redondo Beach and Orange County in the State of California constitute an Economic Injury Disaster Loan Area as a result of damage from a severe storm, with heavy rain, strong winds and high tides, which occurred on January 17, 1988. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on May 15, 1989, at the address listed below: Disaster Area 4 Office, Small Business Administration, 1825 Bell Street, Suite 208, P.O. Box 13795, Sacramento, California 95825, or other locally announced locations. The interest rate for eligible small business concerns without credit available elsewhere is 4 percent and 9 percent for eligible small agricultural cooperatives without credit available elsewhere.

(Catalog of Federal Domestic Assistance Program No. 59002)

Date: August 15, 1988.

James Abdnor,

Administrator.

[FR Doc. 88-19030 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

### [Declaration of Disaster Loan Area No. 6628]

#### California; Declaration of Disaster Loan Area

The City of Redondo Beach, California, constitute an Economic Injury Disaster Loan Area as a result of damage from a fire which occurred on May 27, 1988. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on May 15, 1989, at the address listed below: Disaster Area 4 Office, Small Business Administration, 1825 Bell Street, Suite 208, P.O. Box 13795, Sacramento, California 95825, or other locally announced locations. The

interest rate for eligible small business concerns without credit available elsewhere is 4 percent and 9 percent for eligible small agricultural cooperatives without credit available elsewhere.

(Catalog of Federal Domestic Assistance Program No. 59002)

Date: August 15, 1988.

James Abdnor,  
Administrator.

[FR Doc. 88-19031 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area No. 2316]**

**California; Declaration of Disaster Loan Area**

The City of Downey, California, constitutes a disaster areas as a result of damages from a fire which occurred on March 31, 1988 at 7157 and 7207 Stewart-and-Gray Road. Applications for loans for physical damage as a direct result of this fire may be filed until the close of business on October 14, 1988, and for economic injury as a direct result of this fire until the close of business on May 15, 1989, at the address listed below: Disaster Area 4 Office, Small Business Administration, 1825 Bell Street, Suite 208, P.O. Box 13795, Sacramento, CA 95853, or other locally announced locations.

The interest rates are:

- Homeowners With Credit Available Elsewhere—8.000%
- Homeowners Without Credit Available Elsewhere—4.000%
- Businesses With Credit Available Elsewhere—8.000%
- Businesses Without Credit Available Elsewhere—4.000%
- Businesses (EIDL) Without Credit Available Elsewhere—4.000%
- Other (Non-Profit Organizations Including Charitable and Religious Organizations)—9.000%.

The number assigned to this disaster is 231605 for physical damage and for economic injury the number is 664000.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Date: August 15, 1988.

James Abdnor,  
Administrator.

[FR Doc. 88-19032 Filed 8-2-88; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area No. 6627]**

**Illinois; Declaration of Disaster Loan Area**

DuPage County, Illinois, constitutes an Economic Injury Disaster Loan Area as

a result of damage from a fire which occurred at the Illinois Bell Telephone switching facility at Hinsdale on May 8, 1988. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on May 15, 1989 at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Floor, Atlanta, Georgia 30308,

or other locally announced locations. The interest rate for eligible small business concerns without credit available elsewhere is 4 percent and 9 percent for eligible small agricultural cooperatives without credit available elsewhere.

(Catalog of Federal Domestic Assistance Program No. 89002.)

Date: August 15, 1988.

James Abdnor,  
Administrator.

[FR Doc. 88-19033 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area No. 6644]**

**New York; Declaration of Disaster Loan Area**

The City of Mt. Vernon, New York, constitutes an Economic Injury Disaster Loan Area as a result of damages from a fire which occurred on June 8, 1988. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on May 15, 1989 at the address listed below:

Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fairlawn, NJ 07410,

or other locally announced locations. The interest rate for eligible small business concerns without credit available elsewhere is 4 percent and 9 percent for eligible small agricultural cooperatives without credit available elsewhere.

(Catalog of Federal Domestic Assistance Program No. 59002.)

Date: August 15, 1988.

James Abdnor,  
Administrator.

[FR Doc. 88-19034 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

**[License No. 09/09-5355]**

**Wilshire Capital, Inc.; Notice of License Surrender**

Notice is hereby given that Wilshire Capital, Inc., 3932 Wilshire Blvd., Los Angeles, California 90010, has surrendered its license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act). Wilshire Capital, Inc. was licensed by the Small Business Administration on February 15, 1985.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on July 5, 1988, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

Dated: August 12, 1988.

[FR Doc. 88-19036 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

**Region I Advisory Council Meeting Public Meeting; Massachusetts**

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Massachusetts, will hold a public meeting at 1:00 p.m., on Tuesday, September 19, 1988, at the Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, in the Conference Room 265, Boston, Massachusetts, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John J. McNally, District Director, U.S. Small Business Administration, 10 Causeway Street, Room 265, Boston, Massachusetts, (617) 835-5561.

Jean M. Nowak,  
Director, Office of Advisory Councils.  
August 15, 1988.

[FR Doc. 88-19039 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

**[Delegation of Authority No. 12-D; Amdt. 1]**

**Supervisory Loan Officer; Delegation of Authority; Correction**

Delegation of Authority No. 12-D (48 FR 9981) is hereby amended to correct the title of delegee in paragraph I.D.

Delegation of Authority No. 12-D is amended to read as follows:

\* \* \* \* \*

I.  
D. Supervisory Loan Officer

\* \* \* \* \*

Effective Date: August 23, 1988.

Dated: August 16, 1988.

Alfred E. Judd,

Acting Deputy Associate Administrator for  
Disaster Assistance.

[FR Doc. 88-19038 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-5512]

**Trusty Capital Inc.; Application for License To Operate as a Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1988)) by Trusty Capital Inc., for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and shareholders of the Applicant are as follows:

Name	Title of relationship	Percentage of shares owned
Yungduk Hahn, 995 Hart Street, Brooklyn, New York 11237.	President/director.	20
Bokhee Hahn, 995 Hart Street, Brooklyn, New York 11237.	Secretary .....	0
June W. Lee, 13 Oak Neck Lane, West Islip, New York 11795.	Director .....	20
Charles R. Chung, 1017 Overhill Drive, Brooklyn, New York 11237.	...do .....	20
Harry H. Pak, 2 Bay Club Drive, Bayside, New York.	...do .....	20
Yuh C. Yim, 98 Revere Road, Manhasset, New York 11030.	...do .....	20

The Applicant will conduct its operations in the State of New York. As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management including profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in the New York area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

**Robert G. Lineberry,**  
Deputy Associate Administrator for  
Investment.

Dated: July 25, 1988.

[FR Doc. 88-19037 Filed 8-22-88; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Summary Notice No. PE-88-32]

**Petition for Exemption; Receipt and Disposition**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATE:** Comments on petitions received must identify the petition docket number involved and must be received on or before September 12, 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 CONTACT:** The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Deborah E. Swank,

Acting Manager, Program Management Staff.

## PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24056	Aviation Methods, Inc.	14 CFR 61.58(c)	To allow petitioner's pilots to complete 100 percent of their required pilot-in-command 24-month biennial proficiency check requirements in an FAA-approved simulator for the F-27/227 aircraft. To allow petitioner to obtain inspection authorization without fulfilling the 3-year requirement to hold an airframe and powerplant rating. Petitioner requests expansion of an existing exemption (No. 4371) to § 91.119(a)(2), minimum IFR altitude, and § 91.121(b)(1), selection of IFR altitude direction of flight. The current exemption limits operations under the exemption to 25-mile segments. The request is to eliminate this limit, thereby enhancing the ability for the petitioner (MAC) to meet its training requirements. To allow petitioner to continue its statutory mission in conducting law enforcement air support for drug traffic interdiction.
25579	Erwin Siebzehnrubl	14 CFR 65.91	
24237	USAF	91.119(a)(2) and 91.121(b)(1)	
24187	Florida Department of Law Enforcement (FDLE)	91.79(c), 91.85(b), 91.109(a)	

## PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
25160	Volpar Aircraft Corporation	14 CFR 21.19(b)(1)	To allow petitioner to modify its Boeing 727-200 aircraft from its present three-engine configuration to a two-engine configuration utilizing the General Electric CM56 engine. <i>Grant, August 4, 1988, Exemption No. 4970.</i> On March 26, 1984, the Federal Aviation Administration (FAA) granted an exemption from § 91.73(a) and (b) of the Federal Aviation Regulations (FAR) to the Department of the Army to conduct certain night flight military training operations without lighted aircraft position lights. By letter dated September 23, 1985, U.S. Army Air Traffic Control Activity, Aeronautical Services Office, Cameron Station, Alexandria, Virginia, petitioned the FAA for an amendment exemption in order to conduct operations on a continuing basis. This petition was granted on June 26, 1986, by issuance of Exemption No. 3946A. During a subsequent review of Exemption NO. 3946A, the FAA identified as unnecessary a conditional provision which required 24-hour advance issuance of a notice to airmen (NOTAM). <i>Amended Grant: August 11, 1988.</i>
23495	Department of the Army	91.73(a) and (b)	
25431	Helicopter Association International	14 CFR 21.181(a)(1) and 135.143(b)	To amend Exemption No. 4952 to delete the requirement that single-engine aircraft operated under that exemption be maintained under a continuous maintenance program in accordance with § 135.411(a)(2). <i>Grant, August 5, 1988, Exemption No. 4952A.</i>
25560	Lake Mead Air, Inc.	14 CFR 21.181 and 135.143	To allow petitioner and all other single-engine Part 135 operators to operate in accordance with an approved minimum equipment list based upon a master minimum equipment list for single-engine aircraft. <i>Grant, August 5, 1988, Exemption No. 4968.</i>

[FR Doc. 88-19029 Filed 8-22-88; 8:45 am]  
BILLING CODE 4910-13-M

## [Summary Notice No. PE-88-33]

## Petition for Exemption; Receipt and Disposition

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal

Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections.

The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATE:** Comments on petitions received must identify the petition docket number involved and must be received on or before September 12, 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 CONTACT:**

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (POB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 18, 1988.

**Deborah E. Swank,**  
Acting Manager, Program Management Staff.

## PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
15590	Embry-Riddle Aeronautical University .....	14 CFR 141.65 .....	To extend Exemption No. 3859C, which allows petitioner to recommend graduates of its certified flight instructor courses for certification without taking the FAA practical test.
23492	United States Hang Gliding Association, Inc.	14 CFR 103.1 (a) and (b) .....	To extend Exemption No. 4721 that allows petitioner to operate two-place unpowered ultralight vehicles for the purpose of sport, recreation, or other purposes. Exemption No. 4721 will expire on October 31, 1988.
24515	United Airlines .....	14 CFR 121.434(c)(1)(iii) .....	To allow petitioner to substitute a United FAA-designated pilot examiner to complete the observation of an initial operating experience (IOE) flight leg, including takeoff and landing. This substitution would occur <i>only</i> when the FAA is unable to schedule one of its own inspectors during IOE.
25610	Dowty Defence and Air Systems Ltd., Fuel Systems Division.	14 CFR 145.71 and 145.73 .....	To allow petitioner to perform maintenance and warranty work on engine parts of U.S.-registered aircraft which it has manufactured, without limitations as to where these aircraft operate.
25623	United States Skyships .....	14 CFR 61.135 .....	To allow petitioner's pilots to obtain a commercial pilot certificate with airship rating without meeting the requirements of: (1) 10 hours of night flight in airships; and (2) 10 hours of instrument time in airships.
25628	Moody Aviation Flight School .....	14 CFR Part 141, Appendix A, paragraph 3(c)(9).	To allow petitioner to omit the night flying requirement from the curriculum of its Pilot Certification Course.
25634	Volvo Flygmotor AB .....	14 CFR 145.71 and 145.73 .....	To allow petitioner to perform maintenance work on JT15D engines operated on U.S.-registered aircraft.

## PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
24605	World Jet Corporation .....	14 CFR 91.191(a)(4) and 135.165(b) .....	To extend and amend Exemption No. 4703, which allows operation of certain aircraft in extended overwater operations using one long-range navigation system and one high-frequency communications system. The amendment to the exemption would add an additional type of aircraft to operate under the exemption. <i>GRANT, July 13, 1988, Exemption No. 4961.</i>
25589	Bolivar Aviation .....	14 CFR 141.65 .....	To allow petitioner to add examining authority to its Approved School Certificate for the issuance of flight instructor certificates and ratings without taking the FAA's flight test. <i>GRANT, August 2, 1988, Exemption No. 4967.</i>

[FR Doc. 88-19020 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-13-M

## Maritime Administration

Approval of Applicant as Trustee;  
MTrust Corp.

Notice is hereby given that MTrust Corp., National Association, with offices at 1717 Main Street, 12th Floor, Dallas, Texas, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: August 18, 1988.

By Order of the Maritime Administrator.

James E. Saari,  
Secretary.

[FR Doc. 88-19077 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-81-M

Request for Removal, Without  
Disapproval, From Roster of Approved  
Trustees; Rhode Island Hospital Trust  
National Association

Notice is hereby given, pursuant to 46 CFR 221.28, that Rhode Island Hospital Trust National Association, with offices at One Hospital Trust Plaza, Providence, Rhode Island, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Rhode Island Hospital Trust National Association stated it no longer engages in activities which necessitate the Bank's certification as an approved trustee.

Dated: August 18, 1988.

By Order of the Maritime Administrator.

James E. Saari,  
Secretary.

[FR Doc. 88-19078 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-81-M

## DEPARTMENT OF THE TREASURY

Public Information Collection  
Requirements Submitted to OMB for  
Review

Date: August 17, 1988.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

**Financial Management Service***OMB Number:* 1510-0008*Form Number:* None*Type of Review:* Extension*Title:* Pools and Associations—Annual Letter*Description:* The information is collected for the determination of an acceptable percentage for each pool and association to allow Treasury certified companies credit on their Schedule F for authorized ceded reinsurance in determining the companies' underwriting limitations.*Respondents:* Businesses or other for-profit, Small businesses or organizations*Estimated Number of Respondents:* 59*Estimated Burden Hours Per Response:* 1 hour and 30 minutes*Frequency of Response:* Annually*Estimated Total Reporting Burden:* 89 hours*Clearance Officer:* Rita Franklin, (301) 436-5300, Programs Section, Financial Management Service, Room 100, 3700 East West Highway, Hyattsville, MD 20782*OMB Reviewer:* Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

*Departmental Reports, Management Officer.*

[FR Doc. 88-19079 Filed 8-22-88; 8:45 am]

BILLING CODE 4810-25-M

*Description:* Section 3402(o) of the Internal Revenue Code extends income tax withholding to sick pay payments made by third parties upon request of the payee. The information is used to determine the amount to be withheld from the third-party sick pay payments.*Respondents:* Individual or households*Estimated Number of Respondents:* 500,000*Estimated Burden Hours Per Response:* 11 minutes*Frequency of Response:* On occasion*Estimated Total Reporting Burden:* 88,400 hours*OMB Number:* 1545-1010*Form Number:* IRS Form 1120-RIC*Type of Review:* Revision*Title:* U.S. Income Tax Return for*Description:* Form 1120-RIC is filed by a domestic corporation electing to be taxed as a RIC in order to report its income and deductions and to compute its tax liability. IRS uses Form 1120-RIC to determine whether the RIC has correctly reported its income, deductions, and tax liability.*Respondents:* Businesses or other for-profit*Estimated Number of Respondents:* 2,050*Estimated Burden Hours Per Response:* 5 hours and 51 minutes*Frequency of Response:* Annually*Estimated Total Reporting Burden:* 11,991 hours*Clearance Officer:* Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224*OMB Reviewer:* Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

*Departmental Reports Management Officer.*

[FR Doc. 88-19080 Filed 8-22-88; 8:45 am]

BILLING CODE 4810-25-M

**UNITED STATES INFORMATION AGENCY****Culturally Significant Objects Imported for Exhibition; Masterpieces from the Von der Heydt-Museum****Determination**

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978

(43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Masterpieces from the Von der Heydt-Museum" (see list<sup>1</sup>) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Philbrook Museum of Art, Tulsa, Oklahoma, beginning on or about January 3, 1989, to on or about April 2, 1989, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

R. Wallace Stuart,

*Acting General Counsel.*

Date: August 18, 1988.

[FR Doc. 88-19125 Filed 8-22-88; 8:45 am]

BILLING CODE 8230-01-M

**Culturally Significant Objects Imported For Exhibition; Determination**

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "The House of Timur: Princely Arts in Fifteenth Century Iran and Central Asia" (see list<sup>1</sup>) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Arthur M. Sackler Gallery, Smithsonian Institution in Washington, DC, beginning on or about April 14, 1989, to on or about July 6, 1989, and at the Los Angeles County Museum of Art, Los Angeles, California, beginning on or about August 13, 1989, to on or about November 5, 1989, is in the national interest.

<sup>1</sup> A copy of this list may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202-465-7988, and the address is Room 700, U.S. Information Agency, 301 4th Street SW., Washington, DC 20547.

**Public Information Collection Requirements Submitted to OMB for Review**

Date: August 17, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

**Internal Revenue Service***OMB Number:* 1545-0717*Form Number:* IRS Form W-4S*Type of Review:* Extension*Title:* Request for Federal Income Tax Withholding from Sick Pay

The United States Information Agency understands that subject exhibit objects will enter the United States in compliance with applicable U.S. laws and the Iranian Transactions Regulations.

Public notice of this determination is ordered to be published in the Federal Register.

R. Wallace Stuart,  
Acting General Counsel.

Date: August 11, 1988.

[FR Doc. 88-19050 Filed 8-22-88; 8:45 am]

BILLING CODE 8230-01-M

# Sunshine Act Meetings

Federal Register

Vol. 53, No. 163

Tuesday, August 23, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

**TIME AND DATE:** 11:00 a.m., Monday, August 29, 1988.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: August 19, 1988.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 19207 Filed 8-19-88; 3:45 pm]

BILLING CODE 6210-01-M

## MISSISSIPPI RIVER COMMISSION

**TIME AND DATE:** 9:00 a.m., September 19, 1988.

**PLACE:** On board MV MISSISSIPPI at foot of Eighth Street, Cairo, IL.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601-634-5766.

**Rodger D. Harris,**

*Executive Assistant, Mississippi River Commission.*

[FR Doc. 88-19208 Filed 8-19-88; 3:45 pm]

BILLING CODE 3710-GX-M

## MISSISSIPPI RIVER COMMISSION

**TIME AND DATE:** 9:00 a.m., September 23, 1988.

**PLACE:** On board MV MISSISSIPPI at City Front, Morgan City, LA.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601-634-5766.

**Rodger D. Harris,**

*Executive Assistant, Mississippi River Commission.*

[FR Doc. 88-19209 Filed 8-19-88; 3:45 pm]

BILLING CODE 3710-GX-M

## MISSISSIPPI RIVER COMMISSION

**TIME AND DATE:** 9:00 a.m., September 21, 1988.

**PLACE:** On board MV MISSISSIPPI at City Front, Greenville, MS.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601-634-5766.

**Rodger D. Harris,**

*Executive Assistant, Mississippi River Commission.*

[FR Doc. 88-19210 Filed 8-19-88; 3:45pm]

BILLING CODE 3710-GX-M

## MISSISSIPPI RIVER COMMISSION

**TIME AND DATE:** 9:00 a.m., September 20, 1988.

**PLACE:** On board MV MISSISSIPPI at City Front, vicinity of Beale Street, Memphis, TN.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601-634-5766.

**Rodger D. Harris,**

*Executive Assistant, Mississippi River Commission.*

[FR Doc. 88-19211 Filed 8-19-88; 3:45pm]

BILLING CODE 3710-GX-M

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of August 22, 29, September 5, and 12, 1988.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Open and Closed.

### MATTERS TO BE CONSIDERED:

#### Week of August 22

There are no meetings scheduled for the Week of August 22.

#### Week of August 29—Tentative

There are no meetings scheduled for the Week of August 29.

#### Week of September 5—Tentative

*Wednesday, September 7*

10:00 a.m.

Briefing on Proposed Rule on Degreed Operators (Public Meeting).

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed).

Thursday, September 8

2:00 p.m.

Briefing on Final Rule on Emergency Planning and Preparedness Requirements for Nuclear Power Plant Fuel Loading and Initial Low Power Operations (Public Meeting).

Week of September 12—Tentative

Monday, September 12

2:00 p.m.

Briefing on Service Accident Policy for Future Light Water Reactors (Public Meeting).

Friday, September 16

10:00 a.m.

Briefing on Policy Paper on Radiation Risks Which Are Below Regulatory Concern (Public Meeting).

11:30 a.m.

Affirmation/Decision and Vote (Public Meeting) (if needed).

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means no

item has yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(301) 492-0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492-1661.

William M. Hill, Jr.,  
Office of the Secretary.

August 18, 1988.

[FR Doc. 88-19171 Filed 8-19-88; 2:25 pm]

BILLING CODE 7590-01-M

# **Federal Register**

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**Tuesday  
August 23, 1988**

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**Part II**

## **Office of Personnel Management**

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**Excepted Service; Consolidated Listing of  
Schedules A, B, and C Exceptions;  
Notice**

## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service; Consolidated Listing of Schedules A, B, and C Exceptions

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This gives a consolidated notice of all positions excepted under Schedules A, B, and C as of June 30, 1988, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

**SUPPLEMENTARY INFORMATION:** Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. Title 5, Code of Federal Regulations, § 213.103(c) further requires that a consolidated listing, current as of June 30 of each year, be published annually as a notice in the *Federal Register*. That notice follows. OPM maintains continuing information on the status of all Schedules A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by contacting the Staffing Operations Division, Room 6A12, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, or by calling (202) 632-0728. The following exceptions were current on June 30, 1988:

#### Schedule A

##### *Section 213.3102 Entire executive civil service*

(a) Positions of Chaplain and Chaplain's Assistant.

(b) [Reserved]

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any nontemporary position the duties of which are part-time or intermittent in which the appointee will

receive compensation during his or her service year that aggregates not more than 40 percent of the annual salary rate for the first step of grade GS-3. This limited compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority may not be for temporary project employment.

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of OPM, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) Positions filled by (1) appointment of persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) in positions at the same or equivalent grade level, or below, who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment; or (2) reassignment, promotion, or demotion within the same agency of former National Guard Technicians originally appointed under this authority.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of OPM where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (1) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, Interior, and Energy, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by OPM that this authority is applicable for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's completion of requirements for the graduate degree.

(q) Positions at grade GS-7, or equivalent, and below when appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide high school science or mathematics teachers; or (2) bona fide students at high schools or accredited colleges or universities who are pursuing courses related to the field in which employed. The appointment of any individual under this authority shall terminate upon the individual's ceasing to be enrolled in a qualifying educational program or to be employed as a teacher. No one shall be employed under this

provision in routine clerical positions, routine trades and labor positions—unless such employment clearly relates to a scientific, professional, or technical curriculum—or in excess of 1040 working hours a year. Appointments under this authority may be made only to positions for which qualification standards established under 5 CFR Part 302 are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(r)-(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the OPM. Provisions to be included in such agreements are specified in the Federal Personnel Manual. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(u) Positions when filled by severely physically handicapped persons who: (1) under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(v) Between May 13 and September 30 only, temporary Summer Aid positions the duties of which involve work of a routine nature not regularly covered under the General Schedule requiring no specific knowledge or skills, when filled by youths, either (1) appointed under economic needs standards prescribed by OPM; or (2) who are mentally retarded or severely physically handicapped. Youths may not be appointed unless they have reached their 16th birthday. This paragraph shall apply only to positions for which pay is fixed at the highest Federal minimum wage rate established by the Fair Labor Standards Act of 1983, as amended.

(w) Part-time or intermittent positions, the duties of which involve routine work up to and including the GS-4 level of difficulty or equivalent under the Federal Wage System, when filled by bona fide students appointed under the

Stay-in-School Program. Students may be appointed if they need the earnings from this employment to continue in school or if they are mentally retarded or severely physically handicapped, provided that the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment as a resident student in a secondary school (or other appropriate school for mentally retarded students) or an institution of higher learning not above the baccalaureate level, accredited by a recognized accrediting body;

(2) Employment does not exceed 20 hours in any calendar week except that students may work full time during any period in which their school is officially closed and during any school vacation period.

(3) While employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer;

(4) Appointees meet the economic criteria prescribed by the Office of Personnel Management, except that this requirement does not apply to mentally retarded or severely physically handicapped students appointed under the authority; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authority may not extend beyond 1 year. However, such appointments may be made for additional periods of not to exceed 1 year, each, if the conditions for initial appointment are still met. Students may not be appointed under this authority unless they have reached their 16th birthday. No new appointments may be made between May 13 and August 31, inclusive.

(x) Positions for which a local recruiting shortage exists when filled by inmates of Federal, District of Columbia, and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1 year. An initial appointment may be extended for one or more periods not to exceed one additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1

year beyond the date of that person's release from custody.

(y) Positions at grade GS-2 and below for summer employment as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS-11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of OPM except when the authority is specifically included in a delegated examining agreement with OPM.

(cc) Positions at GS-15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd)-(ee) [Reserved]

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs administered by the Attorney General of the United States under Pub. L. 91-452 and related statutes. A person appointed under this authority may continue to be employed under it after he/she ceases to be in a qualifying program only as long as he/she remains in the same agency without a break in service.

(gg)-(hh) [Reserved]

(ii) Positions of Presidential Intern, GS-9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS-9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to one additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with requirements

published in the Federal Personnel Manual.

(jj) Legal intern positions.

Appointments under this paragraph shall be confined to bona fide students at recognized law schools who are candidates for J.D. or LL.B. degrees. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's graduation from law school.

(kk) [Reserved]

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time, or intermittent basis.

*Section 213.3103 Executive Office of the President*

(1) *Office of Administration.* (1) Not to exceed 75 positions to provide administrative services and support to the White House office.

(b) *Office of Management and Budget.* (1) Not to exceed 10 positions at grades GS-9/15.

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS-13 through -15 on the staff of the Council.

(d)-(f) [Reserved]

(g) *National Security Council.* (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy.* (1) Thirty positions of Senior Policy Analyst, GS-15; Policy Analyst, GS-11/14; and Policy Research Assistant, GS-9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

*Section 213.3104 Department of State*

(a) *Office of the Secretary.* (1) All positions, GS-15 and below, on the staff of the Family Liaison Office, Office of the Under Secretary for Management.

(2)-(5) [Reserved]

(b) *American Embassy, Paris, France.* (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c) [Reserved]

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentation, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days within any one calendar year.

(e) *Bureau of Oceans and International Environmental and Scientific Affairs.* (1) Two Physical

Science Administration Officer positions at GS-16.

(f) [Reserved]

(g) *Office of Refugee and Migration Affairs.* (1) Not to exceed 10 positions at grades GS-5 through 11 on the staff of the office.

(h) *Bureau of Administration.* (1) One Presidential Trip Specialist. No new appointments may be made under this authority after June 11, 1981.

*Section 213.3105 Department of the Treasury*

(a) *Office of the Secretary.* (1) Not to exceed 20 positions at the equivalent of GS-13 through GS-17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade, and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS-9 and for not more than 130 working days in a service year.

(4) [Reserved]

(5) Positions at GS-9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his/her service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his/her service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7)-(8) [Reserved]

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of

persons of one-fourth or more Indian blood.

(c) *Office of the Comptroller of the Currency.* (1) Not to exceed six positions filled under the Professional Accounting Fellow Program. Appointments under this authority may not exceed 2 years.

(d) [Reserved]

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(2) Two positions of Senior Visiting Pension Actuary, GS-1510-14/15. Appointments to these positions must be for periods not to exceed 24 months.

(f) [Reserved]

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) One hundred positions of criminal investigator for special assignments.

(h) [Reserved]

(i) *Bureau of Government Financial Operations.* (1) Clerical positions at grades GS-5 and below established in Emergency Disbursing Offices to process emergency payments to victims of catastrophes or natural disasters requiring emergency disbursing services. Employment under this authority may not exceed 1 year.

*Section 213.3106 Department of Defense.*

(a) *Office of the Secretary.* (1) Not to exceed 30 positions at grades GS-7/15 in the defense Mobilization Systems Planning Activity, Office of the Deputy Assistant Secretary of Defense (Mobilization Planning and Requirements.) No new appointments may be made under this authority after March 31, 1989.

(2)-(5) [Reserved]

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force.)* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache 1 systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered

by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the U.S. Government residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided*, that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to one additional year when the military department concerned finds that the additional employment is in the interest of management.

(7) Fifteen secretarial and staff support positions at GS-12 or below on the White House Support Group.

(8) Positions in DOD research and development activities occupied by participants in the DOD Science and Engineering Apprenticeship Program for High School Students. Persons employed under this authority shall be bona fide high school students, at least 14 years old, pursuing courses related to the position occupied and limited to 1040 working hours a year. Children of DOD employees may be appointed to these positions notwithstanding the sons and daughters restriction, if the positions are in field activities at remote locations. Appointments under this authority may be made only to positions for which qualification standards established under 5 CFR Part 302 are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(c) *Defense Contract Audit Agency*. (1) Not to exceed two positions of Accounting Fellow, Auditor, GM-511-14, filled under the Accounting Fellowship Program. Appointments under this authority may not exceed 2 years.

(d) *General*. (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM,

it is impracticable to examine. This authority does not apply to positions assigned to cryptologic and communications intelligence activities/functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, or estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences*. (1) Positions of Dean, Associate Dean, Assistant Dean, faculty members, postdoctoral fellows, research associates, senior research associates, and visiting scientists.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University*. (1) Not to exceed 16 positions of senior policy analyst, GS-15, at the strategic Concepts Development Center. Initial appointments to these positions may not exceed 6 years, but may be extended thereafter in 1-, 2-, or 3-year increments, indefinitely.

(g) *Defense Communications Agency*. (1) Not to exceed 10 positions at grades GS-10/15 to staff and support the Crisis Management Center at the White House.

(h) *Defense Systems Management College, Fort Belvoir, Va.*

(1) The Provost and professors in grades GS-13 through 15.

*Section 213.3107 Department of the Army*

(a) *General*. (1) Not to exceed 30 positions on the faculty and staff which are classified in the GS-1700 occupational group and the GS-1410 Librarian series, located at the U.S. Army Russian Institute, Garmisch Germany, and the U.S. Army Foreign Language Training Center Europe, Munich, Germany.

(b) *Aviation Systems Command*. (1) One scientific and professional research position in the U.S. Army Research and Technology Laboratories, the duties of which require specific knowledge of aviation technology in non-allied nations.

(c) *Corps of Engineers*. (1) [Reserved]

(2) Nonsupervisory trades, crafts, and manual labor positions at grades WG-6 and below on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when OPM has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in OPM central office, regional, and branch office cities or in cities where there is a local OPM area office to service the employing establishment.

(d) *U.S. Military Academy, West Point, New York*. (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, chapel organist and choir-master, Director of Intercollegiate Athletics, Associate Director of Intercollegiate Athletics, Facility Manager, Building Manager, three Physical Therapists (Athletic Trainers), Associate Director of Admissions for Plans and Programs, Deputy Director of Alumni Affairs; and librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a U.S. Military Academy graduate retired as a regular commissioned officer for disability.

(e) *U.S. Army School of the Americas, Fort Benning, Georgia*. (1) Positions of Translator (Typing), GS-1040-5/9, and Supervisory Translator, GS-1040-11. No new appointments may be made under this authority after December 31, 1985.

(f) *Central Identification Laboratory*. (1) One position of Scientific Director, GM-190-15, and four positions of Forensic Scientist, GM-190-14. Initial appointment to these positions is NTE 3-5 years, with provision for indefinite numbers of renewals in 1-, 2-, or 3-year increments.

(g) *Defense Language Institute*. (1) All positions on the faculty and staff which are classified in the GS-1700 occupational group, the GS-1040 Language Specialist series, and the GS-303 Bilingual Clerk series, that require either a proficiency in a foreign language or a knowledge of foreign language teaching methods.

(h) *Army War College, Carlisle Barracks, Pa.* (1) Five positions of Educational Specialist for employment of not to exceed 1 year: *Provided*, that such employment may, with the prior

approval of OPM, be extended for not to exceed one additional year.

(2) Nine senior policy analyst positions, GS-14/15, at the Strategic Studies Institute, Army War College, with appointments to be made initially for up to 3 years and thereafter extended annually if needed.

(3) Five research oriented faculty positions, GS-14/15, with the U.S. Army War College, at Carlisle Barracks, Pennsylvania, with appointments to be made initially for up to 3 years and thereafter extended annually if needed.

(i) [Reserved]

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head and Instructor.

*Section 213.3108 Department of the Navy*

(a) *General.* (1) [Reserved]

(2) Positions of Student Pharmacist for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, clinics and departments when filled by students who are enrolled in an approved pharmacy program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed one year.

(3) [Reserved]

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospitals, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351-54.

(5) [Reserved]

(6) Positions of Student Operating Room Technician for temporary, part-time or intermittent employment in U.S. naval regional medical centers and hospitals, when filled by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided*, that the work performed in the agency is to be used by

the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351-54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351-54.

(9) [Reserved]

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351-54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(12) Positions of student speech pathologist at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(14) [Reserved]

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; the Director of Academic Planning, Naval Postgraduate School;

and the librarian, organist-choirmaster, registrar, the dean of admissions, and social counselors at the Naval Academy.

(c) *Chief of Naval Operations.* (1) One position at grade GS-12 or above that will provide technical, managerial, or administrative support on highly classified functions to the Deputy Chief of Naval Operations (Plans, Policy, and Operations).

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e) *Pacific Missile Range Facility, Barking Sands, Hawaii.*

(1) All positions. This authority applies only to positions that must be filled pending final decision on contracting of Facility operations. No new appointments may be made under this authority after July 29, 1988.

(f) [Reserved]

(g) *Office of Naval Research.* (1) Not to exceed five positions of Liaison Scientists, GS-13/15, in the Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of OPM, total employment under this authority may be for as long as 3 years.

*Section 213.3109 Department of the Air Force*

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) Sixty-five positions engaged in interdepartmental defense projects involving scientific and technical evaluations.

(c) Not to exceed 20 professional positions, GS-11 through GS-15, in Detachments 6 and 51, SM-ALC, Norton and McClellan Air Force Bases, California, which will provide logistic support management to specialized research and development projects.

(d) *U.S. Air Force Academy, Colorado.*

(1) Positions of Cadet Hostesses, Instructors in Physical Education,

Instructors in Music (choirmasters), one Training Instructor (Parachuting), one Training Instructor (Code of Conduct and Evasion), and two Physical Therapists (Athletic Trainers).

(e) Not to exceed five positions, GS-12 through GS-15, in the Specialized Management Office (WR-ALC/QL) at Robins Air Force Base, Georgia, which will provide logistic support management staff guidance for highly sensitive and high priority programs and projects. Employment under this authority is not to exceed May 30, 1988.

(f) *Air Force Office of Special Investigations.* (1) Not to exceed 250 positions of Criminal Investigators/Intelligence Research Specialists, GS-5 through GS-15.

(g) Not to exceed eight positions, GS-12 through 15, in Headquarters Air Force Logistics Command, DCS Materiel Management, Office of Special Activities, Wright Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects.

(h) [Reserved]

(i) *Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio.* (1) Civilian deans and professors.

(j) *Air Force Logistics Command.* (1) One Supervisory Logistics Management Specialist, GM-346-14, in Detachment 2, 2762 Logistics Management Squadron (Special), Greenville, Texas.

*Section 213.3110 Department of Justice*

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) [Reserved]

(3) U.S. Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Not to exceed 3,500 positions at grades GS-15 and below engaged in planning for and implementing the processing of claims for resident status which may be submitted by aliens already in the United States as authorized by immigration control and reform legislation. New appointments under this authority may not be made after December 31, 1990.

(c) *Drug Enforcement Administration.* (1) [Reserved]

(2) One hundred and fifty positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS-132 series, grades GS-9 through GS-15.

(3) Not to exceed 200 positions of Criminal Investigator (Special Agent). New appointments may be made under this authority only at grades GS-7/11.

*Section 213.3112 Department of the Interior.*

(a) *General.* (1) Technical, maintenance, and clerical positions at or below grades GS-7, WG-10, or equivalent in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS-7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, that an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term "Indian."

(8) Temporary, intermittent, or season positions at GS-7 or below in Alaska, as follows: Positions in non-professional mining activities, such as those of drillers, miners, caterpillar operators, and samplers. Employment under this

authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum rate. Employment under this authority may not exceed 10 weeks.

(b) [Reserved]

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) [Reserved]

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* (1) [Reserved]

(2) Not to exceed four positions of Territorial Management Interns, grades GS-5, GS-7, or GS-9, when filled by territorial residents who are U.S. citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. citizens upon termination of the U.S. trusteeship. Employment under this authority may not exceed 6 months.

(3) [Reserved]

(4) Special Assistant to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his or her immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS-2 through GS-5 to perform practical and technical work supporting the management of Park Service areas and resources in the functional areas of interpretation, resources management, visitor protection, and visitor services; and positions at salaries equivalent to grades GS-6 and GS-7 in which the duties are supervisory or consist of highly specialized technical work in support of National Park Service operations in the functional areas

delineated above. The total number of Park Ranger and Park Technician positions at salaries equivalent to GS-6 and GS-7 excepted under this paragraph shall not exceed 200. Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience at a salary equivalent to the next lower grade or equivalent experience in a Federal, State, or local park:

(i) For IGS-7: Two seasons at IGS-6 level in the National Park Service.

(ii) For IGS-6: Two seasons at IGS-5 level in the National Park Service.

(iii) For IGS-5: One season at IGS-4 level or its equivalent in experience.

(iv) For IGS-4: One season at IGS-3 level or its equivalent in experience.

(v) For IGS-3: One season at IGS-2 level or its equivalent in experience.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) [Reserved]

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Pub. L. 95-250.

(4) One Special Representative of the Director.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS-5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

#### *Section 213.3113 Department of Agriculture*

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service or the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2)-(4) [Reserved]

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research Service and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*, that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

(6) [Reserved]

(7) Not to exceed 34 Program Assistants, whose experience acquired in positions excepted from the competitive civil service in the administration of agricultural programs at the State level is needed by the Department for the more efficient administration of its programs. No new

appointment may be made under this authority after December 31, 1985.

(b) [Reserved]

(c) *Forest Service.* (1) [Reserved]

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.*

(1) Not to exceed 24 positions of Agricultural Program Specialist, GS-1145-7/12, engaged in conversion of ASCS' directives and information system to a completely automated format. Appointments to these positions may be made initially at the GS-7/11 levels and may not exceed September 30, 1989.

(2) Members of State Committees: *Provided*, that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(e) *Farmers Home Administration.* (1) [Reserved]

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of natural disaster emergency loans pursuant to current statutes authorizing natural disaster emergency loans. Appointments under this provision shall not exceed 1 year unless extended for one additional period not to exceed 1 year, but may, with prior approval of OPM, be further extended for additional periods not to exceed 1 year each.

(4)-(5) [Reserved]

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(f) *Agricultural Marketing Service.* (1) Positions of: Agricultural Commodity Graders, Agricultural Commodity Technicians, and Agricultural

Commodity Aids at grades GS-9 and below in the tobacco, dairy, and poultry commodities; Meat Acceptance Specialists, GS-11 and below; Clerks at grades GS-4 and below; and Laborers under the Wage System. Employment under this authority is limited to either 1280 hours or 180 days in a service year. (Until December 31, 1987, Meat Acceptance Specialists engaged in work required by the Food Security Act of 1985 may be employed without regard to the hour limitation.)

(2) Positions of Agricultural Commodity Graders, Agricultural Commodity Technicians, and Agricultural Commodity Aids at grades GS-11 and below in the cotton, raisin, and processed fruit and vegetable commodities. Employment under this authority may not exceed 180 days in a service year. In unforeseen situations such as bad weather or crop conditions, unanticipated plant demands, or increased imports, employees may work up to 240 days in a service year. Cotton Agricultural Commodity Graders, GS-5, may be employed as trainees for the first appointment for an initial period of 6 months for training without regard to the service year limitation.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(g)-(i) [Reserved]

(j) *Food and Nutrition Service.* (1)

[Reserved]

(2) Three hundred fifty positions of food assistance program specialist, GS-5/7, under the Child Nutrition Summer Feeding Program, for temporary employment not to begin before March 1 and not to exceed September 30 of each year, on a full-time, part-time, or intermittent basis.

(k) [Reserved]

(1) *Food Safety and Inspection Service.* (1)-(2) [Reserved]

(3) Positions of meat and poultry inspectors (veterinarians at GS-11 and below and nonveterinarians at indefinite employment for the duration of each decennial census for key employees located at the Master District offices (MDO) and Processing Offices (PO): *Provided*, That temporary, part-time employment of the nature described in (1) above will be for periods not to exceed 1 year; and that such appointments may be extended for additional periods of not to exceed 1 year each; but that prior office approval is required for extension of total service beyond 2 years.

(2) Current Program Interviewers employed on an intermittent or part-time basis in the field service.

(3) Not to exceed 20 professional and scientific positions at grades GS-9

through GS-12 filled by participants in the ASA research trainee program. Employment of any individual under this authority may not exceed 2 years.

(e)-(h) [Reserved]

(i) *Office of the Under Secretary for International Trade.* (10 Thirty positions at GS-12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in appropriate grades below GS-11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(m) *Federal Grain Inspection Service.*

(1) One hundred and fifty positions of Agricultural Commodity Aid (Grain), GS-2/4; 100 positions of Agricultural Commodity Technician (Grain), GS-4/7; and 60 positions for Agricultural Commodity Grader (Grain), GS-5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,280 hours in a service year.

#### *Section 213.3114 Department of Commerce*

(a) *General.* (1)-(2) [Reserved]

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in the continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) One position of Administrative Assistant, GS-301-8, in the Office of Economic Affairs. New appointments may not be made after March 30, 1979.

(c) [Reserved]

(d) *Bureau of the Census.* (1) Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for (1) temporary, part-time or intermittent employment in connection with major economic and demographic censuses or with surveys of a nonrecurring or noncyclical nature; and (2) foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS-12 through GS-15, to be filled by persons qualified as industrial or

marketing specialists; who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters. Appointments under this authority may be made for a period of not to exceed 2 years and may, with prior approval of OPM, be extended for an additional period of 2 years.

(j) *National Oceanic and Atmospheric Administration.* (1) Subject to prior approval of OPM, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) [Reserved]

(3) All civilian positions on vessels operated by the National Ocean Survey.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(k) [Reserved]

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS-13 through GS-15.

#### *Section 213.3115 Department of Labor*

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and eight members, Benefits Review Board.

(b) *Bureau of Labor Statistics.* (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS-6 and below. Employment under this authority may not exceed 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1984.

(c) [Reserved]

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of supervisory manpower development specialist and manpower development specialist, GS-7/15, in the

Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

*Section 213.3116 Department of Health and Human Services*

(a) [Reserved]

(b) *Public Health Service.* (1) Not to exceed five positions a year of Medical Technologist Resident, GS-644-7, in the Blood Bank Department, Clinical Center, of the National Institutes of Health. Appointments under this authority will not exceed 1 year.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in the Public Health Service Hospital, Carville, La.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided*, that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351-5356.

(7) Not to exceed 50 positions associated with health screening programs for refugees.

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human Services is responsible for defining the term "Indian."

(9) Twelve positions of Therapeutic Radiologic Technician Trainee in the Radiation Oncology Branch, National Cancer Institute. Employment under this authority shall not exceed 1 year for any individual. This authority shall be

applied only to positions with compensation fixed under 5 U.S.C. 5351-5356.

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11) Pharmacy Resident positions at GS-7 in the National Institutes of Health's Clinical Center, Pharmacy Department. Employment in these positions is confined to graduates of approved schools of pharmacy and is limited to a period not to exceed 12 months pending licensure.

(12) Hospital Administration Resident positions at GS-9 in the National Institutes of Health's Clinical Center, Bethesda, Maryland. Employment in these positions is confined to graduates of approved hospital or health care administration programs and is limited to a period not to exceed 1 year.

(13) Not to exceed 30 positions of Cancer Control Science Associate in the Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, for assignments at a level of difficulty and responsibility at or equivalent to GS-11/13. No one may be employed under this authority for more than 3 years, and no more than 10 appointments will be made under the authority in any 1 year.

(14) Not to exceed 30 positions at grades GS-11/13 associated with the postdoctoral training program for interdisciplinary toxicologists in the National Institute of Environmental Health Sciences, National Institutes of Health, Research Triangle Park, North Carolina.

(c) [Reserved]

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(e) [Reserved]

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants, The President's Council on Physical Fitness.

(g)-(i) [Reserved]

(j) *Health Care Financing Administration.* (1) [Reserved]

(2) Not to exceed 10 professional positions, GS-9 through GS-15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(k) *Office of the Secretary.* (1) [Reserved]

(2) Not to exceed 10 positions at grades GS-9/14 in the Office of the Assistant Secretary for Planning and Evaluation filled under the Policy Research Associate Program. New appointments to these positions may be made only at grades GS-9/12. Employment of any individual under this authority may not exceed 2 years.

*Section 213.3117 Department of Education*

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

*Section 213.3124 Board of Governors, Federal Reserve System*

(a) All positions.

*Section 213.3127 Veterans Administration*

(a) *Construction Division.* (1)

Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS-3 through GS-11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) [Reserved]

(d) Not to exceed 600 positions at grades GS-3 through GS-11, involved in the Veterans Administration Vietnam Era Veterans Readjustment Counseling Program. No one may serve under this authority after September 30, 1989.

*Section 213.3128 U.S. Information Agency*

(a) *Office of Congressional and Public Liaison.* (1) Two positions of Liaison Officer (Congressional), GS-14.

(b) Five positions of Supervisory International Exchange Officer (Reception Center Director), GS-13 and

GS-14, located in USIA's field offices of New Orleans, New York, Miami, San Francisco and Honolulu. Initial appointments will not exceed December 31 of the calendar year in which appointment is made with extensions permitted up to a maximum period of 4 years.

*Section 213.3130 Securities and Exchange Commission*

(a)-(b) [Reserved]

(c) Positions of accountant and auditor, GS-13 through 15, when filled by persons selected under the SEC Accounting Fellow Program, as follows:

(1) Five positions, for employment of any one individual not to exceed 2 years; and

(2) Two additional identical positions, for employment of any one individual not to exceed 90 days, which may be used to provide a period of transition and orientation between Fellowship appointments. These additional identical positions must be filled by persons who either have completed a 2-year Fellowship or have been selected as replacement Fellows for a 2-year term. Appointments of outgoing Fellows under this authority must be made without a break in service of 1 workday following completion of their 2-year terms; incoming Fellows appointed under this provision must be appointed to 2-year Fellowships without a break in service of 1 workday following their 90-day appointment.

(d) Positions of Economist, GS-13 through 15, when filled by persons selected under the SEC Economic Fellow Program. No more than four positions may be filled under this authority at any one time. An employee may not serve under this authority longer than 2 years unless selected under provisions set forth in the Intergovernmental Personnel Act (IPA), 5 U.S.C. 3372(b)(2).

(e) Not to exceed 10 positions of accountant, GS-12/13, when filled by persons selected as SEC Accounting Fellows for the Full Disclosure Program. Employment under this authority may not exceed 2 years.

*Section 213.3131 Department of Energy*

(a) [Reserved]

(b) *Bonneville Power Administration.*

(1) Five Area Managers.

*Section 213.3132 Small Business Administration*

(a) When the President under 42 U.S.C. 1855-1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by

temporary appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time limit may only be made with prior Office approval. Appointments under this authority may not be used to extend the 2-year service limit contained in paragraph (b) below. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855-1855g, or the Secretary of Agriculture under 7 U.S.C. 1961 or the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 8 months following such service before appointment under this authority. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(c) Positions of Community Economic-Industrial Planner, GS-7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1977.

*Section 213.3133 Federal Deposit Insurance Corporation.*

(a) All Liquidation Graded, temporary field positions concerned with the work of liquidating the assets of closed banks, of liquidating loans to banks, or of paying the depositors of closed insured banks. New appointments may be made under this authority only during the 5-year period following a bank closing and/or establishment of a consolidated liquidation site.

*Section 213.3136 U.S. Soldiers' and Airmen's Home.*

(a) All positions.

*Section 213.3137 General Services Administration.*

(a) [Reserved]

(b) Not to exceed 25 positions at grades GS-14/15, in order to bring into the agency current industry expertise in various program areas. Appointments

under this authority may not exceed 2 years.

*Section 213.3141 National Labor Relations Board.*

(a) Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor-Management Relations Act.

*Section 213.3142 Export-Import Bank of the United States.*

(a) One Special Assistant to the Board of Directors, grade GS-14 and above.

*Section 213.3146 Selective Service System.*

(a) State Directors.

(b)-(c) [Reserved]

(d) Executive Secretary, National Selective Service Appeal Board.

*Section 213.3148 National Aeronautics and Space Administration*

(a) One hundred and fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Not to exceed 40 positions of fully qualified pilot and mission specialists astronauts.

(c)-(e) [Reserved]

(f) Positions of Program Coordinator/Counselor at grades GS-7/9/11 for part-time and summer employment in connection with the High School Students Summer Research Apprenticeship Program.

*Section 213.3152 U.S. Government Printing Office*

(a) Not to exceed three positions of Research Associate at grades GS-15 and below, involved in the study and analysis of complex problems relating to the reduction of the Government's printing costs and to provision of more efficient service to customer agencies and the public. Appointments under this authority may not exceed 1 year, but may be extended for not to exceed one additional year.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the University of the District of Columbia.

*Section 213.3154 Federal Home Loan Bank Board*

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) Positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom; and positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions. Appointments under this authority may not exceed 3 years.

*Section 213.3156 Commission on Civil Rights*

(a) Twenty-five positions at grade GS-11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88-352, as amended. No new appointments may be made under this authority after March 31, 1978.

*Section 213.3174 Smithsonian Institution*

(a) Not to exceed 25 positions at grades GS-11 and below which support planning and production of the Annual American Folklife Festival. Employment under this authority may not exceed 6 months in connection with any one Festival.

(b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

*Section 213.3175 Woodrow Wilson International Center for Scholars*

(a) One East Asian Studies Program Administrator, one International Security Studies Program Administrator, one Latin American Program Administrator, one Russian Studies Program Administrator, and one West European Program Administrator.

*Section 213.3182 National Foundation on the Arts and the Humanities*

(a) *National Endowment for the Arts.*  
(1) Until September 30, 1990, one position of Assistant Director, Artists-in-Education Programs, Office for Partnership, GS-301-14.

(2) Until September 30, 1990, one position of Assistant Director for State Programs.

(3) Until September 30, 1990, one position of Director of Literature Programs.

(4) Until September 30, 1990, one position of Assistant Director of Theatre Programs.

(5) Until September 30, 1990, one position of Director of Folk Arts Programs.

(6) Until September 30, 1990, one position of Director, Opera/Musical Theatre Programs.

(7) Until September 30, 1990, one position of Assistant Director of Opera/Musical Theatre Programs.

(8) Until September 30, 1990, one position of Assistant Director of Literature Programs.

(9) Until September 30, 1990, one position of Director of Locals Test Programs, Office of the Deputy to the Chairman for Public Partnership.

(10) Until September 30, 1990, one position of Deputy Chairman for Public Partnership.

(11) Until September 30, 1990, four Project Evaluators.

(12) Until September 30, 1990, one position of Director of Museum Programs.

(13) Until September 30, 1990, one position of Assistant Director of Folk Arts, Office of the Deputy Chairman for Programs.

(14) Until September 30, 1990, one position of Assistant Director of Music Programs.

(15) Until September 30, 1990, one position of Director of Expansion Arts Programs.

(16) Until September 30, 1990, one position of Director of Media Arts Programs.

(17) Until September 30, 1990, one position of Director, Challenge and Advancement Grant Program.

(18) Until September 30, 1990, one position of Assistant Director, Challenge and Advancement Grant Programs.

(19) [Reserved]

(20) Until September 30, 1990, one position of Director of Inter Arts Program.

(21) Until September 30, 1990, one position of Assistant Director of Expansion of Arts Programs.

(22) Until September 30, 1990, one position of Assistant Director of Media Arts Programs.

(23) Until September 30, 1990, one position of Assistant Director of Design Arts Program.

(24) Until September 30, 1990, one position of Assistant Director of Dance Programs.

(25) Until September 30, 1990, one position of Assistant Director of Visual Arts Programs.

(26) Until September 30, 1990, one position of Assistant Director of Museum Programs.

(27)-(29) [Reserved].

(30) Until September 30, 1990, one position of Director of Education Programs.

(31) Until September 30, 1990, one position of Director of Music Programs.

(32) Until September 30, 1990, one position of Director of Theater Programs.

(33) Until September 30, 1990, one position of Director of Dance Programs.

(34) Until September 30, 1990, one position of Director of Visual Arts Programs.

(35) Until September 30, 1990, one position of Director of Design Arts Programs.

(36) [Reserved]

(37) Until September 30, 1990, one Director for State Programs.

(38) Until September 30, 1990, one Director for Artists-in-Education Programs.

*Section 213.3184 Department of Housing and Urban Development.*

(a) One position of Special Advisor to the Regional Administrator, GS-301-14, in San Francisco. Employment under this authority may not exceed 2 years.

*Section 213.3191 Office of Personnel Management.*

(a) Not to exceed 500 positions in Federal Job Information Centers, to be filled under the Community Outreach Information Network program. Appointments under this authority may not exceed 90 days, and no one may receive more than one appointment under the authority.

(b)-(c) [Reserved]

(d) Part-time and intermittent positions of test examiners at grades GS-8 and below.

*Section 213.3194 Department of Transportation.*

(a) *U.S. Coast Guard.* (1) Not to exceed 25 positions of Marine Traffic Controller (Pilot), at grade GS-11 and below for temporary, intermittent or seasonal employment in the State of Louisiana. Temporary appointments may not exceed 1 year, and temporary appointees may be reappointed under this authority only after a break in service of at least 6 months. Intermittent or seasonal employment may not exceed 180 working days in a service year, except that this limitation for an individual employee may be extended to 220 days when necessitated by emergencies caused by unusual flooding conditions or high river stages.

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) [Reserved]

(c) *Federal Highway Administration.*  
 (1) Temporary, intermittent, or seasonal employment in the field service of the Federal Highway Administration at grades not higher than GS-5 for subprofessional engineering aide work on the highway surveys and construction projects, for not to exceed 180 working days a year, when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) [Reserved]

(e) *Maritime Administration.* (1)—(2) [Reserved]

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)—(5) [Reserved]

(6) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and Teachers; including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) U.S. Merchant Marine Academy positions of: Associate Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

*Section 213.3195 Federal Emergency Management Agency.*

(a) Field positions at grades GS-15 and below, or equivalent, which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93-288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort.

(b) Not to exceed 30 positions at grades GS-15 and below in the Offices of Executive Administration, General Counsel, Inspector General, Comptroller, Public Affairs, Personnel, Acquisition Management, and the State and Local Program and Support Directorate which are engaged in work

directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93-288, as amended. Employment under this authority may not exceed 36 months on any single emergency, or for long-term duties or work not directly necessitated by the emergency response effort. No one may be reappointed under this authority for service in connection with a different emergency unless at least 6 months have elapsed since the individual's latest appointment under this authority.

(c) Not to exceed 350 professional and technical positions at grades GS-5 through GS-15, or equivalent, in Mobile Emergency Response Support Detachments (MERS).

*Section 213.3199 Temporary organizations.*

(a) Positions at GS-15 and below on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. A temporary board or commission originally established for less than 4 years and subsequently extended may continue to fill its staff positions under this authority as long as its total life, including extension(s) does not exceed 4 years. No board or commission may use this authority for more than 4 years to make appointments and position changes unless prior approval of the Office is obtained.

(b) Positions at GS-15 and below on the staffs of temporary organizations established within continuing agencies when all of the following conditions are met: (1) The temporary organization is established by an authority outside the agency, usually by law or Executive order; (2) the temporary organization is established for an initial period of 4 years or less and, if subsequently extended, its total life including extension(s) will not exceed 4 years; (3) the work to be performed by the temporary organization is outside the agency's continuing responsibilities; and (4) the positions filled under this authority are those for which other staffing resources or authorities are not available within the agency. An agency may use this authority to fill positions in organizations which do not meet all of the above conditions or to make appointments and position changes in a single organization during a period longer than 4 years only with prior approval of the Office.

**Schedule B**

*Section 213.3202 Entire executive civil service.*

The provisions established under paragraphs (a) through (i) are authorized under provisions of E.O. 12015 and support career-related work-study programs. OPM's requirements relating to appointment under paragraphs (a) through (i) will be published in the Federal Personnel Manual. Further, appointments under paragraphs (a) through (i) are subject to all the requirements and conditions governing career or career-conditional appointments, including investigation by OPM to establish an appointee's qualifications and suitability. Appointments of participants may be converted to career or career-conditional at any time within a 120-day period after satisfactory completion of a career-related work-study program.

(a) Student positions established in connection with a bachelor's degree cooperative education program which provide for a formally arranged schedule of attendance at an institution of higher learning combined with at least 26 weeks, or 1040 hours, of study-related work in a Federal agency. The periods of work and study together must satisfy requirements for a bachelor's degree and must provide the experience necessary for a career or career-conditional appointment to administrative, professional or technical positions in the Federal career service upon the student's graduation.

(b) Student positions established in support of cooperative education programs for graduate students which provide for scheduled periods of attendance at a graduate school combined with a least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements for the graduate degree and provide experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(c) Student positions established in connection with associate degree cooperative education programs which provide for formally arranged schedules of attendance at a recognized 2-year educational institution combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study together must satisfy the requirements for graduation and must provide the experience necessary for career or career-conditional appointment in selected

occupations in the Federal career service upon the student's graduation.

(d) Student positions established in connection with the Harry S. Truman Foundation Scholarship Program under the provisions of Pub. L. 93-642 to permit scheduled periods of attendance at institutions of higher education combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements of programs established by agreement between the Harry S. Truman Scholarship Foundation and the employing agency and provide the experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(e) Student positions established in support of the Cooperative Education (Vocational Education) Programs for high school students which provide for scheduled periods of classroom study combined with at least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of study and work must satisfy requirements for a high school diploma and provide experience necessary for career or career-conditional appointment into office and administrative support, technician, assistant, helper, and preapprentice occupations in the Federal career service upon the student's graduation.

(f) Positions under the Federal Junior Fellowship Program, a career-related work-study program covered under the provisions of Executive Order 12015.

(g) Student positions established in support of the Cooperative Education Program in which the student is enrolled in an undergraduate certificate or diploma program in an accredited college, technical, trade, vocational, or business school which provides for scheduled periods of classroom study combined with at least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of study and work must satisfy requirements for an undergraduate certificate or diploma and provide experience necessary for career or career-conditional appointment into office and administrative support, technician, assistant, helper, and preapprentice occupations in the Federal career service upon the student's graduation.

(h)-(i) [Reserved].

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding three years for one individual.

(k) Positions at grades GS-15 and below when filled by individuals who (1) are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specific position by a State vocational rehabilitation counselor or a Veterans' Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

(l) Professional and administrative career (PAC) positions at the GS-5 or GS-7 grade level which are subject to the decree entered on November 19, 1981, by the United States District Court for the District of Columbia in the civil action known as *Luevano v. Devine* and numbered as No. 79-271, which were not removed from coverage of the Professional and Administrative Career Examination (PACE) prior to the effective date of the consent decree, and which are to be filled, under the conditions described below, by appointment of individuals other than those who at the time of such appointment already have competitive status in the Federal civil service. When a Federal agency needs to fill a PAC position that was not removed from PACE coverage before the consent decree became effective, and the agency has made maximum use of priority placement sources and has given appropriate consideration to available and qualified status applicants, then OPM may authorize the agency to make a new appointment under this paragraph. Such appointments shall be authorized and made pursuant to such Schedule B requirements for PAC positions as shall be prescribed in the Federal Personnel Manual. Terms of use of this appointment authority shall be established by an appointment authority agreement to be executed for each position excepted from the competitive service pursuant to this authority. The appointment authority agreement will remain in effect with respect to particular GS-5 and GS-7 PAC positions only so long as there is no competitive examination available to fill those positions. Establishment of a register under an alternative competitive examination for any PAC position(s) at grades GS-5 and GS-7 will immediately

terminate all agreements permitting new Schedule B appointments to such position(s) under this authority. Individuals appointed before termination of the agreements, however, may continue to serve under those appointments at grades GS-5 and GS-7 until they are appointed to a competitive position in accordance with applicable civil service laws, rules, and regulations. An incumbent of a Schedule B PAC position may be converted to a career or career-conditional appointment under the provisions of Executive Order 12596, subject to the conditions set out in § 315.710 of this chapter.

*Section 213.3203 Executive Office of the President*

(a) [Reserved]

(b) *Office of the Special Representative for Trade Negotiations.*  
(1) Seventeen positions of economist at grades GS-12 through GS-15.

*Section 213.3204 Department of State*

(a)-(c) [Reserved]

(d) Twelve positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) Four Physical Science Administration Officer positions at GS-11 and GS-12 under the Bureau of Oceans and International Environmental and Scientific Affairs' Science, Engineering and Diplomacy Fellowship Program. Employment under this authority is not to exceed 1 year.

(f) Scientific, professional, and technical positions at grades GS-12 to GS-15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

*Section 213.3205 Department of the Treasury*

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Not to exceed 10 positions engaged in functions mandated by Pub. L. 99-190, the duties of which require expertise and knowledge gained as a present or former employee of the Synthetic Fuels Corporation, as an employee of an organization carrying out projects or contracts for the Corporation, or as an

employee of a Government agency involved in the Synthetic Fuels Program. Appointments under this authority may not exceed 4 years.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years; or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

*Section 213.3206 Department of Defense*

(a) *Office of the Secretary.* (1) [Reserved]

(2) Professional positions at GS-11 through GS-15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)-(4) [Reserved]

(5) Four Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(c) *National Defense University.* (1) Twenty-one positions of professor, GS-13/15, for employment of any one individual on an initial appointment not to exceed 3 years, which may be renewed in 1-, 2-, or 3-year increments indefinitely thereafter.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS-301-15, U.S. European Command.

(e) *Office of the Inspector General.* (1) Positions of Criminal Investigator, GS-1811-5/15.

(f) *Department of Defense Polygraph Institute, Fort McClellan, Alabama.* (1) One Director, GM-15.

*Section 213.3207 Department of the Army*

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education

specialists. Total employment of any individual under this authority may not exceed 4 years.

(b) *Brooke Army Medical Center, Fort Sam Houston, Texas.* (1) Two Medical Officer (Surgery) positions, GS-12, in the Clinical Division, U.S. Army Institute of Surgical Research, whose incumbents are enrolled in medical school surgical residency programs. Employment under this authority shall not exceed 12 months.

*Section 213.3208 Department of the Navy*

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of oceanographer, grade GS-14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

(c) One Director and four Research Psychologists at the professor or GS-15 level in the Defense Personnel Security Research and Education Center.

*Section 213.3209 Department of the Air Force*

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Initial appointments are made not to exceed 3 years, with an option to renew or extend the appointments in increments of 1, 2, or 3 years indefinitely thereafter.

(b) [Reserved]

(c) One Director of Instruction and 14 civilian instructors at the Defense Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period, which may be followed by an appointment of indefinite duration.

(d) Seven positions of professor or associate professor at the Air University, Maxwell Air Force Base, Ala., for employment of any one individual on an initial appointment not to exceed 3 years, which may be renewed in 1-, 2-, or 3-year increments indefinitely thereafter.

*Section 213.3210 Department of Justice*

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS-5 through

11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed upon between the Department and OPM.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

(c) Not to exceed 200 positions at grades GS-7 through 15 assigned to regional task forces established to conduct special investigations to combat drug trafficking and organized crime.

(d) Until September 30, 1987, positions, other than those providing routine clerical and administrative support, on the staff of the offices of United States Trustees. Terms of service under this authority shall be established in accordance with provisions of the Bankruptcy Reform Act of 1978 and subsequent applicable legislation.

*Section 213.3213 Department of Agriculture*

(a) *Office of International Cooperation and Development.*

(1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 2 years on a single project for any individual. No more than 20 new appointments may be made under this authority in any 12-month period.

(b) *General.* (1) Temporary positions of professional Research Scientists, GS-15 or below, in the Agricultural Research Service and the Forest Service, when such positions are established to support the Research Associateship Program and are filled by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and the agency. Appointments are limited to proposals approved by the appropriate Administrator. Appointments may be made for initial periods not to exceed 2 years and may be extended for up to two additional years.

*Section 213.3214 Department of Commerce*

(a) *Bureau of the Census.* (1) [Reserved]

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS-5 through GS-12.

(3) Not to exceed 300 Community Awareness Specialist positions at the equivalent of GS-7 through GS-12. Employment under this authority may not exceed December 31, 1992.

(b) [Reserved]

(c) *Minority Business Development Agency.* (1) One position of minority business opportunity specialist at grades GS-9 through GS-15. This authority may not be used for new appointments after December 31, 1977.

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS-11 through 15. Employment under this authority may not exceed 2 years.

*Section 213.3215 Department of Labor.*

(a) Positions of Chairman and Member, Wage Appeals Board.

(b) *Office of the Inspector General.* (1) Not to exceed 110 positions of Criminal Investigator (Special Agent), GS-1811-5/15, in the Office of Labor Racketeering.

*Section 213.3216 Department of Health and Human Services*

(a) *Public Health Service.* (1) Not to exceed 68 positions at GS-11 and below on the Health and Nutrition Examination Survey teams of the National Center for Health Statistics.

(2) One Public Health Education Specialist, GS-1725-15, in the Centers for Disease Control, Atlanta, Georgia.

(b)-(c) [Reserved]

(d) *National Library of Medicine.* (1) Ten positions of Librarian, GS-7, the incumbents of which will be trainees in the Library Associate Training Program in Medical Librarianship and Biomedical Communications. Employment under this authority is not to exceed 1 year.

*Section 213.3217 Department of Education*

(a) Seventy-five positions, not in excess of GS-13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS-7 through GS-11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Office of Personnel Management,

be extended for an additional period of 1 year.

*Section 213.3227 Veterans Administration*

(a) Not to exceed 800 principal investigatory, scientific, professional and technical positions at grades GS-11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

*Section 213.3228 U.S. Information Agency*

(a) *Voice of America.* (1) Not to exceed 150 positions at grades GS-15 and below in the Cuba Service. Appointments may not be made under this authority to administrative, clerical, and technical support positions.

(b) Positions of English Language Radio Broadcast Intern, GS-1001-5/7/9. Employment is not to exceed 2 years for any intern.

*Section 213.3231 Department of Energy*

(a) Twenty Exceptions and Appeals Analyst positions at grades GS-7 through 11, when filled by persons selected under DOE's fellowship program in its Office of Hearings and Appeals, Washington, D.C.

Appointments under this authority shall not exceed 3 years.

*Section 213.3234 Federal Trade Commission*

(a) Positions filled under the Economic Fellows Program. No more than five new appointments may be made under this authority in any fiscal year. Service of an individual Fellow may not exceed 4 years.

*Section 213.3237 General Services Administration*

(a) One position of Deputy Director of Network Services.

*Section 213.3242 Export-Import Bank of the U.S.*

(a) One position of Food Service Worker WG-7804-3/4/5, in the Office of the President and Chairman.

*Section 213.3248 National Aeronautics and Space Administration*

(a) Not to exceed 40 positions of Command Pilot, Pilot and Mission Specialist candidates at grades GS-7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

*Section 213.3254 Federal Home Loan Bank Board*

(a) Positions of Accounting Policy Analyst, GS-13/14/15, in the Office of

Examinations and Supervision filled in connection with a fellowship program. Appointments under this authority may not exceed 2 years. No more than three new appointments may be made under this authority during any consecutive 12-month period.

(b) Up to 569 positions at GS-15 and below in the Federal Home Loan Bank Board engaged in exploring methods to promote stability in the thrift industry, restore the industry to profitability, and protect individual savers. No additional appointments may be made under this authority after September 30, 1990.

*Section 213.3257 National Credit Union Administration*

(a) *Central Liquidity Facility.* (1) All managerial and supervisory positions at pay levels greater than the equivalent of GS-13.

*Section 213.3259 ACTION*

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25 positions of Program Specialist at grades GS-9 through GS-15.

(b) *Office of Voluntary Liaison.* (1) Three positions of Program Specialist at grades GS-7 through GS-15.

*Section 213.3264 U.S. Arms Control and Disarmament Agency*

(a) Twenty-five scientific, professional, and technical positions at grades GS-12 through GS-15 when filled by persons having special qualifications in the fields of foreign policy, foreign affairs, arms control, and related fields. Total employment under this authority may not exceed 4 years.

*Section 213.3272 Administrative Office of the U.S. Courts*

(a) Not to exceed 18 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers and/or Pretrial Services Officers on active service in the U.S. Courts.

(b) [Reserved]

(c) Six positions of Clerks Liaison Officer in the Division of Clerks of Court.

*Section 213.3274 Smithsonian Institution*

(a) *National Zoological Park.* (1) Four positions of Veterinary Intern, GS-8/9/11. Employment under this authority is not to exceed 36 months.

(b) *Freer Gallery of Art.* (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS-9 through GS-15.

*Section 213.3276 Appalachian Regional Commission*

- (a) Two Program Coordinators.

*Section 213.3282 National Foundation on the Arts and the Humanities*

- (a) [Reserved]

(b) *National Endowment for the Humanities*. (1) Until September 30, 1990, Humanities Administrator, Reference Materials Programs, Division of Research Programs.

(2) Until September 30, 1990, Humanities Administrator (Assistant Director), Humanities Projects in Higher Education Program, Division of Education Programs.

(3) Until September 30, 1990, Deputy Director, Division of Education Programs.

(4) Until September 30, 1990, Director, Division of Research Grants.

(5) Until September 30, 1990, one position of Director, GS-1701-15, one position of Deputy Director, GS-1701-14, and six positions of Humanities Administrator, GS-1701-13, Division of State Programs.

(6) Until September 30, 1990, one Director and one Deputy Director, Division of Fellows and Seminars.

(7) Until September 30, 1990, one Humanities Administrator, Fellowships for College Teachers, Division of Fellowships.

(8) Until September 30, 1990, four positions of Humanities Administrator, Media Program, Division of General Programs.

(9) Until September 30, 1990, one position of Humanities Administrator, Humanities Projects in Higher Education Program, Division of Education Programs.

(10) Until September 30, 1990, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1990, one position of Assistant Director for the Museums and Historical Organizations Program, Division of General Programs.

(12) Until September 30, 1990, three positions of Humanities Administrator, Museums and Historical Organizations Program, Division of General Programs.

(13) Until September 30, 1990, four positions of Humanities Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(14) Until September 30, 1990, Director of General Programs.

(15) Until September 30, 1990, one Assistant to the Director, General Programs.

(16) Until September 30, 1990, one Humanities Administrator, Younger

Scholars Programs, Division of General Programs.

(17) Until September 30, 1990, one Humanities Administrator, Public Humanities Projects, Division of General Programs.

(18) Until September 30, 1990, one position of Director, Division of Education Programs.

(19) Until September 30, 1990, one Humanities Administrator (Assistant Director), Texts Programs, Division of Research Programs.

(20) Until September 30, 1990, one Humanities Administrator, Centers for Advanced Study, Division of Research Programs.

(21) Until September 30, 1990, one Challenge Grants Officer.

(22) Until September 30, 1990, one Assistant Director, Media Program, Division of General Programs.

(23) Until September 30, 1990, one position of Humanities Administrator, Publications Program, Division of Research Grants.

(24) Until September 30, 1990, one Deputy Director, Division of Research Grants.

(25) Until September 30, 1990, one Humanities Administrator, Summer Seminars for College Teachers, Division of Fellowships and Seminars.

(26) Until September 30, 1990, two positions of Humanities Administrator, Humanities Libraries Projects, Division of General Programs.

(27) Until September 30, 1990, one position of Humanities Projects Assessment Officer, GM-15, Office of the Assistant Chairman for Programs.

(28) Until September 30, 1990, one Humanities Administrator, Public Humanities Projects, Division of General Programs, GS-14.

(29) Until September 30, 1990, two positions of Humanities Administrator, GS-1701-14, in the Research Resources Programs and in the Basic Research Programs, Division of Research Programs.

(30) Until September 30, 1990, one Humanities Administrator, Office of Challenge Grants.

(31)-(33) [Reserved].

(34) Until September 30, 1990, one Humanities Administrator, GS-1701-12, Humanities Projects in Higher Education Program, Division of Education Programs.

(35) Until September 30, 1990, one Humanities Administrator, Humanities Projects in Higher Education Program, Division of Education Programs.

(36) Until September 30, 1990, three Humanities Administrators, Humanities Projects in Higher Education Program, Division of Education Programs.

(37) Until September 30, 1990, two Humanities Administrators, Summer Seminars for Secondary School Teachers, Division of Fellowships and Seminars.

(38) Until September 30, 1990, one Humanities Administrator, Summer Stipends, Division of Fellowships and Seminars.

(39) Until September 30, 1990, one Humanities Administrator, Travel to Collections, Division of Fellowships and Seminars.

(40) Until September 30, 1990, one Humanities Administrator, Translation Program, Reference Works Program, Division of Research Programs.

(41) Until September 30, 1990, one Humanities Administrator, Editions Program, Reference Works Program, Division of Research Programs.

(42) [Reserved].

(43) Until September 30, 1990, one Humanities Administrator, Foundations of American Society Program, Division of Fellowships and Seminars.

(44) Until September 30, 1990, one Humanities Administrator, Humanities Projects in Museums and Historical Organizations, Division of General Programs.

(45) Until September 30, 1990, two Humanities Administrators, Office of Preservation.

(46) Until September 30, 1990, one Director, Office of Preservation.

(47) Until September 30, 1990, one Humanities Administrator (Program Officer), Regrant Programs, Division of Research Programs.

(48) Until September 30, 1990, one Director, Office of Planning and Budget.

(49) Until September 30, 1990, one Humanities Administrator, Tools Program, Reference Materials Program, Division of Research Programs.

(50) Until September 30, 1990, one Humanities Administrator, Access Program, Reference Materials Program, Division of Research Programs.

(51) Until September 30, 1990, one Humanities Administrator, Project Research, Interpretive Research Program, Division of Research Programs.

(52) Until September 30, 1990, one Humanities Administrator, Humanities, Science, and Technology Program, Interpretive Research Program, Division of Research Programs.

*Section 213.3285 Pennsylvania Avenue Development Corporation*

- (a) One position of Civil Engineer (Construction Manager).

*Section 213.3291 Office of Personnel Management*

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS-13 and GS-14. Appointments may be made for any period up to 3 years and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS-13 through 15, at the Federal Executive Institute. Initial appointments under this authority may be made for any period up to 3 years and may be extended in 1-, 2-, or 3-year increments indefinitely thereafter.

*Section 213.3294 Department of Transportation*

(a) *Federal Railroad Administration.*

(1) Regional Director of Railroad Safety, Fort Worth, Texas.

**Schedule C***Section 213.3303 Executive Office of the President*

## Council of Economic Advisors

CEA 4—Secretary to the Council Member.

CEA 5—Secretary to the Council Member.

## Council on Environmental Quality

CEQ 2—Executive Assistant to a Council Member.

CEQ 3—Confidential Assistant to the Chairman.

CEQ 4—Confidential Assistant to the Chairman.

## Office of Management and Budget

OMB 8—Special Assistant to the Deputy Director.

OMB 10—Secretary to the Associate Director.

OMB 11—Secretary to the Associate Director, National Security and International Affairs.

OMB 12—Administrative Assistant to the Associate Director, Human Resources, Veterans, and Labor.

OMB 16—Secretary to the Associate Director for Management.

OMB 21—Confidential Assistant to the Director.

OMB 25—Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 30—Special Assistant to the Assistant Director for Legislative Affairs.

OMB 38—Confidential Secretary to the General Counsel.

OMB 46—Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 50—Legislative Assistant to the

Assistant Director for Legislative Affairs.

OMB 52—Secretary to the Director.

OMB 56—Secretary to the Director.

OMB 60—Confidential Secretary to the Associate Director for Legislative Affairs.

OMB 62—Confidential Assistant to the Executive Assistant to the Director.

OMB 64—Writer to the Director.

OMB 65—Legislative Assistant to the Associate Director for Legislative Affairs.

OMB 66—Secretary to the Associate Director for Economic Policy.

OMB 67—Secretary to the Associate Director for Privatization.

OMB 68—Secretary to the Director.

Office of Science and Technology Policy  
OSTP 1—Confidential Secretary to the Director.

OSTP 8—Confidential Secretary to the Director.

President's Commission on Executive Exchange

PCEE 1—Confidential Assistant to the Executive Director.

PCEE 2—Special Assistant to the Executive Director.

PCEE 4—Secretary (Typing) to the Executive Director.

PCEE 5—Public Affairs Specialist to the Executive Director.

PCEE 6—Staff Assistant (Typing) to the Executive Director.

PCEE 7—Staff Assistant (Typing) to the Executive Director.

PCEE 8—Secretary (Typing) to the Executive Director.

Office of the United States Trade Representative

USTR 10—Confidential Assistant to the United States Trade Representative.

USTR 13—Confidential Assistant to the General Counsel.

USTR 14—Confidential Secretary to the United States Trade Representative.

USTR 20—Deputy Assistant United States Trade Representative.

USTR 21—Confidential Assistant to the Deputy United States Trade Representative.

USTR 24—Public Affairs Specialist to the Assistant United States Trade Representative for Public, Private, and Intergovernmental Affairs.

USTR 27—Public Affairs Specialist to the Assistant United States Trade Representative for Public Affairs.

USTR 28—Congressional Affairs Officer to the Assistant United States Trade Representative for Congressional Affairs.

USTR 29—Director, Office of Private Sector Liaison, to the Assistant United States Trade Representative

for Public and Intergovernmental Affairs

USTR 30—Confidential Assistant to the Deputy United States Trade Representative—Geneva.

*Section 213.3304 Department of State*

ST 8—Staff Assistant to the Secretary.

ST 38—Staff Assistant to the Under Secretary.

ST 59—Secretary (Steno) to the Under Secretary for Economic Affairs.

ST 67—Secretary (Steno) to the Director, Bureau of Politico-Military Affairs.

ST 79—Special Assistant to the United States Representative to the United Nations.

ST 81—Secretary (Steno) to the Assistant Secretary, Bureau of Near Eastern and South Asian Affairs.

ST 83—Foreign Affairs Officer to the Chief of Protocol.

ST 90—Foreign Affairs Officer to the Chief of Protocol.

ST 98—Secretary (Typing) to the Ambassador and United States Representative to the Organization of American States.

ST 100—Secretary (Steno) to the United States Representative to the United Nations.

ST 102—Special Assistant to the Under Secretary.

ST 106—Protocol Officer to the Chief of Protocol.

ST 107—Secretary (Typing) to the Assistant Secretary, Bureau of Economic and Business Affairs.

ST 117—Confidential Clerk to the Secretary.

ST 120—Special Assistant to the Spokesman, Office of the Spokesman.

ST 122—Staff Assistant to the Under Secretary for Management.

ST 124—Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.

ST 132—Secretary (Typing) to the Assistant Secretary, Bureau of International Organization Affairs.

ST 134—Secretary (Steno) to the Deputy Secretary.

ST 137—Foreign Affairs Officer to the Assistant Secretary, Policy Planning Staff.

ST 139—Protocol Officer (Visits) to the Chief of Protocol.

ST 149—Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.

ST 154—Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs.

- ST 156—Member, Policy Planning Staff to the Chairman, Policy Planning, Council.
- ST 161—Secretary (Steno) to the Under Secretary for Management.
- ST 162—Secretary (Steno) to the Assistant Secretary, Bureau of Consular Affairs.
- ST 168—Staff Assistant to the Legal Adviser.
- ST 172—Staff Assistant to the Under Secretary for Management.
- ST 173—Special Assistant to the Under Secretary for Management.
- ST 174—Public Affairs Specialist to the Deputy Assistant Secretary for Public Affairs.
- ST 175—Congressional Relations Officer to the Principal Deputy Assistant Secretary for Congressional Relations.
- ST 177—Special Assistant to the Chairman, International Joint Commission.
- ST 178—Secretary (Steno) to the Assistant Secretary for International Narcotics Matters.
- ST 179—Congressional Relations Officer to the Assistant Secretary, Office of Congressional Relations.
- ST 180—Director of Programs to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
- ST 181—Director/Coordinator of Intergovernmental Affairs to the Assistant Secretary, Bureau of Public Affairs.
- ST 182—Special Assistant to the Assistant Secretary, Bureau of Consular Affairs.
- ST 183—Public Affairs Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
- ST 184—Special Assistant to the Assistant Secretary, Office of African Affairs.
- ST 187—Secretary (Steno) to the Chairman, International Joint Commission.
- ST 188—Staff Assistant to the Assistant Secretary for International Narcotics Matters.
- ST 189—Legislative Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs.
- ST 190—Special Assistant to the Ambassador-at-Large and Special Advisor to the Secretary.
- ST 191—Secretary (Steno) to the Executive Secretary/Special Assistant to the Secretary.
- ST 192—Staff Assistant to the Deputy Secretary.
- ST 195—Staff Assistant to the Assistant Secretary for Congressional Relations.
- ST 200—Staff Assistant to the Deputy Secretary.
- Secretary.
- ST 201—Staff Assistant to the Ambassador on Space and Defense Arms and Head of the U.S. Delegation to Geneva.
- ST 202—Special Assistant to the Ambassador-at-Large.
- ST 203—Special Assistant to the Counselor.
- ST 209—Protocol Officer to the Assistant Chief of Protocol.
- ST 211—Senior Protocol Officer (Visits) to the Chief of Protocol.
- ST 213—Staff Assistant to the Assistant Secretary for Human Rights and Humanitarian Affairs.
- ST 217—Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.
- ST 221—Special Assistant to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.
- ST 222—Special Assistant to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.
- ST 226—Special Assistant to the Assistant Secretary, Bureau of Near Eastern and South Asian Affairs.
- ST 229—Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.
- ST 233—Staff Assistant to the Ambassador and U.S. Negotiator on Strategic Nuclear Arms.
- ST 236—Special Assistant to the Under Secretary for Security Assistance, Science, and Technology.
- ST 238—Staff Assistant to the Ambassador on Space and Defense Arms and Head of the U.S. Delegation to Geneva.
- ST 239—Protocol Assistant to the Chief of Protocol.
- ST 240—Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.
- ST 242—Special Assistant to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
- ST 243—Program Specialist to the Chief of Protocol.
- ST 246—Secretary (Steno) to the Ambassador at Large for Cultural Affairs.
- ST 247—Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.
- ST 248—Special Assistant to the Deputy Assistant Secretary for International Social and Humanitarian Affairs, Bureau of International Organization Affairs.
- ST 249—Staff Assistant to the Deputy Secretary.
- ST 250—Public Information Officer to the Deputy Assistant Secretary for International Social and Humanitarian Affairs, Bureau of International Organization Affairs.
- ST 251—Special Assistant to the Deputy Assistant Secretary for Policy and Counter Terrorism, Bureau of Diplomatic Security.
- ST 252—Protocol Officer to the Chief of Protocol.
- ST 253—Secretary (Steno) to the Ambassador-at-Large for Counter Terrorism.
- ST 254—Special Assistant to the Under Secretary for Security Assistance, Science, and Technology.
- ST 256—Policy and Press Advisor to the U.S. Permanent Representative to the U.S. Mission to the Organization of American States.
- ST 257—Public Affairs Specialist to the Assistant Secretary, Bureau of Inter-American Affairs.
- ST 258—Secretary (Steno) to the Inspector General.
- ST 259—Special Assistant to the Legal Adviser.
- ST 260—Special Assistant to the Under Secretary for Security Assistance, Science, and Technology.
- ST 261—Special Assistant to the Under Secretary for Security Assistance, Science, and Technology.

*Section 213.3305 Department of the Treasury*

- TREA 27—Executive Assistant to the Secretary.
- TREA 28—Special Assistant to the Director of the Mint.
- TREA 56—Confidential Assistant to the Assistant Secretary for Legislative Affairs.
- TREA 61—Special Assistant to the Assistant Secretary for Public Affairs and Public Liaison.
- TREA 74—Confidential Assistant to the Assistant Secretary for Policy, Planning and Communications.
- TREA 92—Director, Consumer Affairs, to the Assistant Secretary for Business and Consumer Affairs.
- TREA 94—Executive Assistant to the Commissioner of Customs.
- TREA 102—Staff Assistant to the Commissioner of Customs.
- TREA 113—Executive Assistant to the Special Assistant to the Commissioner of Customs.
- TREA 115—Staff Assistant to the Deputy Assistant Secretary for Financial Systems.
- TREA 120—Special Assistant to the Assistant Secretary for Policy, Planning and Communications.
- TREA 122—Public Affairs Specialist to the Assistant Secretary for

- Policy, Planning and Communications.
- TREA 123—Public Affairs Specialist to the Treasurer.
- TREA 125—Congressional Liaison Specialist to the Commissioner of Customs.
- TREA 126—Staff Assistant to the Director of the Mint.
- TREA 132—Deputy Assistant Secretary for Public Liaison to the Assistant Secretary for Public Affairs and Public Liaison.
- TREA 135—Staff Assistant to the Deputy Assistant Secretary for Management.
- TREA 139—Director of Scheduling to the Assistant Secretary for Public Affairs and Public Liaison.
- TREA 141—Staff Assistant to the Deputy Assistant Secretary for Public Affairs and Public Liaison.
- TREA 144—Staff Assistant to the Deputy Assistant Secretary for Policy, Planning, and Communications.
- TREA 145—Travel Clerk to the Deputy Assistant Secretary for Administration.
- TREA 146—Legislative Aid to the Assistant Secretary for Legislative Affairs.
- TREA 147—Travel Clerk to the Deputy Assistant Secretary for Administration.
- TREA 148—Director, Special Operations Division, to the Deputy Assistant Secretary for Administration.
- TREA 150—Special Assistant to the Deputy Assistant Secretary for Developing Nations, Office of the Assistant Secretary for International Affairs.
- TREA 152—Confidential Assistant to the Deputy Assistant Secretary for Public Liaison.
- TREA 153—Legislative Specialist to the Assistant Secretary for Legislative Affairs.
- TREA 157—Congressional Liaison Officer to the Associate Commissioner of Customs for Congressional Affairs.
- TREA 160—Confidential Secretary to the Secretary.
- TREA 165—Special Assistant to the Deputy Assistant Secretary for Public Liaison.
- TREA 166—Travel Assistant to the Deputy Assistant Secretary for Administration.
- TREA 167—Special Assistant to the Assistant Secretary for Public Affairs and Public Liaison.
- TREA 168—Staff Assistant to the Director of the Mint.
- TREA 169—Confidential Assistant to the Deputy Assistant Secretary for Administration.
- TREA 171—Executive Assistant to the Deputy Secretary.
- TREA 173—Staff Assistant to the Deputy Assistant Secretary for Departmental Finance and Management.
- TREA 174—Senior Assistant to the Deputy Assistant Secretary for Law Enforcement.
- TREA 176—Senior Legislative Manager to the Deputy Assistant Secretary for Legislative Affairs.
- TREA 177—Special Assistant to the Executive Director, U.S. Savings Bonds Division.
- TREA 178—Legislative Manager to the Deputy Assistant Secretary for Legislative Affairs.
- TREA 179—Legislative Manager to the Assistant Secretary for Legislative Affairs.
- TREA 180—Travel Assistant to the Deputy Assistant Secretary for Administration.
- TREA 182—Staff Assistant to the Deputy Assistant Secretary for Departmental Finance and Management.
- TREA 183—Staff Assistant to the Director of the Mint.
- TREA 184—Special Assistant to the Assistant Secretary for Public Affairs and Public Liaison.
- TREA 185—Legislative Manager to the Assistant Secretary for Legislative Affairs.
- Section 213.3306 Department of Defense*
- DOD 3—Private Secretary to the Secretary.
- DOD 5—Private Secretary to the Deputy Secretary.
- DOD 14—Private Secretary to the Assistant Secretary for International Security Affairs.
- DOD 18—Private Secretary to the Assistant Secretary (Comptroller).
- DOD 19—Personal and Confidential Assistant to the Director, Program Analysis and Evaluation.
- DOD 20—Private Secretary to the General Counsel.
- DOD 22—Private and Confidential Secretary to the Assistant to the Secretary (Atomic Energy).
- DOD 23—Private Secretary to the Military Assistant to the Secretary.
- DOD 24—Chauffeur to the Secretary.
- DOD 30—Secretary (Steno) to the Defense Advisor to U.S. NATO.
- DOD 31—Personal and Confidential Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 32—Special Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 33—Personal Secretary to the Deputy Secretary.
- DOD 34—Private Secretary to the Principal Deputy Assistant Secretary for International Security Affairs.
- DOD 35—Confidential Assistant to the Executive Secretary.
- DOD 51—Private Secretary to the Assistant Secretary for Reserve Affairs.
- DOD 54—Private Secretary to the Judge, U.S. Court of Military Appeals.
- DOD 55—Private Secretary to the Chief Judge, U.S. Court of Military Appeals.
- DOD 56—Private Secretary to the Judge, U.S. Court of Military Appeals.
- DOD 62—Management Officer to the Chairman, President's Intelligence Oversight Board.
- DOD 66—Private Secretary to the Physician to the President, White House Support Group.
- DOD 73—Private Secretary to the Assistant Secretary for Health Affairs.
- DOD 89—Secretary (Typing) to the Principal Deputy Assistant Secretary (Public Affairs).
- DOD 101—Personal and Confidential Assistant to the Director of Net Assessment.
- DOD 112—Special Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 119—Private Secretary to the Principal Deputy Director, Program Analysis and Evaluation.
- DOD 133—Public Affairs Specialist to the Assistant Secretary (Public Affairs.)
- DOD 148—Private Secretary to the Deputy Under Secretary (Policy).
- DOD 171—Special Assistant to the Deputy Assistant Secretary (Reserve Affairs).
- DOD 174—Private Secretary to the Under Secretary for Policy.
- DOD 175—Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
- DOD 178—Special Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 194—Private Secretary to the Assistant Secretary (International Security Policy).
- DOD 205—Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
- DOD 209—White House Director of Television Services to the Assistant to the President/Director of Support Services.
- DOD 212—Private Secretary to the Deputy Under Secretary, Research

- and Engineering (International Programs and Technology).
- DOD 216—Private Secretary to the Principal Deputy Assistant Secretary for International Security Policy.
- DOD 217—Private Secretary to the Assistant Secretary (Command, Control, Communications, and Intelligence).
- DOD 220—Assistant to the Director for Emergency Planning.
- DOD 226—Special Assistant to the Assistant Secretary (Health Affairs).
- DOD 229—Special Assistant to the Assistant Secretary for International Security Policy.
- DOD 236—Special Assistant to the Assistant Secretary for Public Affairs.
- DOD 250—Speechwriter to the Assistant Secretary for Public Affairs.
- DOD 252—Confidential Assistant to the Secretary.
- DOD 254—Special Assistant for Emergency Planning to the Assistant Secretary (Acquisition and Logistics).
- DOD 255—Personal and Confidential Assistant to the Deputy Secretary.
- DOD 259—Deputy Associate Director for Public Liaison to the Special Assistant to the President, White House Support Group.
- DOD 261—Special Assistant for European Security and Political Affairs to the Deputy Assistant Secretary (European and NATO Policy).
- DOD 262—Special Assistant to the Assistant Secretary (International Security Affairs.)
- DOD 265—Special Assistant to the Deputy Assistant Secretary for East Asian and Pacific Affairs.
- DOD 268—Private Secretary to the Senior Judge, U.S. Court of Military Appeals.
- DOD 270—Private Secretary to the Director Strategic Defense Initiative Organization.
- DOD 274—Security Advisor to the Deputy Assistant to the President, White House Support Group.
- DOD 275—Assistant for European Security Negotiations to the Deputy Assistant Secretary (Negotiations Policy).
- DOD 279—Personal and Confidential Assistant to the Director, Operational Testing and Evaluation.
- DOD 280—Staff Assistant to the Principal Deputy Assistant Secretary for Public Affairs.
- DOD 282—Assistant for Multilateral Negotiations to the Deputy Assistant Secretary (Negotiations Policy).
- DOD 283—Special Assistant to the Assistant Secretary for Public Affairs.
- DOD 284—Special Assistant to the Director, Office of Civilian Health and Medical Programs of the Uniformed Services.
- DOD 286—Special Assistant for East African Affairs to the Deputy Assistant Secretary for African Affairs.
- DOD 287—Special Assistant for Strategic Defense and Space Arms Control Policy to the Deputy Assistant Secretary (Nuclear Forces and Arms Control Policy).
- DOD 288—Special Assistant to the Deputy Assistant Secretary for Near Eastern and South Asian Affairs.
- DOD 290—Public Affairs Specialist to the Principal Deputy Assistant Secretary for Public Affairs.
- DOD 294—Staff Specialist to the Deputy Director, Strategic Defense Initiative Organization.
- DOD 295—Special Assistant to the Assistant Secretary (Force Management and Personnel).
- DOD 297—Staff Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 298—Confidential Assistant to the Under Secretary for Acquisition.
- DOD 299—Family Program Coordinator to the Deputy Assistant Secretary (Family Support, Education, and Safety).
- DOD 300—Special Assistant for Foreign Intelligence Programs to the Assistant Secretary (Command, Control, Communications, and Intelligence).
- DOD 303—Special Assistant for Strategic Defense Initiative to the Assistant Secretary for Legislative Affairs.
- DOD 304—Assistant for External Affairs and Communications to the Deputy Director for Policy, External Affairs, and Special Programs.
- DOD 305—Special Assistant to the Director, Strategic Defense Initiative Organization.
- DOD 306—Attorney Adviser (Military) to the Judge, U.S. Court of Military Appeals.
- DOD 307—Staff Assistant to the Associate Director, Office of Presidential Personnel.
- DOD 308—Director, Low-Intensity Conflict, to the Deputy Assistant Secretary for Low-Intensity Conflict.
- DOD 309—Speechwriter to the Assistant Secretary for Public Affairs.
- DOD 310—Staff Assistant to the Chairman, Joint Chiefs of Staff.
- DOD 311—Staff Assistant to the Assistant to the Chairman, Joint Chiefs of Staff.
- DOD 312—Special Assistant to the Director, Strategic Defense Initiative Organization.
- DOD 313—Staff Assistant to the Deputy Assistant Secretary (Family Support, Education, and Safety).
- DOD 314—Personal and Confidential Assistant to the Under Secretary for Acquisition.
- DOD 315—Archives Technician to the Director, White House Television Office.
- DOD 317—Personal and Confidential Assistant to the Director of Defense Research and Engineering.
- DOD 318—Private Secretary to the Assistant Secretary for Special Operations/Low-Intensity Conflict.

*Section 213.3307 Department of the Army*

- ARMY 1—Staff Assistant to the Secretary.
- ARMY 3—Secretary (Steno) to the Assistant Secretary for Manpower and Reserve Affairs.
- ARMY 5—Secretary (Steno) to the Assistant Secretary for Installations and Logistics.
- ARMY 6—Secretary (Typing) to the Assistant Secretary, Research, Development, and Acquisition.
- ARMY 21—Secretary (Steno) to the General Counsel.
- ARMY 38—Plans Coordinator to the Chief of Public Affairs.
- ARMY 41—Assistant Director to the Chairman and Executive Director of the President's Foreign Intelligence Advisory Board.
- ARMY 51—Confidential Staff Assistant to the Deputy Director, Office of Private Sector Initiatives.
- ARMY 55—Secretary (Steno) to the Assistant Secretary, Financial Management.

*Section 213.3308 Department of the Navy*

- NAV 2—Staff Assistant to the Secretary.
- NAV 5—Private Secretary to the Assistant Secretary for Financial Management.
- NAV 7—Private Secretary to the Assistant Secretary for Research and Engineering.
- NAV 20—Special Assistant to the Military Assistant to the President.
- NAV 23—Special Assistant to the Military Assistant to the President.
- NAV 24—Private Secretary to the Assistant Secretary for Manpower and Reserve Affairs.
- NAV 25—Special Assistant to the

Director, White House Military Office.

- NAV 27—Special Assistant for Emergency Planning to the Military Assistant to the President.
- NAV 30—Staff Assistant to the Deputy Under Secretary.
- NAV 31—Staff Assistant to the Under Secretary.
- NAV 32—Private Secretary to the Assistant Secretary for Shipbuilding and Logistics.
- NAV 38—Private Secretary to the Under Secretary.
- NAV 40—Special Assistant to the Deputy Under Secretary (Policy).

*Section 213.3309 Department of the Air Force*

- AF 1—Secretary (Steno) to the Secretary.
- AF 3—Secretary (Steno) to the Assistant Secretary for Manpower, Reserve Affairs, and Installations.
- AF 5—Secretary (Steno) to the Assistant Secretary for Research and Development Logistics.
- AF 6—Secretary (Steno) to the Assistant Secretary for Financial Management.
- AF 8—Secretary (Steno) to the General Counsel.
- AF 17—Administrative Officer to the Assistant to the Vice President for National Security Affairs.
- AF 18—Special Assistant to the Assistant to the Vice President for National Security Affairs.
- AF 20—Secretary (Steno) to the Military Assistant to the President.
- AF 21—Special Assistant to the Military Assistant to the President.
- AF 22—Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.
- AF 26—Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs, and Installations.
- AF 28—Special Assistant to the General Counsel.
- AF 29—Staff Assistant to the Secretary.
- AF 30—Special Assistant to the Assistant to the President/Director of the White House Military Office.

*Section 213.3310 Department of Justice*

- JUS 21—Confidential Assistant (Private Secretary) to the Assistant Attorney General, Antitrust Division.
- JUS 25—Confidential Assistant (Private Secretary) to the Assistant Attorney General, Criminal Division.
- JUS 70—Special Assistant to the Assistant Attorney General, Civil Rights Division.
- JUS 83—Confidential Assistant to the

Attorney General.

- JUS 85—Special Assistant to the Director, Community Relations Service.
- JUS 93—Secretary (Typing) to the Associate Attorney General.
- JUS 100—Confidential Assistant to the Director of Congressional and Public Affairs, Immigration and Naturalization Service.
- JUS 122—Special Assistant to the Director, Office of Public Affairs.
- JUS 135—Staff Assistant to the Assistant Attorney General, Antitrust Division.
- JUS 152—Secretary and Confidential Assistant to the U.S. Attorney.
- JUS 158—Secretary (Stenographer) to the U.S. Attorney.
- JUS 162—Special Assistant to the Assistant Attorney General, Civil Rights Division.
- JUS 167—Special Assistant to the Attorney General.
- JUS 183—Attorney-Advisor (General) to the Assistant Attorney General, Land and Natural Resources Division.
- JUS 190—Staff Assistant to the Assistant Attorney General, Office of Legal Policy.
- JUS 200—Secretary and Confidential Assistant to the U.S. Attorney.
- JUS 208—Confidential Assistant to the Director, Office of Public Affairs.
- JUS 221—Special Assistant to the Director, Bureau of Justice Statistics.
- JUS 224—Special Assistant to the Deputy Attorney General.
- JUS 227—Staff Assistant to the Director, Community Relations Service.
- JUS 240—Special Assistant to the Deputy Assistant Attorney General, Civil Rights Division.
- JUS 241—Confidential Assistant and Private Secretary to the Chairman, Foreign Claims Settlement Commission.
- JUS 242—Special Assistant to the Assistant Attorney General, Civil Division.
- JUS 244—Special Assistant to the Director, National Institute of Justice.
- JUS 246—Special Assistant to the Administrator, Office of Justice Assistance, Research, and Statistics.
- JUS 247—Special Assistant to the Commissioner, Immigration and Naturalization Service.
- JUS 248—Missing Children Program Coordinator to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
- JUS 249—Staff Assistant to the Attorney General.

- JUS 262—Staff Assistant to the Director, Bureau of Justice Statistics.
- JUS 266—Public Affairs Specialist to the Deputy Director, Office of Public Affairs.
- JUS 268—Attorney-Advisor (General) to the Assistant Attorney General, Antitrust Division.
- JUS 270—Special Assistant to the Assistant Attorney General, Civil Rights Division.
- JUS 271—Confidential Assistant to the Assistant Attorney General, Office of Legal Policy.
- JUS 277—Staff Assistant to the Assistant Attorney General/Chief of Staff.
- JUS 279—Confidential Assistant to the Deputy Assistant Attorney General, Office of Legislative Affairs.
- JUS 281—Congressional and Public Liaison Officer to the Deputy Assistant Attorney General, Office of Justice Programs.
- JUS 283—Senior Liaison Officer to the Director, Office of Liaison Services.
- JUS 292—Confidential Assistant to the Director, Office of Liaison Services.
- JUS 293—Confidential Assistant to the Associate Deputy Attorney General.
- JUS 294—Special Assistant to the Assistant Attorney General, Tax Division.
- JUS 296—Confidential Assistant to the Associate Deputy Attorney General.
- JUS 300—Special Assistant to the Assistant Attorney General, Civil Rights Division.
- JUS 301—Attorney-Advisor (Special Assistant) to the Principal Deputy Assistant Attorney General.
- JUS 302—Staff Assistant (Speechwriter) to the Director, Office of Public Affairs.
- JUS 303—Research Associate to the Director, Office of Public Affairs.
- JUS 304—Confidential Assistant to the Director, Bureau of Justice Statistics.
- JUS 306—Assistant Director, Office of Public Affairs.
- JUS 307—Attorney-Advisor to the Assistant Attorney General, Civil Division.
- JUS 309—Senior Liaison Officer to the Director, Office of Liaison Services.
- JUS 310—Special Assistant to the Director, Bureau of Justice Assistance.
- JUS 311—Special Assistant to the Director, Office of Public Affairs.
- JUS 312—Assistant Director, Asylum Policy and Review Unit, Office of Legal Policy.
- JUS 314—Senior Liaison Officer to the Director, Office of Liaison Services.
- JUS 315—Confidential Assistant to the

- Director, National Obscenity Enforcement Unit, Criminal Division.
- JUS 316—General Attorney to the Director, Office for Victims of Crime.
- JUS 318—Staff Assistant to the Assistant to the Attorney General and Chief of Staff.
- JUS 319—Supervisory Attorney-Advisor (Associate Director), National Obscenity Enforcement Unit, Criminal Division.
- JUS 320—Special Assistant to the Assistant Attorney General, Antitrust Division.
- JUS 324—Special Assistant to the Assistant Attorney General, Office of Legislative Affairs.
- JUS 326—Special Assistant to the Assistant Attorney General, Civil Division.
- JUS 327—Special Assistant to the Assistant Attorney General, Office of Justice Programs.
- JUS 328—Special Assistant to the Attorney General.
- JUS 329—Confidential Assistant to the Deputy Director, Office of Justice Programs.
- JUS 330—Confidential Assistant to the Director, Office of Legal Policy.
- JUS 331—Special Assistant to the Director, National Institute of Justice.
- JUS 332—Special Assistant to the Deputy Assistant Attorney General, Civil Rights Division.
- JUS 333—Confidential Assistant to the Deputy Director, Office of Liaison Services.
- JUS 335—Special Assistant to the Assistant Attorney General, Civil Division.
- JUS 336—Public Affairs Officer to the Director, Office of Congressional and Public Affairs.
- JUS 337—Special Counsel to the Associate Attorney General.
- Section 213.3311 Federal Judicial Center*
- FJC 2—Staff Assistant to the Director.
- Section 213.3312 Department of the Interior*
- INT 3—Special Assistant to the Assistant to the Secretary and Director, External Affairs.
- INT 25—Steward to the Secretary.
- INT 73—Staff Assistant to the Executive Assistant to the Secretary.
- INT 92—Special Assistant to the Assistant Secretary for Policy, Budget, and Administration.
- INT 111—Staff Assistant to the Secretary.
- INT 141—Executive Assistant to the Commissioner of Reclamation.
- INT 143—Special Assistant to the Assistant Secretary, Fish, Wildlife, and Parks.
- INT 152—Special Assistant to the Deputy Director, National Park Service.
- INT 155—Confidential Assistant to the Director, Office of Surface Mining.
- INT 165—Special Assistant to the Director, Bureau of Land Management.
- INT 171—Director, Office of Public Affairs, to the Commissioner of Reclamation.
- INT 191—Special Assistant to the Director, Bureau of Land Management.
- INT 194—Staff Assistant to the Under Secretary.
- INT 196—Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 202—Special Assistant to the Director, National Park Service.
- INT 205—Special Assistant to the Assistant Secretary, Indian Affairs.
- INT 208—Congressional Liaison Officer to the Director, Minerals Management Service.
- INT 212—Special Assistant to the Assistant to the Secretary and Director, External Affairs.
- INT 214—Confidential Assistant to the Director, Fish and Wildlife Service.
- INT 215—Confidential Assistant to the Executive Assistant to the Secretary.
- INT 220—Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 225—Special Assistant to the Director, Office of Surface Mining.
- INT 231—Special Assistant to the Assistant to the Secretary and Director, Office of Public Affairs.
- INT 232—Staff Assistant to the Assistant to the Secretary and Director, External Affairs.
- INT 235—Confidential Assistant to the Director, Fish and Wildlife Service.
- INT 243—Confidential Assistant to the Secretary.
- INT 246—Public Affairs Specialist to the Director, Minerals Management Service.
- INT 248—Congressional Liaison Officer to the Director, Bureau of Mines.
- INT 250—Special Assistant to the Chief, Office of Congressional Liaison, Bureau of Mines.
- INT 256—Staff Assistant to the Associate Director, Bureau of Land Management.
- INT 264—Confidential Assistant to the Special Assistant (Field Representative) to the Secretary.
- INT 265—Special Assistant to the Director, Bureau of Land Management.
- INT 272—Special Assistant to the Assistant to the Secretary and Director, Office of External Affairs.
- INT 274—Congressional Liaison Specialist to the Director, Office of Surface Mining and Reclamation.
- INT 278—Special Assistant to the Assistant Secretary for Fish, Wildlife, and Parks.
- INT 280—Special Assistant to the Director, Fish and Wildlife Service.
- INT 281—Confidential Assistant to the Inspector General.
- INT 282—Confidential Assistant to the Solicitor.
- INT 283—Deputy Assistant Secretary for Water.
- INT 285—Special Assistant to the Commissioner of Reclamation.
- INT 287—Assistant to the Director, Bureau of Land Management.
- INT 292—Special Assistant to the Director, Bureau of Land Management.
- INT 294—Special Assistant to the Director, Fish and Wildlife Service.
- INT 297—Confidential Assistant to the Deputy Solicitor.
- INT 298—Special Assistant to the Assistant to the Secretary and Director, Office of External Affairs.
- INT 302—Special Assistant to the Assistant Secretary for Water and Science.
- INT 307—Public Affairs Specialist (Speechwriter) to the Director, Office of Public Affairs, Bureau of Reclamation.
- INT 309—Special Assistant to the Director, Fish and Wildlife Service.
- INT 312—Confidential Assistant to the Secretary.
- INT 313—Special Assistant to the Assistant Secretary for Policy, Budget, and Administration.
- INT 314—Congressional Affairs Officer to the Assistant to the Secretary and Director, Office of External Affairs.
- INT 315—Staff Assistant to the Commissioner of Reclamation.
- INT 316—Confidential Assistant to the Deputy Under Secretary.
- INT 317—Special Assistant to the Assistant Director of External Affairs, Fish and Wildlife Service.
- Section 213.3313 Department of Agriculture*
- AGR 1—Confidential Assistant (Speech Writer) to the Secretary.
- AGR 3—Confidential Assistant to the Secretary.

- AGR 8—Chauffeur to the Secretary.
- AGR 13—Private Secretary to the Assistant Secretary for Food and Consumer Services.
- AGR 19—Private Secretary to the Administrator, Rural Electrification Administration.
- AGR 26—Staff Assistant to the Administrator, Farmers Home Administration.
- AGR 27—Private Secretary to the Administrator, Farmers Home Administration.
- AGR 28—Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 29—Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 30—Private Secretary to the Manager, Federal Crop Insurance Corporation.
- AGR 31—Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 32—Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 33—Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 34—Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 35—Private Secretary to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 44—Private Secretary to the Assistant Secretary for Economics.
- AGR 48—Confidential Assistant to the Administrator, Food and Nutrition Service.
- AGR 56—Private Secretary to the Assistant Secretary for Governmental and Public Affairs.
- AGR 61—Private Secretary to the Assistant Secretary for Natural Resources and Environment.
- AGR 62—Confidential Assistant to the Under Secretary for Small Community and Rural Development.
- AGR 64—Confidential Assistant to the Under Secretary for Small Community and Rural Development.
- AGR 74—Private Secretary to the Deputy Assistant Secretary for Food and Consumer Services.
- AGR 75—Private Secretary to the Deputy Under Secretary for Small Community and Rural Development.
- AGR 81—Confidential Assistant to the Administrator, Farmers Home Administration.
- AGR 96—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 102—Confidential Assistant to the Assistant Secretary for Food and Consumer Services.
- AGR 103—Confidential Assistant to the Administrator, Foreign Agricultural Service.
- AGR 105—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 106—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 109—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 110—Confidential Assistant to the General Counsel.
- AGR 114—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 118—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 128—Private Secretary to the Administrator, Federal Grain Inspection Service.
- AGR 129—Private Secretary to the Assistant Secretary, Marketing and Inspection Service.
- AGR 135—Confidential Assistant to the Administrator, Food Safety and Inspection Service.
- AGR 137—Confidential Assistant to the Assistant Secretary for Economics.
- AGR 139—Staff Assistant to the Secretary.
- AGR 140—Special Assistant to the Assistant Secretary for Economics.
- AGR 141—Confidential Assistant to the Administrator, Food Safety and Inspection Service.
- AGR 143—Confidential Assistant to the Administrator, Agricultural Marketing Service.
- AGR 151—Executive Assistant to the Administrator, Agricultural Marketing Service.
- AGR 154—Confidential Assistant to the Administrator, Food and Nutrition Service.
- AGR 159—Special Representative to the Administrator, Foreign Agricultural Service.
- AGR 162—Confidential Assistant to the Administrator, Federal Grain Inspection Service.
- AGR 164—Confidential Assistant to the Assistant Secretary for Science and Education.
- AGR 175—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 177—Special Assistant to the Director, Office of Transportation.
- AGR 184—Office Assistant (Receptionist) to the Executive Assistant to the Secretary.
- AGR 186—Confidential Assistant to the Deputy Secretary.
- AGR 188—Northeast Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 189—Southeast Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 190—Midwest Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 191—Northwest Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 192—Southeast Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 193—Confidential Assistant to the Deputy Secretary.
- AGR 194—Private Secretary to the Under Secretary for Small Community and Rural Development.
- AGR 196—Confidential Assistant to the Administrator, Office of International Cooperation and Development.
- AGR 201—Confidential Assistant to the Special Assistant to the Secretary.
- AGR 203—Staff Assistant to the Special Assistant to the Secretary.
- AGR 208—Director, Office of the Consumer Advisor to the Assistant Secretary for Food and Consumer Services.
- AGR 207—Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 208—Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 209—Confidential Assistant to the Chief, Soil Conservation Service.
- AGR 210—Staff Assistant to the Administrator, Office of International Development and Cooperation.
- AGR 212—Special Assistant to the Assistant Secretary for Administration.
- AGR 218—Staff Assistant to the Assistant Secretary for Administration.
- AGR 220—Private Secretary to the Deputy Assistant Secretary for Administration.
- AGR 222—Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
- AGR 224—Director, Congressional and Public Affairs Division, to the Manager, Federal Crop Insurance Corporation.
- AGR 225—Confidential Assistant to the Manager, Federal Crop Insurance Corporation.

AGR 226—Confidential Assistant to the Administrator, Food and Nutrition Service.  
 AGR 228—Confidential Assistant to the Inspector General.  
 AGR 229—Staff Assistant/Correspondence Review Officer to the Director, Executive Secretariat.  
 AGR 231—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 232—Confidential Assistant to the Administrator, Farmers Home Administration.  
 AGR 233—Staff Assistant to the Special Assistant to the Secretary.  
 AGR 234—Confidential Assistant to the Administrator, Office of International Cooperation and Development.  
 AGR 235—Confidential Assistant to the Administrator, Agricultural Marketing Service.  
 AGR 236—Confidential Assistant to the Administrator, Animal and Plant Health Inspection Service.  
 AGR 237—Private Secretary to the Administrator, Agricultural Marketing Service.  
 AGR 238—Staff Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 242—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 243—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 244—Confidential Assistant to the Chief, Soil Conservation Service.  
 AGR 247—Private Secretary to the Inspector General.  
 AGR 250—Private Secretary to the Deputy Under Secretary for International Affairs and Commodity Programs.  
 AGR 257—Administrator, Human Nutrition Information Service, to the Assistant Secretary for Food and Consumer Services.  
 AGR 258—Confidential Assistant to the Administrator, Foreign Agricultural Service.  
 AGR 259—Director, Legislative and Public Affairs, to the Administrator, Animal and Plant Health Inspection Service.  
 AGR 260—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 261—Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 262—Confidential Assistant to the Assistant Secretary for Science and Education.  
 AGR 263—Confidential Assistant to the Assistant Secretary for Natural

Resources and Environment.  
 AGR 265—Staff Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 266—Staff Assistant to the Administrator, Food and Nutrition Service.  
 AGR 267—Staff Assistant to the Assistant Secretary for Governmental and Public Affairs.  
 AGR 268—Confidential Assistant for Legislative Affairs to the Deputy Administrator, Policy and Program Support, Rural Electrification Administration.  
 AGR 271—Press Secretary to the Secretary.  
 AGR 273—Confidential Assistant to the Administrator, Foreign Agricultural Service.  
 AGR 275—Private Secretary to the Deputy Secretary.  
 AGR 276—Confidential Assistant to the Administrator, Agricultural Research Service.  
 AGR 277—Confidential Assistant to the Chief, Soil Conservation Service.  
 AGR 279—Confidential Assistant to the Administrator, Foreign Agricultural Service.  
 AGR 282—Confidential Assistant to the Administrator, Foreign Agricultural Service.

*Section 213.3314 Department of Commerce*

COM 1—Confidential Assistant to the Secretary.  
 COM 2—Confidential Assistant to the Chief of Staff.  
 COM 4—Confidential Assistant to the Secretary.  
 COM 5—Confidential Assistant to the Special Assistant to the Secretary.  
 COM 6—Confidential Assistant to the Chief of Staff.  
 COM 12—Confidential Assistant to the Deputy Secretary.  
 COM 19—Chauffeur to the Secretary.  
 COM 20—Confidential Assistant to the Deputy Assistant Secretary for Administration.  
 COM 22—Deputy Director, Congressional Affairs, to the Deputy Assistant Secretary for Congressional Affairs.  
 COM 73—Congressional Liaison Specialist to the Director, Office of Congressional Relations.  
 COM 114—Private Secretary to the Director, Minority Business Development Agency.  
 COM 156—Confidential Assistant to the Assistant Secretary, Economic Development Administration.  
 COM 159—Deputy Director, Office of Public Affairs.  
 COM 160—Confidential Assistant to

the Deputy Assistant Secretary for Domestic Operations.  
 COM 162—Confidential Assistant to the Assistant Secretary for International Economic Policy, International Trade Administration.  
 COM 175—Congressional Liaison Specialist to the Assistant Secretary for Congressional Affairs.  
 COM 181—Confidential Assistant to the Assistant Secretary for Communications and Information.  
 COM 184—Confidential Assistant to the Director, National Bureau of Standards.  
 COM 190—Director, Office of Congressional Affairs, to the Assistant Secretary for Communications and Information.  
 COM 192—Legislative Director to the Director, Office of Congressional Affairs.  
 COM 198—Congressional Liaison Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs.  
 COM 200—Congressional Liaison Officer to the Assistant Secretary for Congressional Affairs.  
 COM 201—Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Affairs.  
 COM 202—Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Affairs.  
 COM 203—Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Operations.  
 COM 204—Special Assistant to the Chief Scientist, National Oceanic and Atmospheric Administration.  
 COM 217—Special Assistant to the Director, Office of Public Affairs.  
 COM 218—Special Assistant to the Assistant Secretary, National Oceanic and Atmospheric Administration.  
 COM 220—Confidential Assistant to the Deputy Assistant Secretary for East Asia and the Pacific, International Trade Administration.  
 COM 214—Confidential Assistant to the Under Secretary, International Trade Administration.  
 COM 225—Director, Congressional Affairs Staff, to the Under Secretary for Export Administration.  
 COM 236—Special Assistant to the Secretary.  
 COM 237—Confidential Assistant to the Under Secretary, International Trade Administration.  
 COM 252—Confidential Assistant to the Secretary.  
 COM 254—Supervisory Public Affairs Specialist to the Director, Minority Business Development Agency.

- COM 259—Director of Congressional Affairs to the Under Secretary, International Trade Administration.
- COM 263—Confidential Assistant to the Assistant Secretary for Trade Development, International Trade Administration.
- COM 264—Special Assistant to the Deputy Assistant Secretary, Economic Development Administration.
- COM 265—Confidential Assistant to the Deputy Assistant Secretary for Export Administration, International Trade Administration.
- COM 267—Confidential Assistant to the Deputy Assistant Secretary for Export Administration, International Trade Administration.
- COM 272—Confidential Assistant to the Assistant Secretary for Trade Development, International Trade Administration.
- COM 273—Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis, International Trade Administration.
- COM 275—Confidential Assistant to the Director, Office of Business Liaison.
- COM 277—Special Assistant to the Director, Office of Public Affairs.
- COM 285—Deputy Director, Office of Intergovernmental Affairs, to the Deputy Assistant Secretary for Intergovernmental Affairs.
- COM 288—Confidential Assistant to the Director, Office of Business Liaison.
- COM 289—Confidential Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.
- COM 290—Confidential Assistant to the Director, Office of Business Liaison.
- COM 291—Special Assistant to the Director of Public Affairs.
- COM 293—Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.
- COM 295—Confidential Assistant to the Special Assistant to the Secretary.
- COM 297—Confidential Assistant to the Assistant Secretary for Administration.
- COM 298—Special Assistant to the Assistant Secretary for Communications and Information.
- COM 300—Confidential Assistant to the Deputy Under Secretary for International Trade, International Trade Administration.
- COM 303—Confidential Assistant to the Assistant Secretary for Administration.
- COM 305—Private Secretary to the Under Secretary for Travel and Tourism.
- COM 306—Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Affairs.
- COM 309—Confidential Assistant to the Director, Minority Business Development Agency.
- COM 310—Private Secretary to the Deputy Under Secretary for Travel and Tourism.
- COM 314—Confidential Assistant to the Special Assistant to the Secretary.
- COM 316—Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis, International Trade Administration.
- COM 321—Director, Office of Public Affairs to the Under Secretary for International Trade.
- COM 324—Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy, International Trade Administration.
- COM 329—Congressional Liaison Specialist to the Director, Congressional Affairs, International Trade Administration.
- COM 331—Confidential Assistant to the Assistant Secretary for Tourism Marketing.
- COM 335—Congressional Liaison Officer to the Deputy Assistant Secretary for Congressional Affairs.
- COM 336—Confidential Assistant to the Deputy Assistant Secretary for Export Enforcement.
- COM 340—Special Assistant to the Administrator, National Oceanic and Atmospheric Administration.
- COM 342—Confidential Assistant to the Special Assistant to the Deputy Secretary.
- COM 343—Confidential Assistant to the Deputy Assistant Secretary, U.S. and Foreign Commercial Service.
- COM 344—Congressional Liaison Specialist to the Confidential Assistant, Congressional Affairs, International Trade Administration.
- COM 346—Confidential Aide to the Special Assistant to the Secretary.
- COM 348—Special Assistant to the Director, Office of Public Affairs.
- COM 350—Deputy Director to the Director, Office of Business Liaison.
- COM 353—Confidential Assistant to the Deputy Assistant Secretary for U.S. and Foreign Commercial Service, International Trade Administration.
- COM 356—Confidential Assistant to the Director, Minority Business Development Agency.
- COM 360—Director, Congressional Affairs, to the Under Secretary for Economic Affairs.
- COM 362—Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
- COM 363—Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
- COM 368—Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
- COM 370—Congressional Affairs Officer to the Assistant Director for External Affairs, Minority Business Development Agency.
- COM 371—Confidential Assistant to the Director, Office of Legislative Affairs, National Oceanic and Atmospheric Administration.
- COM 372—Deputy Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.
- COM 374—Congressional Affairs Specialist to the Director, Bureau of the Census.
- COM 376—Confidential Assistant to the Special Assistant to the Deputy Secretary.
- COM 378—Congressional Liaison Specialist to the Under Secretary for Economic Affairs.
- COM 380—Confidential Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration.
- COM 382—Confidential Aide to the Special Assistant to the Secretary.
- COM 384—Special Assistant to the Director, Minority Business Development Agency.
- COM 386—Confidential Assistant to the Deputy Under Secretary for Travel and Tourism.
- COM 390—Confidential Assistant to the Under Secretary for Economic Affairs.
- COM 392—Confidential Assistant to the Deputy Assistant Secretary for Basic Industries, International Trade Administration.
- COM 396—Congressional Affairs Specialist to the Director of Legislative Affairs, National Oceanic and Atmospheric Administration.
- COM 397—Congressional Affairs advisor to the Director, Bureau of the Census.
- COM 398—Confidential Assistant to the Deputy Assistant Secretary for Domestic Operations, International Trade Administration.
- COM 399—Special Assistant to the Deputy Assistant Secretary for Domestic Operations, Economic Development Administration.

- COM 406—Associate Director, National Oceanic and Atmospheric Administration.
- COM 408—Confidential Assistant to the General Counsel.
- COM 410—Confidential Assistant to the Director, Office of Public Affairs, International Trade Administration.
- COM 411—Secretary to the Deputy Assistant Secretary for Africa, Near East, and South Asia, International Trade Administration.
- COM 412—Confidential Assistant to the Deputy Assistant Secretary for Services, International Trade Administration.
- COM 414—Congressional Affairs Specialist to the Legislative Director, National Oceanic and Atmospheric Administration.
- COM 415—Congressional Affairs Specialist to the Legislative Director, National Oceanic and Atmospheric Administration.
- COM 417—Special Assistant to the Assistant Secretary for Administration.
- COM 419—Confidential Assistant to the Deputy Under Secretary for International Trade.
- COM 421—Confidential Assistant to the Deputy Assistant Secretary for Trade Development, International Trade Administration.
- COM 422—Confidential Assistant to the Director, Commercial Space Programs.
- COM 423—Director of Congressional Affairs to the Assistant Secretary and Commissioner, Patent and Trademark Office.
- COM 424—Congressional Liaison Specialist to the Under Secretary for International Trade.
- COM 426—Congressional Liaison Specialist to the Director, Congressional Staff, Bureau of Export Administration.

*Section 213.3315 Department of Labor*

- LAB 7—Private Secretary to the Under Secretary.
- LAB 17—Senior Liaison Officer to the Deputy Under Secretary for Legislative Affairs.
- LAB 45—Executive Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 49—Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 55—Staff Assistant to the Deputy Under Secretary for Congressional Affairs.
- LAB 64—Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 91—Confidential Staff Assistant to the Deputy Under Secretary for Congressional Affairs.
- LAB 93—Special Assistant to the Secretary.
- LAB 100—Special Assistant to the Deputy Under Secretary for International Labor Affairs.
- LAB 103—Secretary's Representative to the Associate Deputy Under Secretary for Intergovernmental Affairs.
- LAB 104—Secretary's Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 105—Secretary's Representative to the Associate Deputy Under Secretary for Intergovernmental Affairs.
- LAB 107—Secretary's Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 109—Secretary's Representative to the Associate Deputy Under Secretary for Intergovernmental Affairs.
- LAB 110—Secretary's Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 111—Secretary's Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 112—Secretary's Representative to the Associate Deputy Under Secretary for Intergovernmental Affairs.
- LAB 115—Secretary (Typing) to the Secretary's Representative.
- LAB 116—Secretary (Typing) to the Secretary's Representative.
- LAB 118—Secretary (Typing) to the Secretary's Representative.
- LAB 122—Secretary (Typing) to the Secretary's Representative.
- LAB 127—Staff Assistant to the Director, Office of Workers' Compensation Programs.
- LAB 129—Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 130—Special Assistant to the Secretary.
- LAB 133—Special Assistant to the Director, Women's Bureau.
- LAB 137—Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 145—Deputy Liaison Officer to the Deputy Under Secretary for Congressional Affairs.
- LAB 146—Staff Assistant to the Solicitor.
- LAB 152—Special Assistant to the Deputy Director, Women's Bureau.
- LAB 154—Senior Liaison Officer to the Deputy Under Secretary for Congressional Affairs.
- LAB 171—Special Assistant to the Secretary.
- LAB 179—Executive Assistant to the Assistant Secretary, Employment Standards Administration.
- LAB 180—Senior Liaison Officer to the Deputy Under Secretary for Congressional Affairs.
- LAB 182—Associate Deputy Under Secretary for Labor-Management Relations and Cooperative Programs.
- LAB 184—Special Assistant for Public Affairs to the Deputy Under Secretary for Employment Standards.
- LAB 186—Special Assistant to the Director, Women's Bureau.
- LAB 187—Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 190—Special Assistant to the Assistant Secretary for Policy.
- LAB 192—Staff Assistant to the Assistant Secretary for Pension and Welfare Benefits Programs.
- LAB 196—Executive Assistant to the Assistant Secretary for Veterans' Employment and Training.
- LAB 199—Deputy Liaison Officer to the Deputy Under Secretary for Congressional Affairs.
- LAB 204—Special Assistant to the Assistant Secretary for Veterans' Employment and Training.
- LAB 205—Legislative Analyst to the Deputy Under Secretary for Congressional Affairs.
- LAB 209—Confidential Assistant to the Assistant Secretary for Veterans' Employment and Training.
- LAB 212—Staff Assistant to the Secretary.
- LAB 215—Staff Assistant to the Director, Women's Bureau.
- LAB 217—Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 219—Special Assistant to the Associate Deputy Under Secretary for Intergovernmental Affairs.
- LAB 220—Special Assistant to the Deputy Under Secretary for Public Intergovernmental Affairs.
- LAB 224—Confidential Staff Assistant to the Special Assistant to the Assistant Secretary, Mine Safety and Health Administration.
- LAB 227—Special Assistant to the Deputy Assistant Secretary, Mine Safety and Health Administration.
- LAB 228—Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 231—Special Assistant to the Associate Deputy Under Secretary for Intergovernmental Affairs.
- LAB 232—Special Assistant to the Director, Office of Federal Contract Compliance Programs.

- LAB 233—Staff Assistant to the Director, Office of Federal Contract Compliance Programs.
- LAB 234—Senior Liaison Officer to the Deputy Under Secretary for Congressional Affairs.
- LAB 238—Assistant to the Secretary's Representative.
- LAB 239—Staff Assistant to the Deputy Secretary.
- LAB 240—Assistant to the Secretary's Representative.
- LAB 241—Special Assistant to the Director, Office of Information and Public Affairs.
- LAB 242—Assistant to the Secretary's Representative.
- LAB 243—Deputy Liaison Officer to the Deputy Under Secretary for Congressional Affairs.
- LAB 245—Assistant to the Secretary's Representative.
- LAB 246—Assistant to the Secretary's Representative.
- LAB 248—Special Assistant to the Assistant Secretary for Public and Intergovernmental Affairs.
- LAB 249—Assistant to the Secretary's Representative.
- LAB 250—Executive Assistant to the Assistant Secretary for Labor-Management Standards.
- LAB 251—Staff Assistant to the Deputy Assistant Secretary for Mine Safety and Health.
- LAB 252—Director, Intergovernmental Affairs, to the Assistant Secretary for Public and Intergovernmental Affairs.
- LAB 253—Staff Assistant to the Secretary.
- LAB 254—Associate Assistant Secretary for Congressional Affairs.
- HHS 5—Writer to the Secretary.
- HHS 14—Special Assistant to the Executive Secretary.
- HHS 17—Director, Scheduling, Security, and Protection, to the Secretary.
- HHS 26—Special Assistant to the Executive Secretary.
- HHS 55—Confidential Assistant to the Assistant Secretary for Legislation.
- HHS 120—Assistant to the General Counsel.
- HHS 167—Executive Director, Federal Council on Aging, to the Assistant Secretary for Human Development Services.
- HHS 171—Special Assistant/Advisory Committee Officer to the Under Secretary.
- HHS 187—Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
- HHS 213—Steward to the Secretary.
- HHS 259—Special Assistant to the Assistant Secretary for Human Development Services.
- HHS 264—Writer to the Secretary.
- HHS 267—Special Initiatives Coordinator to the Secretary.
- HHS 273—Special Assistant to the Deputy Assistant Secretary for Legislation.
- HHS 290—Director, Office of Public Affairs, to the Assistant Secretary for Human Development Services.
- HHS 293—Special Assistant to the Commissioner, Administration for Children, Youth and Families, Office of Human Development Services.
- HHS 306—Special Assistant to the Director, Office of Policy and Legislation.
- HHS 329—Executive Assistant to the Commissioner of Social Security.
- HHS 331—Special Assistant to the Administrator, Health Care Financing Administration.
- HHS 332—Executive Assistant to the Assistant Secretary for Human Development Services.
- HHS 336—Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services).
- HHS 339—Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation.
- HHS 350—Special Assistant to the Surgeon General.
- HHS 354—Associate Commissioner, Administration for Children, Youth and Families, Office of Human Development Services.
- HHS 359—Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation.
- HHS 361—Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation.
- HHS 363—Special Assistant to the Director, Office of Public Affairs, Office of Human Development Services.
- HHS 376—Confidential Secretary to the Regional Director.
- HHS 383—Special Assistant to the Assistant Secretary for Public Affairs.
- HHS 387—Confidential Secretary to the General Counsel.
- HHS 393—Special Assistant to the Director, Office of Community Services.
- HHS 394—Confidential Assistant to the Executive Secretary.
- HHS 395—Special Assistant to the Director, Office of Community Services.
- HHS 400—External Affairs Specialist to the Director, Office of Community Services.
- HHS 408—Confidential Staff Assistant to the Director, Office of Community Services.
- HHS 414—Director, Division of Legislative Services and Congressional Affairs to the Director of Legislation and Policy, Health Care Financing Administration.
- HHS 415—Confidential Assistant to the Secretary.
- HHS 424—Staff Assistant to the Secretary.
- HHS 427—Executive Director, President's Committee on Mental Retardation.
- HHS 436—Associate Commissioner for Family and Youth Services Bureau, Administration for Children, Youth and Families.
- HHS 439—Director, Office of Family Planning, to the Deputy Assistant Secretary for Population Affairs.
- HHS 440—Confidential Assistant to the Associate Administrator for External Affairs, Health Care Financing Administration.
- HHS 442—Director, Office of Adolescent Pregnancy Programs, to the Deputy Assistant Secretary for Population Affairs.
- HHS 446—Special Assistant to the Chief of Staff.
- HHS 448—Staff Assistant to the Associate Commissioner for Governmental Affairs, Social Security Administration.
- HHS 452—Special Assistant for Advisory Committees to the Special Assistant/Advisory Committee Officer.
- HHS 457—Special Assistant to the Under Secretary.
- HHS 458—External Affairs Advisor to the Senior Advisor for External Affairs, Social Security Administration.
- HHS 462—Special Assistant for Liaison Activities to the Administrator, Alcohol, Drug Abuse and Mental Health Administration, Public Health Service.
- HHS 463—Executive Assistant to the Associate Commissioner, Office of Family Assistance.
- HHS 466—Special Assistant to the Executive Assistant to the Secretary.
- HHS 468—Deputy Director, Office of Community Services, Family Support Administration.
- HHS 469—Director, Office of Communications Technology, Social Security Administration.
- HHS 473—Director, Office of Policy, Planning and Legislation, to the Assistant Secretary for Human Development Services.
- HHS 474—Special Assistant to the Deputy Commissioner, Social Security Administration.
- HHS 475—Special Assistant to the

- Director, Office of Policy, Planning and Legislation, Office of Human Development Services.
- HHS 477—Special Assistant for Policy Development to the Director, Policy Development Staff, Social Security Administration.
- HHS 479—Special Assistant for Public Affairs to the Associate Commissioner for Public Affairs, Food and Drug Administration.
- HHS 481—Director, Office of Congressional/External Affairs, Social Security Administration.
- HHS 483—Special Assistant to the Commissioner of Social Security.
- HHS 484—Confidential Assistant to the Director, Office of Legislation and Policy, Health Care Financing Administration.
- HHS 487—Confidential Assistant to the Administrator, Health Care Financing Administration.
- HHS 491—Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families.
- HHS 493—Executive Assistant to the Under Secretary.
- HHS 495—Confidential Staff Assistant to the Associate Administrator, Office of Communications, Family Support Administration.
- HHS 497—Special Assistant to the Director, Office of Community Services.
- HHS 498—Special Assistant for the National Drug Policy Board to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, Public Health Service.
- HHS 499—Speech Writer to the Secretary.
- HHS 501—Confidential Assistant to the Counselor to the Under Secretary.
- HHS 503—Special Assistant to the Commissioner of Social Security.
- HHS 504—Special Assistant to the Commissioner of Social Security.
- HHS 505—Confidential Assistant to the Commissioner of Social Security.
- HHS 506—Congressional Relations Specialist to the Deputy Commissioner for Policy and External Affairs, Social Security Administration.
- HHS 507—Special Advisor to the Commissioner of Social Security.
- HHS 508—Special Assistant to the Associate Commissioner, Office of Disability, Social Security Administration.
- HHS 509—Director, Youth 2000 Program, to the Assistant Secretary for Human Development Services.
- HHS 510—Deputy Director, Office of Public Liaison, Health Care Financing Administration.
- HHS 511—Special Assistant to the Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families.
- HHS 512—Special Assistant to the Deputy Assistant Secretary for Human Development Services.
- Section 213.3317 Department of Education*
- EDU 3—Confidential Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 5—Confidential Assistant to the Under Secretary.
- EDU 6—Special Assistant to the Executive Secretary.
- EDU 7—Special Assistant to the Secretary.
- EDU 8—Confidential Assistant to the Assistant Secretary, Office of Civil Rights.
- EDU 9—Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education.
- EDU 12—Confidential Assistant to the Assistant Secretary, Office of Vocational and Adult Education.
- EDU 14—Special Assistant to the Deputy Under Secretary for Management.
- EDU 16—Confidential Assistant to the General Counsel.
- EDU 20—Steward to the Executive Assistant.
- EDU 21—Confidential Assistant to the Deputy Assistant Secretary for Legislation.
- EDU 37—Special Assistant to the Secretary.
- EDU 38—Special Assistant to the Assistant Secretary, Office of Postsecondary Education.
- EDU 44—Director of Policy Planning to the Assistant Secretary for Elementary and Secondary Education.
- EDU 46—Special Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 49—Confidential Assistant to the Deputy Assistant Secretary for Legislation.
- EDU 50—Special Assistant to the Director, Intergovernmental Affairs Staff, Office of Intergovernmental and Interagency Affairs.
- EDU 54—Confidential Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 63—Special Assistant to the Under Secretary.
- EDU 66—Special Assistant to the Secretary.
- EDU 72—Special Assistant to the Assistant Secretary for Legislation.
- EDU 74—Executive Assistant to the Assistant Secretary for Legislation.
- EDU 77—Executive Assistant to the Assistant Secretary for Civil Rights.
- EDU 78—Special Assistant to the Assistant Secretary for Civil Rights.
- EDU 79—Confidential Assistant to the Assistant Secretary for Civil Rights.
- EDU 86—Confidential Assistant to the Commissioner, Rehabilitative Services Administration.
- EDU 87—Special Assistant to the Assistant Secretary for Elementary and Secondary Education.
- EDU 91—Special Assistant to the Assistant Secretary for Civil Rights.
- EDU 93—Confidential Assistant to the Assistant Secretary for Postsecondary Education.
- EDU 94—Confidential Assistant to the Assistant Secretary for Postsecondary Education.
- EDU 96—Special Assistant to the Director, Office of Bilingual Education and Minority Languages Affairs.
- EDU 99—Special Assistant to the Assistant Secretary, Office of Educational Research and Improvement.
- EDU 100—Staff Assistant to the Deputy Under Secretary for Management.
- EDU 101—Special Assistant to the Deputy Under Secretary for Management.
- EDU 105—Secretary's Regional Representative.
- EDU 106—Secretary's Regional Representative.
- EDU 107—Secretary's Regional Representative.
- EDU 108—Secretary's Regional Representative.
- EDU 109—Secretary's Regional Representative.
- EDU 111—Secretary's Regional Representative.
- EDU 113—Special Assistant to the Director, Division of Adult Education, Office of Vocational and Adult Education.
- EDU 115—Special Assistant to the Deputy Assistant Secretary for Higher Education Programs.
- EDU 116—Special Assistant to the Assistant Secretary for Postsecondary Education.
- EDU 117—Director, Historically Black Colleges and Universities Staff, Office of Postsecondary Education.
- EDU 118—Confidential Assistant to the Counselor to the Secretary/Chief of Staff.
- EDU 121—Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.

- EDU 123—Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 124—Secretary's Regional Representative.
- EDU 125—Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 128—Staff Assistant to the Deputy Under Secretary for Management.
- EDU 131—Secretary's Regional Representative.
- EDU 132—Staff Assistant to the Deputy Under Secretary for Management.
- EDU 133—Special Assistant to the Deputy Under Secretary for Planning, Budget and Evaluation.
- EDU 135—Confidential Assistant to the Assistant Secretary for Educational Research and Improvement.
- EDU 142—Special Assistant to the Deputy Assistant Secretary for Operations, Office of Civil Rights.
- EDU 144—Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.
- EDU 146—Special Assistant to the Deputy Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 147—Secretary's Regional Representative.
- EDU 149—Special Assistant to the Under Secretary.
- EDU 151—Special Assistant to the Assistant Secretary for Civil Rights.
- EDU 152—Special Assistant to the Deputy Under Secretary for Management.
- EDU 153—Special Assistant to the Director, Intergovernmental Affairs Staff, Office of Intergovernmental and Interagency Affairs.
- EDU 154—Executive Director, Intergovernmental Advisory Council on Education, to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 156—Special Assistant to the Director, Office of Bilingual Education and Minority Languages Affairs.
- EDU 158—Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 162—Special Assistant to the Assistant Secretary for Elementary and Secondary Education.
- EDU 167—Director, Operations Support Services, to the Deputy Assistant Secretary for Operations, Office of Civil Rights.
- EDU 171—Director, Legislative Liaison Staff, to the Deputy Assistant Secretary for Legislation.
- EDU 177—Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 179—Special Assistant to the Executive Assistant to the Secretary for Private Education.
- EDU 180—Confidential Assistant to the Counselor to the Secretary.
- EDU 185—Staff Assistant to the Secretary's Regional Representative.
- EDU 186—Staff Assistant to the Secretary's Regional Representative.
- EDU 188—Staff Assistant to the Secretary's Regional Representative.
- EDU 190—Staff Assistant to the Deputy Under Secretary for Management.
- EDU 192—Deputy Director, Office of Bilingual Education and Minority Languages Affairs.
- EDU 193—Executive Secretary to the Chief of Staff.
- EDU 194—Confidential Assistant to the Executive Assistant to the Assistant Secretary for Elementary and Secondary Education.
- EDU 195—Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.
- EDU 196—Special Assistant to the Director, Special Education Programs, Office of Special Education and Rehabilitative Services.
- EDU 204—Deputy Secretary's Regional Representative.
- EDU 211—Special Assistant to the Secretary's Regional Representative.
- EDU 214—Special Assistant to the Secretary's Regional Representative.
- EDU 216—Confidential Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 218—Special Assistant to the Deputy Assistant Secretary for Higher Education, Office of Postsecondary Education.
- EDU 219—Special Assistant to the Director, Office of Legislative Liaison.
- EDU 221—Confidential Assistant to the Under Secretary.
- EDU 225—Confidential Assistant to the Director of Public Affairs, Office of Planning, Budget and Evaluation.
- EDU 230—Confidential Assistant to the Executive Secretary.
- EDU 232—Special Assistant to the Special Assistant to the Secretary.
- EDU 233—Executive Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 234—Special Assistant to the Executive Assistant to the Secretary for Private Education.
- EDU 236—Confidential Assistant to the Executive Director, Intergovernmental Advisory Council on Education, Office of Intergovernmental and Interagency Affairs.
- EDU 237—Special Assistant to the Assistant Secretary for Civil Rights.
- EDU 239—Staff Assistant to the Director, Intergovernmental Affairs Staff, Office of Intergovernmental and Interagency Affairs.
- EDU 240—Confidential Assistant to the Assistant Secretary for Civil Rights.
- EDU 242—Confidential Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 244—Special Assistant to the Senior Special Assistant to the Secretary.
- EDU 245—Confidential Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 246—Special Assistant to the Director, Public Affairs Service, Office of Planning, Budget and Evaluation.
- EDU 248—Executive Assistant to the Assistant Secretary Secretary for Postsecondary Education.
- EDU 249—Staff Assistant to the Director, Programs for the Improvement of Practice, Office of Educational Research and Improvement.
- EDU 250—Special Assistant to the Secretary's Regional Representative.
- EDU 251—Special Assistant to the Director, Intergovernmental Affairs Staff, Office of Intergovernmental and Interagency Affairs.
- EDU 254—Director, Postsecondary Relations Staff, to the Deputy Assistant Secretary for Higher Education, Office of Postsecondary Education.
- EDU 257—Confidential Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 258—Special Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 260—Special Assistant to the Administrator for Management Services.
- EDU 263—Confidential Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 266—Special Assistant to the

- Assistant Secretary for Postsecondary Education.
- EDU 267—Special Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 268—Director, Program Information and Coordination Staff, to the Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 271—Staff Assistant to the Deputy Under Secretary for Management.
- EDU 272—Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 273—Special Assistant to the Deputy Assistant Secretary for Higher Education Programs, Office of Postsecondary Education.
- EDU 274—Director, Recognition Division, to the Director, Programs for the Improvement of Practice, Office of Educational Research and Improvement.
- EDU 275—Staff Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 277—Special Assistant (Typing) to the Director, Scheduling and Briefing Staff, Office of the Secretary.
- EDU 280—Executive Assistant to the Assistant Secretary for Elementary and Secondary Education.
- EDU 281—Special Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 282—Confidential Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 284—Confidential Assistant to the Director, Office of Special Education Programs, Office of Special Education and Rehabilitative Services.
- EDU 285—Confidential Assistant to the Assistant Secretary for Legislation.
- EDU 286—Executive Assistant to the Under Secretary.
- EDU 288—Special Assistant to the Deputy Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 289—Confidential Assistant to the Senior Special Assistant to the Secretary for Scheduling and Briefing.
- EDU 290—Confidential Assistant to the Deputy Assistant Secretary for Policy and Planning, Office of Educational Research and Improvement.
- EDU 291—Confidential Assistant to the Senior Special Assistant to the Secretary for Scheduling and Briefing and Private Sector Initiatives Staff.

EDU 292—Confidential Assistant to the Chief of Staff/Counselor to the Secretary.

*Section 213.3318 Environmental Protection Agency*

- EPA 5—Confidential Assistant to the Deputy Administrator.
- EPA 19—Program Advisor to the Assistant Administrator for Water.
- EPA 52—Special Assistant to the Executive Assistant to the Administrator.
- EPA 58—Congressional Liaison Specialist to the Director, Office of Congressional Liaison.
- EPA 61—Special Assistant to the Assistant Administrator for Administration and Resource Management.
- EPA 69—Deputy Director, Office of Congressional Liaison.
- EPA 70—Congressional Relations Officer to the Director, Office of Congressional Liaison.
- EPA 86—Special Assistant to the Regional Administrator.
- EPA 89—Special Assistant to the Assistant Administrator for Water.
- EPA 93—Staff Assistant to the Executive Assistant to the Administrator.
- EPA 94—Special Assistant to the Regional Administrator.
- EPA 106—Special Assistant to the Director, Office of Public Affairs.
- EPA 109—Special Assistant to the Assistant Administrator for Solid Waste and Emergency Response.
- EPA 111—Special Assistant to the Director of Public Affairs.
- EPA 112—Staff Assistant to the General Counsel.
- EPA 113—Special Assistant to the Assistant Administrator for Policy, Planning and Evaluation.
- EPA 115—Special Assistant to the Assistant Administrator for Research and Development.

*Section 213.3319 Administrative Conference of the United States*

- ACUS 2—Secretary (Steno) to the Chairman.
- ACUS 3—Senior Special Assistant to the Chairman.
- ACUS 4—Staff Assistant to the Chairman.

*Section 213.3322 Interstate Commerce Commission*

- ICC 1—Confidential Assistant to a Commissioner.
- ICC 2—Confidential Assistant to a Commissioner.
- ICC 3—Confidential Assistant to a Commissioner.
- ICC 6—Confidential Assistant to a Commissioner.

- ICC 8—Confidential Assistant to the Chairman.
- ICC 20—Staff Advisor (Economics) to the Director, Office of Public Assets.
- ICC 25—Attorney-Advisor (Transportation) to a Commissioner.
- ICC 45—Congressional Liaison Representative to the Director, Office of Legislative and Public Affairs.

*Section 213.3323 Overseas Private Investment Corporation*

- OPIC 1—Chauffeur to the President.

*Section 213.3325 Tax Court of the United States*

- TCOUS 40—Secretary and Confidential Assistant to the Judge.
- TCOUS 41—Secretary and Confidential Assistant to the Judge.
- TCOUS 42—Secretary and Confidential Assistant to the Judge.
- TCOUS 43—Secretary and Confidential Assistant to the Judge.
- TCOUS 44—Secretary and Confidential Assistant to the Judge.
- TCOUS 45—Secretary and Confidential Assistant to the Judge.
- TCOUS 46—Secretary and Confidential Assistant to the Judge.
- TCOUS 47—Secretary and Confidential Assistant to the Judge.
- TCOUS 50—Secretary and Confidential Assistant to the Judge.
- TCOUS 51—Secretary and Confidential Assistant to the Judge.
- TCOUS 52—Secretary and Confidential Assistant to the Judge.
- TCOUS 53—Secretary and Confidential Assistant to the Judge.
- TCOUS 54—Secretary and Confidential Assistant to the Judge.
- TCOUS 55—Secretary and Confidential Assistant to the Judge.
- TCOUS 56—Secretary and Confidential Assistant to the Judge.
- TCOUS 57—Secretary and Confidential Assistant to the Judge.
- TCOUS 58—Secretary and Confidential Assistant to the Judge.
- TCOUS 59—Secretary and Confidential Assistant to the Judge.
- TCOUS 60—Secretary and Confidential Assistant to the Judge.
- TCOUS 61—Secretary and Confidential Assistant to the Judge.
- TCOUS 62—Secretary and Confidential Assistant to the Judge.
- TCOUS 63—Secretary and Confidential Assistant to the Judge.
- TCOUS 64—Secretary and Confidential Assistant to the Judge.
- TCOUS 65—Secretary and Confidential Assistant to the Judge.
- TCOUS 66—Trial Clerk to the Judge.
- TCOUS 67—Trial Clerk to the Judge.
- TCOUS 68—Trial Clerk to the Judge.

TCOUS 69—Trial Clerk to the Judge.  
 TCOUS 70—Trial Clerk to the Judge.  
 TCOUS 71—Trial Clerk to the Judge.  
 TCOUS 72—Trial Clerk to the Judge.  
 TCOUS 73—Trial Clerk to the Judge.  
 TCOUS 75—Trial Clerk to the Judge.  
 TCOUS 76—Trial Clerk to the Judge.  
 TCOUS 77—Trial Clerk to the Judge.  
 TCOUS 78—Trial Clerk to the Judge.

*Section 213.3327 Veterans Administration*

VA 6—Confidential Assistant to the Administrator.  
 VA 10—Confidential Assistant to the Administrator.  
 VA 15—Confidential Assistant to the Administrator.  
 VA 34—Director, Congressional Affairs, to the Associate Deputy Administrator for Congressional and Intergovernmental Affairs.  
 VA 40—Confidential Assistant to the Executive Officer to the Administrator.  
 VA 41—Confidential Assistant to the Associate Deputy Administrator for Public Affairs.  
 VA 42—Confidential Assistant to the Director, Congressional Affairs.  
 VA 48—Confidential Assistant to the Administrator.  
 VA 49—Confidential Assistant to the Administrator.

*Section 213.3328 United States Information Agency*

USIA 2—Special Assistant to the Director.  
 USIA 14—Special Assistant to the Associate Director for Programs.  
 USIA 21—Staff Assistant to the Director.  
 USIA 22—Director, New York Foreign Press Center, to the Associate Director for Programs.  
 USIA 29—Public Affairs Specialist to the Deputy Counselor for Press and Public Affairs, United States Mission to the United Nations.  
 USIA 30—Staff Assistant to the Special Assistant to the Director.  
 USIA 33—Staff Assistant to the Director, Office of Public Liaison.  
 USIA 34—Staff Assistant to the Director, Office of Private Sector Programs.  
 USIA 37—Staff Assistant to the Special Assistant, Private Sector Liaison.  
 USIA 42—Secretary (Typing) to the Associate Director for Management.  
 USIA 56—Staff Specialist to the Director, Office of Private Sector Liaison.  
 USIA 57—Special Assistant to the Associate Director for Educational and Cultural Affairs.  
 USIA 58—Special Assistant to the

Deputy Director.  
 USIA 59—Special Assistant to the Deputy Director.  
 USIA 60—Special Assistant to the Director, Voice of America.  
 USIA 67—Chief, Voluntary Visitor Division, to the Associate Director for Educational and Cultural Affairs.  
 USIA 73—Special Assistant to the Associate Director for Educational and Cultural Affairs.  
 USIA 75—Special Assistant to the General Counsel.  
 USIA 77—Special Assistant to the Associate Director for Management.  
 USIA 80—Special Assistant (Media Relations) to the Director, Office of Public Liaison.  
 USIA 81—Special Assistant to the Associate Director for Programs.  
 USIA 87—Staff Assistant to the Director, Office of Public Liaison.  
 USIA 91—Program Officer to the Coordinator, U.S.-Soviet Exchange Initiative.  
 USIA 93—Program Officer to the Coordinator, U.S.-Soviet Exchange Initiative.  
 USIA 98—Special Assistant to the Director.  
 USIA 100—Editorial Writer to the Director, Office of Policy.  
 USIA 101—Program Officer to the Director, New York Foreign Press Center.  
 USIA 102—Special Assistant (Private Sector Committees) to the Director, Private Sector Committees.

*Section 213.3330 Securities and Exchange Commission*

SEC 2—Executive Aide (Typing) to the Executive Assistant to the Chairman.  
 SEC 4—Confidential Assistant to a Commissioner.  
 SEC 5—Confidential Assistant to a Commissioner.  
 SEC 6—Confidential Assistant to a Commissioner.  
 SEC 8—Secretary (Steno) to the Chief Accountant.  
 SEC 9—Secretary to the General Counsel.  
 SEC 11—Confidential Assistant to the Chairman.  
 SEC 12—Public Information Officer to the Chairman.  
 SEC 14—Secretary (Typing) to the Director of Economic Policy Research.  
 SEC 15—Secretary (Steno) to the Director, Division of Market Regulation.  
 SEC 16—Secretary to the Director, Division of Enforcement.  
 SEC 18—Secretary (Steno) to the Director, Division of Investment

Management.  
 SEC 19—Secretary (Typing) to the Director, Division of Corporate Finance.

*Section 213.3331 Department of Energy*

DOE 2—Secretary (Confidential Assistant) to the Secretary.  
 DOE 15—Confidential Assistant (Secretary) to the Administrator, Energy Information Administration.  
 DOE 34—Special Assistant to the Administrator, Bonneville Power Administration.  
 DOE 40—Legal Advisor to a Member, Federal Energy Regulatory Commission.  
 DOE 41—Legal Advisor to a Member, Federal Energy Regulatory Commission.  
 DOE 47—Technical Advisor to a Member, Federal Energy Regulatory Commission.  
 DOE 59—Staff Assistant to the Director, Office of Energy Research.  
 DOE 60—Confidential Assistant to a Member, Federal Energy Regulatory Commission.  
 DOE 63—Staff Assistant to the Special Assistant to the Secretary.  
 DOE 68—Confidential Assistant to a Member, Federal Energy Regulatory Commission.  
 DOE 75—Legal Advisor to a Member, Federal Energy Regulatory Commission.  
 DOE 77—Staff Assistant to the Administrative Assistant to the Secretary and Chief of Staff.  
 DOE 85—Special Assistant for Legislation to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.  
 DOE 87—Staff Assistant to the Associate Director, Office of Resource Management.  
 DOE 95—Staff Assistant to the General Counsel.  
 DOE 105—Confidential Assistant to a Member, Federal Energy Regulatory Commission.  
 DOE 106—Confidential Assistant to a Member, Federal Energy Regulatory Commission.  
 DOE 110—Private Secretary to a Member, Federal Energy Regulatory Commission.  
 DOE 111—Staff Assistant to the Chairman, Federal Energy Regulatory Commission.  
 DOE 172—Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.  
 DOE 174—Staff Assistant to the Assistant Secretary for Fossil Energy.

- DOE 178—Legislative Affairs Specialist to the Director, Office of Congressional Affairs.
- DOE 184—Confidential Assistant (Secretary) to the Assistant Secretary for Defense Programs.
- DOE 190—Staff Assistant to the Secretary.
- DOE 195—Staff Assistant to the Director, Minority Economic Impact.
- DOE 198—Director, Senate Liaison Branch, to the Director, Office of External Affairs, Federal Energy Regulatory Commission.
- DOE 200—Staff Assistant to the Deputy Secretary.
- DOE 201—Staff Assistant to the Under Secretary.
- DOE 204—Director, Division of Public Liaison, to the Director, Office of Communications.
- DOE 206—Executive Assistant to the Director, Office of Energy Research.
- DOE 210—Confidential Assistant (Secretary) to the Assistant Secretary for Fossil Energy.
- DOE 215—Special Assistant to the Assistant Secretary for Nuclear Energy.
- DOE 218—Ombudsman to the Director, Office of External Affairs, Federal Energy Regulatory Commission.
- DOE 221—Deputy Director, Office of Public Liaison.
- DOE 229—House Liaison Specialist to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 231—Staff Assistant to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 235—Special Assistant to the Director, Office of Policy Planning and Analysis.
- DOE 238—Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 243—Staff Assistant to the Assistant Secretary for International Affairs.
- DOE 244—Director, Office of Consumer Affairs, to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 246—Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 247—Director, Division of Public Affairs, Federal Energy Regulatory Commission.
- DOE 248—Administrative Assistant to the Chairman, Federal Energy Regulatory Commission.
- DOE 249—Staff Assistant to the Administrator, Economic Regulatory Administration.
- DOE 252—Supervisory Intergovernmental Affairs Specialist to the Director, Office of Communications.
- DOE 259—Private Secretary to the Chairman, Federal Energy Regulatory Commission.
- DOE 264—Staff Assistant to the Administrator, Energy Information Administration.
- DOE 265—Executive Assistant to the Secretary.
- DOE 269—Deputy Assistant Secretary to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental, and Public Affairs.
- DOE 274—Staff Assistant to the Special Assistant to the Secretary.
- DOE 278—Secretary (Confidential Assistant) to the Special Assistant to the Secretary.
- DOE 282—Staff Assistant to the Assistant Secretary for International Affairs and Energy Emergencies.
- DOE 288—Special Assistant to the Deputy Assistant Secretary for Breeder Reactor Programs.
- DOE 292—Chauffeur of the Secretary.
- DOE 294—Special Programs Liaison Specialist to the Director, Division of Public Liaison, Office of Congressional, Intergovernmental and Public Affairs.
- DOE 296—Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 299—Legislative Affairs Assistant to the Director, Program Liaison Division, Office of Congressional, Intergovernmental and Public Affairs.
- DOE 300—Staff Assistant to the Assistant Secretary for Environment, Safety, and Health.
- DOE 301—Secretary (Confidential Assistant) to the Associate Director for Geological Repositories, Office of Civilian Radioactive Waste Management.
- DOE 304—Deputy Director of Congressional Affairs, Office of Congressional, Intergovernmental, and Public Affairs.
- DOE 306—Special Assistant to the Assistant Secretary for Defense Programs.
- DOE 307—Staff Assistant to the Assistant Secretary for Environment, Safety and Health.
- DOE 308—Public Affairs Specialist to the Director, Division of Public Affairs.
- DOE 310—Secretary (Confidential Assistant) to the Deputy Secretary.
- DOE 314—Staff Assistant to the Assistant Secretary for International Affairs and Energy Emergencies.
- DOE 318—Director, Division of Press Services, to the Director, Office of Communications.
- DOE 319—Staff Assistant to the Director, Office of Energy Research.
- DOE 320—Special Assistant to the Assistant Secretary for Management and Administration.
- DOE 321—Staff Assistant to the Director, Division of Public Liaison, Office of Congressional, Intergovernmental and Public Affairs.
- DOE 323—Special Assistant to the Assistant Secretary for Fossil Energy.
- DOE 324—Staff Assistant to the Deputy Assistant Secretary for Energy Emergencies.
- DOE 325—Staff Assistant to the Deputy Assistant Secretary for Security Affairs.
- DOE 326—Staff Assistant to the Director, Office of Communications.
- DOE 327—Congressional Affairs Advisor to the Assistant Secretary for Defense Programs.
- DOE 328—Staff Assistant to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 329—Staff Assistant to the Assistant Secretary for Management and Administration.
- DOE 330—Staff Assistant to the Assistant Secretary for Management and Administration.
- DOE 331—Staff Assistant to the Assistant Secretary for Management and Administration.
- DOE 333—Staff Assistant to the Assistant Secretary for Management and Administration.
- DOE 334—Secretary (Confidential Assistant) to the Assistant Secretary for Defense Programs.
- DOE 335—Special Assistant for Superconducting Super Colliding Coordination to the Under Secretary.
- DOE 336—Staff Assistant to the Deputy Secretary.
- DOE 337—Special Assistant to the Assistant Secretary for Management and Administration.
- DOE 338—Director, Division of Congressional Affairs, Federal Energy Regulatory Commission.
- DOE 339—Special Assistant to the Deputy Assistant Secretary for Energy Emergencies.
- DOE 340—Confidential Assistant (Secretary) to the Assistant

Secretary for Fossil Energy.  
 DOE 341—Staff Assistant to the Assistant Secretary for Management and Administration.  
 DOE 343—Senior Policy Assistant to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental, and Public Affairs.  
 DOE 344—Senior Policy Assistant to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental, and Public Affairs.  
 DOE 345—Staff Assistant to the Director, Office of External Affairs, Office of Congressional, Intergovernmental, and Public Affairs.  
 DOE 346—Confidential Assistant (Secretary) to the Assistant Secretary for Fossil Energy.

*Section 213.3332 Small Business Administration*

SBA 4—Special Assistant to the Administrator.  
 SBA 11—Deputy Assistant Administrator for Congressional and Legislative Affairs.  
 SBA 18—Special Assistant to the Administrator.  
 SBA 43—Special Assistant to the Assistant Administrator for Congressional and Legislative Affairs.  
 SBA 45—Special Assistant to the Associate Administrator for Procurement Affairs.  
 SBA 46—Special Assistant to the Administrator.  
 SBA 52—Special Assistant to the Administrator.  
 SBA 58—Confidential Assistant to the Chief of Staff.  
 SBA 65—Special Assistant to the Regional Administrator.  
 SBA 66—Special Assistant to the Regional Administrator.  
 SBA 69—Special Assistant to the Regional Administrator.  
 SBA 70—Special Assistant to the Regional Administrator.  
 SBA 71—Special Assistant to the Regional Administrator.  
 SBA 72—Special Assistant to the Regional Administrator.  
 SBA 73—Special Assistant to the Regional Administrator.  
 SBA 76—Executive Assistant to the Director of Women's Business Ownership.  
 SBA 91—Special Assistant to the Assistant Administrator for Public Communications.  
 SBA 96—Special Assistant to the Associate Administrator for Management Assistance.  
 SBA 97—Confidential Assistant to the

General Counsel.  
 SBA 99—Special Assistant to the Regional Administrator.  
 SBA 100—Special Assistant to the Regional Administrator.  
 SBA 101—Special Assistant to the Associate Deputy Administrator for Management Assistance.  
 SBA 103—Confidential Assistant to the Administrator.  
 SBA 106—Director, Office of Private Sector Initiatives, to the Associate Deputy Director for Private Sector Initiatives.  
 SBA 112—Special Assistant to the Deputy Administrator.  
 SBA 121—Special Assistant to the Regional Administrator.  
 SBA 124—Special Assistant to the Assistant Administrator for Congressional and Legislative Affairs.  
 SBA 127—Special Assistant to the Director of Veterans Affairs.  
 SBA 128—Director of Women's Business Ownership to the Associate Administrator for Business Development.  
 SBA 132—Special Assistant to the Regional Administrator.  
 SBA 133—Director of Veterans Affairs to the Associate Administrator for Business Development.  
 SBA 134—Special Assistant to the Associate Administrator for Business Development.  
 SBA 135—Special Assistant to the Regional Administrator.  
 SBA 138—Special Assistant to the Director, Office of Private Sector Initiatives.  
 SBA 139—Special Assistant to the Associate Administrator for Business Development.  
 SBA 140—Special Assistant to the Regional Administrator.  
 SBA 141—Staff Assistant to the Associate Deputy Administrator for Special Programs.

*Section 213.3333 Federal Deposit Insurance Corporation*

FDIC 2—Secretary to a Member.  
 FDIC 7—Special Assistant to the Director, Congressional Liaison Staff.  
 FDIC 9—Legislative Attorney and Advisor to the Director, Office of Congressional and Public Information.  
 FDIC 10—Legislative Advisor to the Director of Legislative Affairs.

*Section 213.3334 Federal Trade Commission*

FTC 6—Director of Congressional Relations to the Chairman.  
 FTC 7—Deputy Director, Office of Congressional Relations.

FTC 11—Staff Assistant to a Commissioner.  
 FTC 14—Congressional Liaison Specialist to the Chairman.

*Section 213.3337 General Services Administration*

GSA 16—Confidential Assistant to the General Counsel.  
 GSA 24—Special Assistant to the Commissioner, Public Building Service.  
 GSA 52—Confidential Assistant to the Commissioner, Public Building Service.  
 GSA 63—Director, Office of Business and Industry Affairs, to the Associate Administrator for Congressional Affairs and Industry Relations.  
 GSA 64—Deputy (External Affairs) to the Associate Administrator for Operations.  
 GSA 69—Confidential Assistant to the Associate Administrator for Congressional Affairs.  
 GSA 70—Special Assistant to the Associate Administrator for Public Affairs.  
 GSA 72—Confidential Assistant to the Assistant Administrator for Federal Supply and Services.  
 GSA 79—Confidential Assistant to the Regional Administrator.  
 GSA 83—Confidential Assistant to the Regional Administrator.  
 GSA 86—Confidential Assistant to the Regional Administrator.  
 GSA 89—Confidential Assistant to the Director of Congressional Affairs.  
 GSA 90—Special Assistant to the Associate Administrator for Congressional Affairs.  
 GSA 93—Executive Assistant to the Administrator for Operations.  
 GSA 97—Confidential Assistant to the Commissioner, Federal Property Resources Service.  
 GSA 106—Special Assistant to the Associate Administrator for Public Affairs.  
 GSA 107—Special Assistant to the Executive Director, Office of Information Resources Management.  
 GSA 109—Confidential Assistant to the Regional Administrator.  
 GSA 113—Confidential Assistant to the Regional Administrator.  
 GSA 114—Confidential Assistant to the Regional Administrator.  
 GSA 116—Special Assistant to the General Counsel.  
 GSA 117—Special Assistant to the Associate Administrator for Operations.  
 GSA 118—Confidential Assistant to the Regional Administrator.

GSA 119—Special Assistant to the Regional Administrator.  
GSA 120—Confidential Assistant to the Associate Administrator for Congressional Affairs and Industry Relations.

*Section 213.3338 Federal Communications Commission*

FCC 9—Confidential Assistant to the Chief of Staff.  
FCC 11—Special Assistant to the Director, Office of Public Affairs.  
FCC 13—Congressional Liaison Specialist to the Legislative Affairs Officer, Office of Congressional and Public Affairs.  
FCC 15—Chief, Press and News Media Division, Office of Congressional and Public Affairs.  
FCC 17—Confidential Staff Assistant to the Chief, Office of Plans and Policy.  
ITC 18—Confidential Staff Assistant to the Director, Office of Legislative Affairs.

*Section 213.3339 U.S. International Trade Commission*

ITC 1—Confidential Assistant to a Commissioner.  
ITC 3—Staff Assistant (Economics) to a Commissioner.  
ITC 5—Confidential Assistant to a Commissioner.  
ITC 7—Special Assistant (Economics) to a Commissioner.  
ITC 9—Confidential Assistant to the Chairman.  
ITC 13—Staff Assistant (Legal) to a Commissioner.  
ITC 14—Staff Assistant (Legal) to a Commissioner.  
ITC 15—Confidential Assistant to a Commissioner.  
ITC 17—Staff Assistant (Legal) to a Commissioner.  
ITC 18—Confidential Assistant to a Commissioner.  
ITC 19—Staff Assistant (Economics) to a Commissioner.  
ITC 20—Staff Assistant (Legal) to a Commissioner.  
ITC 22—Staff Assistant (Legal) to a Commissioner.  
ITC 24—Staff Assistant (Legal) to a Commissioner.  
ITC 25—Staff Assistant (Legal) to a Commissioner.  
ITC 27—Congressional Liaison to the Chairman.  
ITC 30—Confidential Assistant to a Commissioner.  
ITC 31—Staff Assistant (Legal) to a Commissioner.  
ITC 33—Staff Assistant to a Commissioner.  
ITC 34—Staff Assistant (Legal) to a Commissioner.

*Section 213.3340 National Archives and Records Administration*

NARA 1—Congressional Relations Specialist to the Archivist of the United States.

*Section 213.3341 National Labor Relations Board*

NLRB 3—Confidential Assistant to a Board Member.  
NLRB 5—Confidential Assistant to a Board Member.  
NLRB 6—Confidential Assistant to a Board Member.  
NLRB 9—Confidential Staff Assistant to the General Counsel.

*Section 213.3342 Export-Import Bank of the United States*

EXIM 2—Private Secretary to the First Vice President and Vice Chairman.  
EXIM 3—Administrative Assistant to a Director.  
EXIM 5—Administrative Assistant to a Director.  
EXIM 12—Secretary (Steno) to the Senior Vice President.  
EXIM 15—Administrative Assistant (Typing) to the President and Chairman.  
EXIM 16—Administrative Assistant to the General Counsel.  
EXIM 29—Special Assistant to the President and Chairman.

*Section 213.3343 Farm Credit Administration*

FCA 1—Special Assistant to the Chairman.  
FCA 2—Private Secretary to a Board Member.  
FCA 3—Executive Assistant to the Chairman.  
FCA 4—Deputy Director for Public Affairs to the Director, Office of Congressional and Public Affairs.  
FCA 5—Confidential Assistant to the Director, Office of Congressional and Public Affairs.  
FCA 6—Executive Assistant to a Board Member.  
FCA 7—Private Secretary to a Board Member.  
FCA 8—Secretary to the Chairman.  
FCA 9—Executive Assistant to a Board Member.

*Section 213.3346 Selective Service System*

SSS 9—Assistant Director of Congressional and Intergovernmental Affairs.  
SSS 14—Deputy Director for Congressional Affairs.

*Section 213.3347 Federal Mediation and Conciliation Service*

FMCS 2—Executive Assistant to the Director.

FMCS 3—Public Affairs Director to the Director.

*Section 213.3348 National Aeronautics and Space Administration*

NASA 1—Secretary (Steno) to the Administrator.  
NASA 2—Secretary (Steno) to the Deputy Administrator.  
NASA 18—Special Assistant to the Administrator.

*Section 213.3351 Federal Mine Safety and Health Review Commission*

FM 1—Secretary (Steno) to a Commissioner.  
FM 3—Confidential Secretary to a Commissioner.  
FM 4—Confidential Secretary to a Commissioner.  
FM 7—Attorney-Advisor (General) to a Commissioner.  
FM 8—Attorney-Advisor (General) to a Commissioner.  
FM 9—Attorney-Advisor (General) to a Commissioner.

*Section 213.3352 Government Printing Office*

GPO 6—Administrative Assistant to the Public Printer.  
GPO 7—Confidential Assistant to the Deputy Public Printer.  
GPO 15—Special Assistant to the Public Printer.

*Section 213.3354 Federal Home Loan Bank Board*

FHLB 4—Secretary (Typing) to a Board Member.  
FHLB 5—Staff Assistant to the Chairman.  
FHLB 6—Assistant to a Board Member.  
FHLB 7—Assistant to a Board Member.  
FHLB 19—Congressional Liaison to the Executive Staff Director.  
FHLB 33—Special Assistant to the Chairman.  
FHLB 35—Deputy Director, Office of Congressional Liaison.  
FHLB 36—Deputy Chief of Staff to the Executive Director and Chief of Staff.  
FHLB 40—Assistant to a Board Member.  
FHLB 41—Staff Assistant to the Executive Director, Federal Savings and Loan Insurance Corporation.  
FHLB 42—Secretary (Typing) to the Deputy Executive Director, Federal Savings and Loan Insurance Corporation.

*Section 213.3356 Commission on Civil Rights*

CCR 12—Confidential Assistant to a

Commissioner.  
 CCR 13—Confidential Assistant to the Chairman.  
 CCR 14—Deputy General Counsel to the General Counsel.  
 CCR 15—Special Assistant to a Commissioner.  
 CCR 23—Special Assistant to a Commissioner.  
 CCR 28—Special Assistant to a Commissioner.  
 CCR 29—Special Assistant to a Commissioner.  
 CCR 31—Special Assistant to the Staff Director.  
 CCR 32—Special Assistant to a Commissioner.

*Section 213.3357 National Credit Union Administration*

NCUA 9—Staff Assistant to the Chairman.  
 NCUA 15—Secretary (Typing) to the President, Central Liquidity Facility.  
 NCUA 16—Confidential Assistant to a Board Member.  
 NCUA 18—Special Assistant to the Chairman.  
 NCUA 19—Writer-Editor to the Executive Director.  
 NCUA 20—Executive Assistant to a Board Member.

*Section 213.3359 ACTION*

ACT 31—Executive Assistant to the Director.  
 ACT 32—Confidential Assistant to the Associate Director for Domestic and Anti-Poverty Operations.  
 ACT 44—Special Assistant to the Associate Director for Domestic and Anti-Poverty Operations.  
 ACT 45—Director of Public Affairs to the Director.  
 ACT 51—Special Assistant to the Assistant Director for Volunteer Liaison.  
 ACT 56—Special Assistant to the Associate Director for Domestic and Anti-Poverty Operations.  
 ACT 58—Special Assistant to the Director.  
 ACT 84—Staff Assistant to the Associate Director for Legislative, Public, and Intergovernmental Affairs.

*Section 213.3360 Consumer Product Safety Commission*

CPSC 7—Special Assistant (Legal) to a Commissioner.  
 CPSC 16—Director, Office of Congressional Relations, to the Chairman.  
 CPSC 20—Special Assistant (Legal) to a Commissioner.  
 CPSC 23—Special Assistant to a Commissioner.  
 CPSC 25—Staff Assistant to a

Commissioner.  
 CPSC 28—Staff Assistant to a Commissioner.  
 CPSC 37—Supervisory Public Affairs Specialist to the Executive Director, Office of Public Affairs.  
 CPSC 38—Staff Assistant to the Chairman.  
 CPSC 41—Special Assistant to the Chairman.  
 CPSC 42—Public Affairs Specialist to the Chairman.  
 CPSC 48—Secretary (Steno) to the Chairman.

*Section 213.3364 U.S. Arms Control and Disarmament Agency*

ACDA 1—Secretary (Steno) to the Director.  
 ACDA 2—Secretary (Steno) to the Deputy Director.  
 ACDA 4—Private Secretary to the Assistant Director for Verification and Intelligence.  
 ACDA 5—Secretary (Steno) to the Assistant Director for Nuclear and Weapons Control.  
 ACDA 10—Deputy Director for Congressional Affairs to the Director.  
 ACDA 11—Congressional Affairs Specialist to the Director, Office of Congressional Affairs.  
 ACDA 15—Secretary to the Chairman, General Advisory Committee.  
 ACDA 17—Secretary (Typing) to the Director.  
 ACDA 20—Special Assistant to the Deputy Director for Public Affairs.  
 ACDA 22—Private Secretary to the Assistant Director for Multilateral Affairs.  
 ACDA 23—Staff Assistant to the Assistant Director for Multilateral Affairs.  
 ACDA 28—Staff Assistant to the Director.  
 ACDA 30—Secretary (Steno) to the Special Representative for Arms Control and Disarmament.

*Section 213.3367 Federal Maritime Commission*

FMC 2—Confidential Assistant to a Commissioner.  
 FMC 3—Confidential Assistant to a Commissioner.  
 FMC 4—Confidential Assistant to a Commissioner.  
 FMC 5—Confidential Assistant to a Commissioner.  
 FMC 7—Secretary (Steno) to a Commissioner.  
 FMC 8—Secretary (Steno) to a Commissioner.  
 FMC 23—Secretary (Steno) to the Counsel to the Chairman.

*Section 213.3368 Agency for International Development*

AID 22—Special Assistant to the Assistant Administrator, Bureau for Asia and the Near East.  
 AID 35—Special Assistant to the Director, Office of Private and Voluntary Cooperation.  
 AID 38—Director, Office of Interbureau Affairs and Special Projects, to the Deputy Assistant Administrator for External Affairs.  
 AID 43—Special Assistant to the Deputy Administrator.  
 AID 45—Deputy Assistant to the Administrator for Public Affairs to the Assistant Administrator, External Affairs.  
 AID 48—Special Assistant to the Director of Policy Development and Program Review.  
 AID 57—Special Assistant to the Director, Office of Private and Voluntary Cooperation.  
 AID 58—Special Assistant to the Coordinator, Office of Public Diplomacy for Latin America and the Caribbean.  
 AID 64—Special Assistant to the Deputy Assistant Administrator for Management.  
 AID 65—Supervisory Public Affairs Specialist to the Deputy Assistant Administrator for External Affairs.  
 AID 68—Special Assistant to the Assistant Administrator for Private Enterprise.  
 AID 70—Special Assistant to the Assistant Administrator for Latin America and the Caribbean.  
 AID 71—Special Assistant to the Deputy Administrator.  
 AID 73—Special Assistant to the Assistant Administrator for External Affairs.  
 AID 76—Public Affairs Specialist to the Director, Public Liaison.  
 AID 78—Program Operations Assistant to the Director, Office of Policy Development and Program Review.  
 AID 79—Special Operations Assistant to the Assistant Administrator for External Affairs.

*Section 213.3372 Administrative Office of the United States Courts*

AOUSC 4—Supervisory Attorney-Advisor (Legislative) to the Legislative Affairs Officer.  
 AOUSC 5—Secretary (Steno) to the Deputy Legislative Affairs Officer.  
 AOUSC 7—Attorney-Advisor (Legislative) to the Deputy Legislative Affairs Officer.  
 AOUSC 8—Attorney-Advisor (Legislative) to the Legislative and

Public Affairs Officer.  
 AOUSC 9—Public Information Officer to the Legislative and Public Affairs Officer.

*Section 213.3376 Appalachian Regional Commission*

ARC 8—Legislative and Policy Advisor to the Federal Co-Chairman.

*Section 213.3377 Equal Employment Opportunity Commission*

EEOC 2—Special Assistant to the Chairman.  
 EEOC 5—Confidential Assistant to a Member.  
 EEOC 9—Special Assistant to a Member.  
 EEOC 12—Media Contact Specialist to the Director, Communications Staff, Office of Communications and Legislative Affairs.  
 EEOC 15—Research Specialist to the Chairman.  
 EEOC 17—Special Assistant to a Member.  
 EEOC 18—Special Assistant to the Chairman.  
 EEOC 22—Director, Legislative Affairs, to the Director, Office of Communications and Legislative Affairs.  
 EEOC 23—Special Assistant to a Member.  
 EEOC 25—Media Contact Specialist to the Director, Communications Staff, Office of Communications and Legislative Affairs.  
 EEOC 29—Director, Communications Staff, to the Director, Office of Communications and Legislative Affairs.  
 EEOC 33—Legislative Affairs Specialist to the Director, Office of Communications and Legislative Affairs.  
 EEOC 37—Social Science Research Specialist to the Director, Office of Program Research.  
 EEOC 38—Legislative Affairs Specialist to the Director, Office of Congressional Affairs.  
 EEOC 40—Legislative Affairs Specialist to the Director, Office of Communications and Legislative Affairs.  
 EEOC 41—Confidential Assistant to the Director, Office of Communications and Legislative Affairs.

*Section 213.3379 Commodity Futures Trading Commission*

CFTC 1—Administrative Assistant to the Chairman.  
 CFTC 3—Administrative Assistant to a Commissioner.  
 CFTC 4—Administrative Assistant to

a Commissioner.  
 CFTC 5—Administrative Assistant to a Commissioner.  
 CFTC 6—Administrative Assistant to a Commissioner.  
 CFTC 7—Supervisory Public Affairs Specialist to the Chairman.  
 CFTC 12—Special Assistant to a Commissioner.  
 CFTC 14—Special Assistant to a Commissioner.  
 CFTC 21—Governmental Affairs Officer to the Chairman.

*Section 213.3382 National Foundation on the Arts and the Humanities*

National Endowment for the Arts  
 NEA 9—Congressional Liaison Officer to the Chairman.  
 NEA 45—Special Assistant to the Chairman.  
 NEA 49—Associate Deputy Chairman for Programs.  
 National Endowment for the Humanities  
 NEH 28—Public Affairs Officer to the Deputy Chairman.  
 NEH 47—Special Assistant to the Chairman.  
 NEH 48—Congressional Liaison Officer to the Chairman.  
 NEH 54—Confidential Assistant to the Assistant Director, Institute of Museum Services.

*Section 213.3384 Department of Housing and Urban Development*

HUD 35—Legislative Officer to the Deputy Assistant Secretary for Legislation.  
 HUD 37—Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.  
 HUD 39—Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.  
 HUD 41—Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.  
 HUD 45—Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.  
 HUD 60—Supervisory Public Affairs Specialist to the Assistant Secretary for Public Affairs.  
 HUD 78—Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.  
 HUD 87—Special Assistant to the General Counsel.  
 HUD 114—Special Assistant/Director, Executive Secretariat to the Secretary.  
 HUD 120—Special Assistant (Speech Issues) to the Assistant Secretary for Public Affairs.

HUD 126—Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.  
 HUD 135—Special Assistant to the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.  
 HUD 137—Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.  
 HUD 143—Special Assistant to the Director, Executive Secretariat.  
 HUD 151—Staff Assistant to the President, Government National Mortgage Association.  
 HUD 153—Executive Assistant to the President, Government National Mortgage Association.  
 HUD 160—Special Assistant to the Assistant Secretary for Policy Development and Research.  
 HUD 170—Special Assistant to the Assistant Secretary for Policy Development and Research.  
 HUD 174—Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.  
 HUD 175—Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.  
 HUD 176—Special Assistant to the Secretary.  
 HUD 177—Special Assistant for Special Projects to the Secretary.  
 HUD 184—Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Legislation and Congressional Relations.  
 HUD 192—Special Assistant to the Secretary.  
 HUD 198—Special Assistant to the Secretary.  
 HUD 203—Legislative Officer to the Deputy Assistant Secretary for Legislation.  
 HUD 206—Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.  
 HUD 208—Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.  
 HUD 209—Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.  
 HUD 215—Executive Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs.  
 HUD 218—Executive Assistant to the Regional Administrator.  
 HUD 224—Special Assistant to the Regional Administrator.  
 HUD 227—Executive Assistant to the

- Regional Administrator.  
 HUD 228—Executive Assistant to the Regional Administrator.  
 HUD 245—Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.  
 HUD 247—Executive Assistant to the Assistant Secretary for Housing.  
 HUD 259—Special Assistant to the Secretary.  
 HUD 261—Special Assistant to the Secretary.  
 HUD 268—Executive Assistant to the Deputy Assistant Secretary for Policy, Financial Management, and Administration.  
 HUD 274—Special Assistant to the Secretary.  
 HUD 275—Special Assistant to the Under Secretary.  
 HUD 280—Special Assistant to the Assistant Secretary for Community Planning and Development.  
 HUD 281—Special Assistant to the Regional Administrator.  
 HUD 285—Legislative Officer to the Deputy Assistant Secretary for Legislation and Congressional Relations.  
 HUD 288—Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.  
 HUD 289—Associate Deputy Assistant Secretary for Program Policy Development and Evaluation.  
 HUD 292—Special Assistant to the Assistant Secretary for Community Planning and Development.  
 HUD 293—Staff Assistant to the President, Government National Mortgage Association.  
 HUD 312—Special Assistant to the Regional Administrator.  
 HUD 314—Confidential Assistant to the Under Secretary.  
 HUD 315—Special Assistant to the General Deputy Assistant Secretary for Community Planning and Development.  
 HUD 316—Special Assistant to the Regional Administrator.  
 HUD 318—Executive Assistant to the General Deputy Assistant Secretary for Public and Indian Housing.  
 HUD 322—Special Assistant to the Regional Administrator.  
 HUD 324—Special Assistant to the Regional Administrator.  
 HUD 325—Executive Assistant to the Assistant to the Secretary for Business Relations/Director, Office of Small and Disadvantaged Business Utilization.  
 HUD 329—Special Assistant to the Assistant Secretary for Labor Relations.  
 HUD 335—Special Assistant to the Assistant Secretary for Community Planning and Development.  
 HUD 336—Special Assistant (Advance) to the Assistant Secretary for Public Affairs.  
 HUD 337—Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs.  
 HUD 338—Special Assistant to the Assistant Secretary for Housing.  
 HUD 340—Special Assistant to the Secretary.  
 HUD 341—Special Assistant to the Secretary.  
 HUD 345—Special Assistant to the Deputy Assistant Secretary for Single Family Housing.  
 HUD 346—Special Assistant to the Deputy Assistant Secretary for Operations and Management.  
 HUD 350—Special Assistant to the Regional Administrator.  
 HUD 356—Executive Assistant to the Regional Administrator.  
 HUD 359—Special Assistant to the Regional Administrator.  
 HUD 363—Special Assistant to the Assistant Secretary for Policy Development and Research.  
 HUD 366—Special Assistant to the Assistant Secretary-Federal Housing Commissioner.  
 HUD 367—Special Assistant to the Regional Administrator.  
 HUD 370—Special Assistant to the Assistant Secretary for Public and Indian Housing.  
 HUD 373—Special Assistant (Speech Issues) to the Assistant Secretary for Public Affairs.  
 HUD 374—Executive Assistant to the Deputy Under Secretary for Field Coordination.  
 HUD 376—Special Assistant to the Regional Administrator.  
 HUD 377—Special Assistant to the Regional Administrator.  
 HUD 379—Assistant Director for Executive Secretariat Operations to the Executive Assistant to the Secretary.  
 HUD 382—Staff Assistant to the Deputy Under Secretary for Intergovernmental Relations.  
 HUD 383—Special Assistant to the Regional Administrator.  
 HUD 385—Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs.  
 HUD 389—Associate Deputy Assistant Secretary for Policy Development and Research to the Assistant Secretary for Policy Development and Research.  
 HUD 390—Legislative Officer to the Deputy Assistant Secretary for Legislation.  
 HUD 392—Special Assistant for Community Relations to the Regional Administrator.  
 HUD 393—Associate Deputy Assistant Secretary for Demonstration Projects to the Deputy Assistant Secretary for Policy Development.  
 HUD 395—Special Assistant to the Regional Administrator.  
 HUD 396—Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.  
 HUD 399—Special Assistant to the Executive Vice President, Government National Mortgage Association.  
 HUD 402—Special Assistant to the Deputy Assistant Secretary for Single Family Housing.  
 HUD 404—Special Assistant to the Regional Administrator.  
 HUD 407—Executive Assistant to the Regional Administrator.  
 HUD 408—Special Projects Coordinator to the Deputy Assistant Secretary for Policy, Financial Management, and Administration.  
 HUD 413—Associate Deputy Assistant Secretary to the General Deputy Assistant Secretary for Public and Indian Housing.  
 HUD 414—Associate Deputy General Counsel.
- Section 213.3388 President's Commission on White House Fellows*  
 PCWHF 2—Associate Director.  
 PCWHF 3—Confidential Assistant to the Director.  
 PCWHF 4—Special Assistant to the Director.
- Section 213.3389 National Mediation Board*  
 NMB 49—Special Assistant to the Chairman.  
 NMB 52—Confidential Assistant to a Member.  
 NMB 53—Confidential Assistant to a Member.  
 NMB 54—Confidential Assistant to the Chairman.
- Section 213.3391 Office of Personnel Management*  
 OPM 4—Deputy Director, Office of Congressional Relations.  
 OPM 8—Confidential Assistant to the Director.  
 OPM 9—Confidential Assistant (Typing) to the General Counsel.  
 OPM 10—Staff Assistant to the Assistant Director for Public Affairs.  
 OPM 11—Confidential Assistant to the Director, Office of Executive Administration.  
 OPM 17—Special Assistant to the Associate Director for

Administration.  
 OPM 19—Special Assistant to the Associate Director for Administration.  
 OPM 21—Special Assistant to the Director, Office of Public Affairs.  
 OPM 25—Special Assistant to the Director, Office of Congressional Relations.  
 OPM 26—Confidential Assisnt (Typing) to the Director, Office of Government Ethics.  
 OPM 29—Special Assistant to the Director.  
 OPM 31—Staff Assistant to the Counselor to the Director.  
 OPM 33—Confidential Assistant to the Assistant Director for Congressional Relations.  
 OPM 34—Special Assistant to the Director, Office of Public Affairs.  
 OPM 36—Staff Assistant to the Director, Office of Executive Administration.  
 OPM 37—Executive Assistant to the Director, Office of Government Ethics.  
 OPM 38—Confidential Assistant to the Associate Director for Administration.  
 OPM 39—Special Assistant to the Deputy Director.  
 OPM 40—Special Assistant to the Associate Director for Administration.

*Section 213.3392 Federal Labor Relations Authority*

FLRA 1—Staff Assistant (Steno) to the Chairman.  
 FLRA 9—Special Assistant to the General Counsel.  
 FLRA 13—Special Assistant to the General Counsel.

*Section 213.3393 Pension Benefit Guaranty Corporation*

PBGC 1—Staff Assistant to the Executive Director.

*Section 213.3394 Department of Transportation*

DOT 1—Staff Assistant to the Secretary.  
 DOT 14—Chauffeur to the Secretary.  
 DOT 20—Congressional Liaison Officer to the Director, Office of Congressional Affairs.  
 DOT 43—Confidential Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.  
 DOT 54—Congressional Liaison Officer to the Director, Office of Congressional Affairs.  
 DOT 55—Congressional Liaison Officer to the Director, Office of Congressional Affairs.  
 DOT 56—Special Assistant to the Administrator, Saint Lawrence

Seaway Development Corporation.  
 DOT 57—Confidential Assistant to the Assistant Secretary for Governmental Affairs.  
 DOT 69—Public Affairs Officer to the Administrator, Federal Railroad Administration.  
 DOT 70—Special Assistant to the Assistant Secretary for Governmental Affairs.  
 DOT 77—Special Assistant to the Assistant Secretary for Public Affairs.  
 DOT 100—Supervisory Public Affairs Specialist to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.  
 DOT 114—Special Assistant to the Administrator, Federal Highway Administration.  
 DOT 121—Deputy Director, Office of Congressional Affairs.  
 DOT 122—Special Assistant to the Director, Executive Secretariat.  
 DOT 123—Intergovernmental Liaison Officer to the Director, Office of Intergovernmental Affairs.  
 DOT 127—Special Assistant to the Assistant Secretary for Budget and Programs.  
 DOT 128—Special Assistant to the Administrator, Federal Highway Administration.  
 DOT 147—Staff Assistant to the Assistant Secretary for Public Affairs.  
 DOT 148—Director, Office of Media Relations, to the Assistant Secretary for Public Affairs.  
 DOT 150—Special Assistant to the Administrator, National Highway Traffic Safety Administration.  
 DOT 153—Congressional Liaison Officer to the Director, Office of Congressional Affairs.  
 DOT 157—Secretary (Steno) to the Associate Administrator for Policy and International Aviation, Federal Aviation Administration.  
 DOT 175—Special Assistant to the Assistant Secretary for Policy and International Affairs.  
 DOT 192—Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.  
 DOT 197—Staff Assistant to the Secretary.  
 DOT 203—Special Assistant to the Assistant Secretary for Governmental Affairs.  
 DOT 204—Executive Assistant to the Administrator, Federal Railroad Administration.  
 DOT 207—Staff Assistant to the Inspector General.  
 DOT 208—Director, Executive Secretariat, to the Administrator, Urban Mass Transportation

Administration.  
 DOT 209—Special Assistant to the Administrator, Urban Mass Transportation Administration.  
 DOT 216—Confidential Special Assistant to the Administrator Federal Aviation Administration.  
 DOT 225—Special Assistant to the Regional Representative.  
 DOT 229—Staff Assistant to the Administrator, Maritime Administration.  
 DOT 231—Policy Advisor to the Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration.  
 DOT 232—Special Assistant to the Regional Administrator, Urban Mass Transportation Administration.  
 DOT 233—Staff Assistant to the General Counsel.  
 DOT 235—Staff Assistant to the Secretary.  
 DOT 236—Special Assistant to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.  
 DOT 237—Special Assistant to the Assistant Secretary for Public Affairs.  
 DOT 239—Executive Assistant to the Administrator, Maritime Administration.  
 DOT 240—Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration.  
 DOT 244—Deputy Executive Secretary for Management to the Director, Executive Secretariat.  
 DOT 250—Staff Assistant to the Assistant Secretary for Governmental Affairs.  
 DOT 251—Staff Assistant to the Administrator, Maritime Administration.  
 DOT 252—Director, Executive Secretariat, to the Administrator, National Highway Traffic Safety Administration.  
 DOT 254—Special Assistant to the Secretary.  
 DOT 263—Special Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.  
 DOT 268—Staff Assistant to the Assistant Secretary for Public Affairs.  
 DOT 270—Special Assistant to the Administrator, Federal Aviation Administration.  
 DOT 272—Executive Assistant to the Director, Office of Small and Disadvantaged Business Utilization.  
 DOT 274—Special Assistant to the Assistant Secretary for Public

Affairs.  
 DOT 276—Special Assistant to the Administrator, Research and Special Program Administration.  
 DOT 278—Staff Assistant to the Deputy Secretary.  
 DOT 281—Special Assistant for Intergovernmental Relations to the Administrator, Saint Lawrence Seaway Development Corporation.  
 DOT 287—Staff Assistant to the Deputy Secretary.  
 DOT 297—Special Assistant to the Deputy Administrator, Urban Mass Transportation Administration  
 DOT 299—Associate Director for Program Affairs to the Director, Office of Commercial Space Transportation.  
 DOT 300—Staff Assistant to the Deputy Administrator, Federal Railroad Administration.  
 DOT 301—Legislative Research Officer to the Assistant Secretary for Governmental Affairs.  
 DOT 304—Staff Assistant to the Press Secretary to the Secretary.  
 DOT 305—Special Assistant to the Deputy Assistant Secretary for Governmental Affairs.  
 DOT 306—Special Assistant to the External Affairs Officer, Federal Aviation Administration.  
 DOT 307—Director, Office of Intergovernmental and Consumer Affairs, to the Deputy Assistant Secretary for Intergovernmental and

Consumer Affairs.  
 DOT 308—Deputy Director (Intergovernmental) to the Director, Office of Intergovernmental and Consumer Affairs.  
 DOT 309—Special Assistant to the Administrator, Federal Aviation Administration.  
 DOT 310—Public Information Specialist to the Deputy Administrator, Urban Mass Transportation Administration.

*Section 213.3395 Federal Emergency Management Agency*

FEMA 3—Director of Congressional Affairs.  
 FEMA 29—Special Assistant to the Associate Director, State and Local Programs and Support Directorate.  
 FEMA 33—Director, Office of Regional Operations, to the Director.  
 FEMA 34—Executive Assistant to the Deputy Director.  
 FEMA 35—Confidential Staff Assistant to the Director, Office of External Affairs.  
 FEMA 36—Confidential Assistant to the Associate Director, Emergency Operations Directorate.  
 FEMA 38—Confidential Assistant to the Associate Director, External Affairs Directorate.

*Section 213.3396 National Transportation Safety Board*

NTSB 1—Special Assistant to a Board Member.  
 NTSB 2—Secretary (Typing) to the Chairman.  
 NTSB 25—Special Assistant to a Board Member.  
 NTSB 30—Confidential Assistant to the Chairman.  
 NTSB 31—Confidential Assistant to a Board Member.  
 NTSB 32—Confidential Assistant to a Board Member.  
 NTSB 33—Confidential Assistant to a Board Member.  
 NTSB 34—Confidential Assistant to a Board Member.  
 NTSB 92—Government and Public Affairs Officer to the Managing Director.  
 NTSB 98—Special Assistant to the Vice-Chairman.  
 NTSB 102—Special Assistant and Counsel to the Chairman.  
 NTSB 104—Special Assistant to a Board Member.  
 NTSB 105—Special Assistant to the Chairman.

Office of Personnel Management.

**Constance Hornor,**  
 Director.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.

[FR Doc. 88-18917 Filed 8-22-88; 8:45 am]

BILLING CODE 6325-01-M

# REGULATIONS

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Tuesday  
August 23, 1988

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## Part III

### Department of Transportation

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Research and Special Programs  
Administration

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City of New York Regulations Governing  
Routing and Time Restrictions on  
Transportation of Hazardous Materials;  
Public Notice and Invitation To Comment

## DEPARTMENT OF TRANSPORTATION

## Research and Special Programs Administration

[Appeal of Inconsistency Ruling No. IR-23; Docket No. IRA-40B]

**City of New York Regulations Governing Routing and Time Restrictions on Transportation of Hazardous Materials; Invitation To Comment**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Public notice and invitation to comment.

**SUMMARY:** The City of New York (the City) has appealed to the Administrator of the Research and Special Programs Administration (RSPA) the May 5, 1988 decision of the Director, Office of Hazardous Materials Transportation (IR-23; 53 FR 16840, May 11, 1988), finding the City's routing and time restrictions for the transportation of certain hazardous materials inconsistent with the Hazardous Materials Transportation Act (HMTA) and the Hazardous Materials Regulations (HMR) adopted thereunder. Comments are invited on the merits of the appeal.

**DATES:** Comments received on or before September 22, 1988 and rebuttal comments received on or before October 24, 1988, will be considered before an administrative ruling is issued by the Administrator. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

**ADDRESSES:** The appeal and any comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, Room 8421, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Comments and rebuttal comments must be submitted to the Dockets Unit at the above address and include the Docket Number IRA-40B. Three copies are requested. A copy of each comment and rebuttal comment also must be sent to Clifford J. Harvison, President, NTTC, 2200 Mill Road, Alexandria, Virginia 22314; Daniel R. Barney, Director, ATA Litigation Center, 2200 Mill Road, Alexandria, Virginia 22314; and Peter L. Zimroth, Esq., Corporation Counsel, City of New York, 100 Church Street, Room 6C-37, N.Y., NY 10017 (Attn: Grace Goodman, Esq., Assistant Corporation Counsel); and that fact certified to at the time the comment is submitted to the Dockets Unit. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Messrs.

Harvison, Barney, and Zimroth at the addresses specified in the Federal Register.")

**FOR FURTHER INFORMATION CONTACT:** Mary M. Crouter, Senior Attorney, Office of the Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone 202-366-4400.

**SUPPLEMENTARY INFORMATION:****1. Background**

The HMTA at section 112(a) (49 App. U.S.C. 1811(a) expressly preempts any requirement of a State or political subdivision thereof which is inconsistent with any requirement of the HMTA or the HMR. Section 107.209(c) of Title 49, CFR, sets forth the following factors which are considered in determining whether a State or political subdivision requirement is inconsistent: (1) Whether compliance with both the State or political subdivision requirement and the HMTA or HMR is possible; and (2) the extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the HMTA and the HMR.

The American Trucking Associations, Inc. (ATA) and the National Tank Truck Carriers, Inc. (NTTC) filed an application for an administrative ruling seeking a determination that certain of the City of New York Fire Department's Bureau of Fire Prevention's hazardous materials routing and time of transit regulations are inconsistent with the HMTA and the HMR and, therefore, preempted under section 112(a) of the HMTA.

**2. The Inconsistency Ruling (IR-23)**

On May 5, 1988, the Director, Office of Hazardous Materials Transportation (OHMT) issued Inconsistency Ruling 23 (IR-23), which was published at 53 FR 16840 on May 11, 1988. The Director determined that certain of the City's routing and time of transit regulations for transportation of certain hazardous materials are inconsistent with the HMTA and the HMR and, therefore, preempted.

First, the Director, reaffirming his earlier decision in IR-22, 52 FR 46574 (Dec. 8, 1987), found inconsistent with the HMTA and the HMR a City regulation exempting City-permitted vehicles from the City's routing, time and escort requirements and requiring exclusively the use of such vehicles for deliveries for storage or use or for pickups in the City. These provisions were determined to be inextricably linked to the City's equipment-related requirements previously found

inconsistent in IR-22, *supra*. (The City also has appealed the IR-22 decision; see Public Notice and Invitation To Comment, 53 FR 5538 (Feb. 24, 1988).)

Second, the Director found certain City hazardous materials routing requirements inconsistent with the HMTA and the HMR because they were not preceded by a determination of effect on overall safety or consultations with other affected jurisdictions. This same rationale was applied to find inconsistent a City ban on fueling or stopping of hazardous materials through-traffic.

Third, the Director similarly found certain City time restrictions on hazardous materials transportation inconsistent with the HMTA and the HMR because the City had failed to demonstrate an adequate safety justification for, and substantive consultation with other affected jurisdictions concerning, those restrictions.

**3. The Appeal of IR-23**

On June 20, 1988, the City filed an appeal of IR-23 with the Research and Special Programs Administration. The City filed a memorandum of law and numerous exhibits in support of its appeal, which was contained in its letter of June 16, 1988. The City indicated that in a related court action in the U.S. District Court for the Eastern District of New York, *National Paint & Coatings Assn. v. City of New York*, 84 Civ. 4525 (ERK), the Court has indicated it will reserve its ruling on a motion for summary judgment until DOT completes its rulings on the inconsistency application involved in IR-22 and IR-23. The City, therefore, has withdrawn its request that DOT abstain and instead urges a prompt resolution of the appeals of both IR-22 and IR-23.

In its appeal, the City argues that promulgation of its routing and time regulations was preceded by a request for comments from local, state and Federal governmental bodies, including the Port Authority of New York and New Jersey. It states that its prohibition on stopping for fueling or otherwise leaving prescribed routes is intended to move traffic through the City as rapidly as possible. It also contends that it made its time restrictions less onerous and adequately publicized them, and that shippers and trucking companies have adjusted to them. It further asserts that any hazardous material accident occurring in the City exposes twice as many persons to potential fire or explosion as an accident on highways in adjacent counties.

The City argues that its routing and time restrictions are not inconsistent with the HMTA or the HMR because there are no direct HMR provisions on these topics. It also contends that there is no "unnecessary delay," which is prohibited by 49 CFR 177.853(a). The City asserts that IR-23 contains no evidence that the City's regulations actually cause delays and that any such delays would be justifiable rather than unnecessary.

Furthermore, the City argues that IR-23 erroneously relied upon *dicta* in IR-2, 44 FR 75566 (Dec. 20, 1979); IR-3, 46 FR 18918 (Mar. 26, 1981); and IR-3 (Appeal), 47 FR 18457 (Apr. 29, 1982) in finding a need for a safety analysis and a consultation process with affected neighboring jurisdictions. Reliance instead should have been placed, the City contends, on two U.S. District Court decisions involving Ritter Transportation, Inc. and the City, which were affirmed in *National Tank Truck Carriers, Inc. v. City of New York*, 677 F.2d 270 (2d Cir. 1982). The City argues that those cases authoritatively rejected the rationale and requirements set forth in IR-23.

In addition, the City contends that IR-23 erroneously found that its time and routing restrictions are invalid because they are inextricably related to the City's equipment requirements found inconsistent in IR-22, *supra*. The City says that the routing regulations are not based on the equipment regulations but that the equipment rules are an exception to the routing rules. It states that even if the equipment specifications were finally determined to be inconsistent, the time and routing regulations would still apply (with no City-approved equipment exception). The City further contends that its safety rationale for its time and route restrictions is not diminished by its exception for City-approved trucks because the latter trucks are safer than those meeting HMR requirements.

Finally, the City asserts that IR-23 erroneously found the City's prohibition on stopping for refueling or other purposes to be a prohibited ban on transportation. It argues that this provision is consistent with 49 CFR 397.9 and [177.853(a)].

In summary, the City concludes that the ruling in IR-23 that the City's routing

and time restrictions are inconsistent with the HMR should be reversed and the challenged regulations found consistent in their entirety.

#### 4. Public Comment

Comments should particularly address the issue of whether the challenged City's routing and time restrictions on hazardous materials transportation are inconsistent with the HMTA or the regulations issued thereunder under the "obstacle" and "dual compliance" tests. Persons intending to comment should examine the complete appeal documents in the RSPA Dockets Unit and the procedures governing the Department's consideration of applications for inconsistency rulings (49 CFR 107.201-107.211).

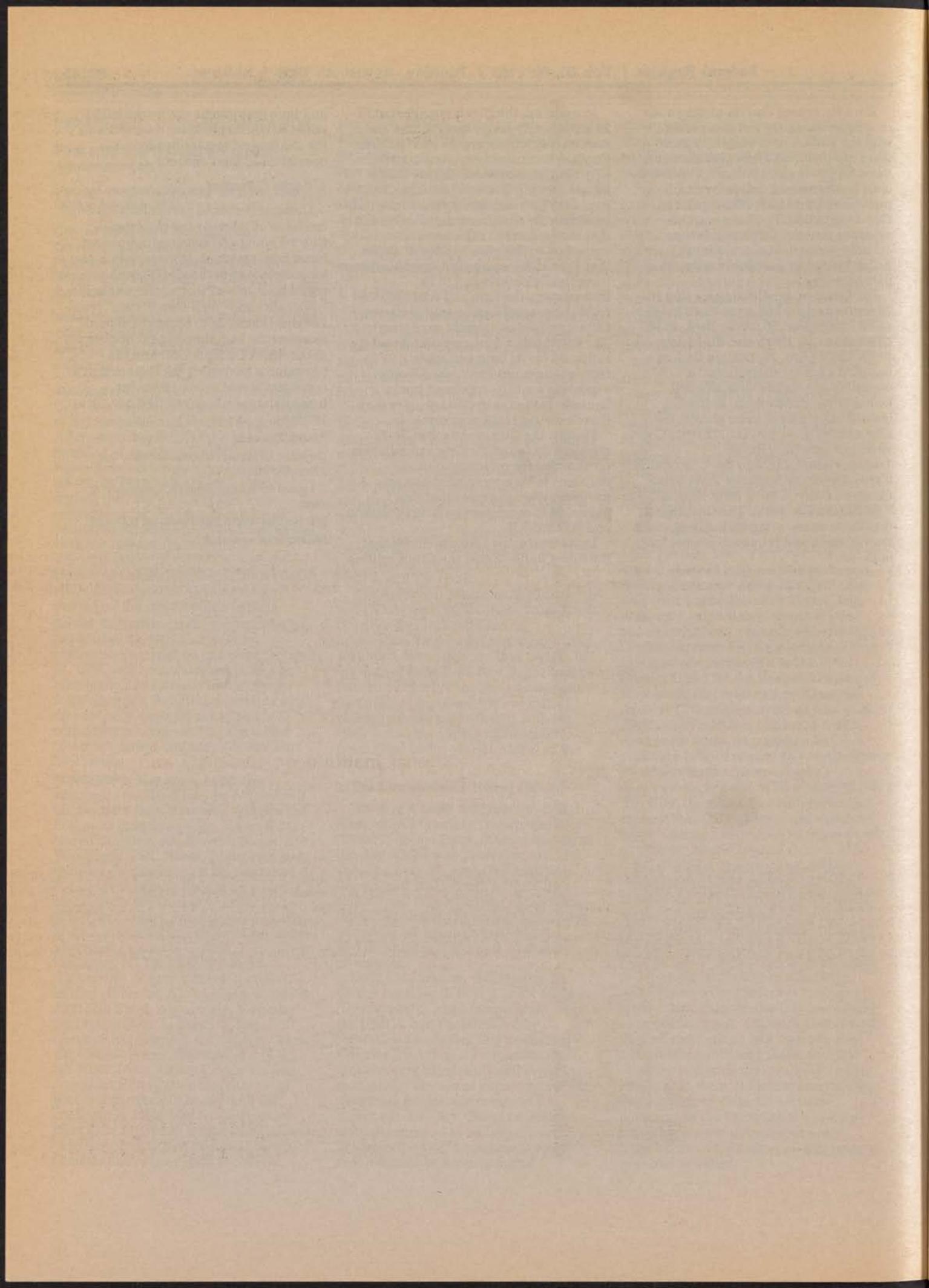
Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

Issued in Washington, DC on August 8, 1988.

[FR Doc. 88-19110 Filed 8-22-88; 8:45 am]

BILLING CODE 4910-60-M



# Register Federal Register

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Tuesday  
August 23, 1988

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Part IV

## Department of Education

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National Institute on Disability and  
Rehabilitation Research; Proposed  
Funding Priorities for Fiscal Year 1989

## DEPARTMENT OF EDUCATION

**National Institute on Disability and Rehabilitation Research; Proposed Funding Priorities for Fiscal Year 1989**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed funding priorities for fiscal year 1989.

**SUMMARY:** The Secretary of Education proposes funding priorities for some of the research activities to be supported under the Rehabilitation Research and Training Center (RRTC) program of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1989.

**DATE:** Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before September 22, 1988.

**ADDRESSES:** All written comments and suggestions should be sent to Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., Room 3070, Switzer Building, Mailstop 2305, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Betty Jo Berland, National Institute on Disability and Rehabilitation Research (Telephone: (202) 732-1139). Deaf and hearing-impaired individuals may call (202) 732-1198 for TDD services.

**SUPPLEMENTARY INFORMATION:** Authority for the Research and Training Centers program of NIDRR is contained in Section 204(b)(1) of the Rehabilitation Act of 1973, as amended. Under the RRTC program, awards are made to institutions of higher education, or to public and private organizations, including Indian tribes and tribal organizations, that are affiliated with institutions of higher education.

RRTCs conduct programmatic, multidisciplinary, and synergistic research, training, and information dissemination in designated areas of high priority. NIDRR's regulations authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 352.32). The following four proposed priorities represent areas of research in which NIDRR has a long-standing interest.

NIDRR invites public comment on the merits of the proposed priorities, including suggested modifications to the proposed priorities. The final priorities will be established on the basis of public comment, the availability of funds, and any other relevant Departmental considerations, and will be announced in a notice in the Federal

Register. A closing date notice will be published at that time, after which application packages will be available. This Notice of Proposed Priorities does not solicit applications, and Department of Education staff will not review concept papers or pre-applications. The publication of these proposed priorities does not bind the Federal Government to fund projects in any of these areas, except as otherwise directed by statute. Funding of particular projects depends on final priorities, the availability of funds, and on the quality of the applications that are received.

A program of Rehabilitation Research and Training Centers has been established to conduct coordinated and advanced programs of rehabilitation research and to provide training to rehabilitation personnel engaged in research or the provision of services. RRTCs must be operated in collaboration with institutions of higher education and must be associated with rehabilitation service programs. Each Center conducts a synergistic program of research, evaluation, and training activities focused on a particular rehabilitation problem area. Each Center is encouraged to develop practical applications for all of its research findings. Centers generally disseminate and encourage the utilization of new rehabilitation knowledge through such means as writing and publishing undergraduate and graduate texts and curricula and publishing findings in professional journals. All materials that the Centers develop for dissemination and training must be accessible to individuals with a range of handicapping conditions. RRTCs also conduct programs of in-service training for rehabilitation practitioners, education at the pre-doctoral and post-doctoral levels, and continuing education. Each RRTC must conduct an interdisciplinary program of training in rehabilitation research, including training in research methodology and applied research experience, that will contribute to the number of qualified researchers working in the area of rehabilitation research. Centers must also conduct state-of-the-art studies in relevant aspects of their priority areas. Each RRTC must also provide training to individuals with disabilities and their families in managing and coping with disabilities.

NIDRR will conduct, not later than three years after the establishment of any RRTC, one or more reviews of the activities and achievements of the Center. Continued funding depends at all times on satisfactory performance and accomplishment, in accordance with the provisions of 34 CFR 75.253(a).

**Priorities (4)—Rehabilitation for Persons With Long-Term Mental Illness**

There are over two million persons with long-term, severe mental illness. Improved rehabilitation interventions and service delivery models are needed to afford better opportunities for this population to remain out of institutions and to attain satisfactory lives in their communities. While the population of adults with severe psychiatric disabilities spans all ages, there is particular concern with young adults whose education and vocational preparations have been interrupted by severe mental illness. Service systems have not addressed adequately the transition from school to work or independent living for young adults.

The configuration of Federal financial supports, third-party payers, and State and local policies has led many service systems toward a case management approach that links clients with needed services and provides continuity of care. However, there is a range of approaches to case management, with no reliable information about which components are most important or most effective in various situations.

There has been a significant emphasis on consumer involvement in rehabilitation programs for persons with severe psychiatric disabilities, including peer self-help groups and consumer-managed programs. However, little is known about the most effective approaches to organizing and managing these programs, and to developing consumer capacity to operate successful programs.

Results of research and practice indicate that specialized rehabilitative interventions can increase the likelihood of community adjustment for persons with long-term mental illness. It is important to continue to develop and test more effective rehabilitative interventions, including especially those that contribute to improvements in education, vocational status, and general health care.

NIDRR, with the cooperation of the National Institute of Mental Health, intends to fund an RRTC to address these issues. Any Center to be funded under this priority must involve persons with long-term mental illness and their family members in the planning, conduct, and evaluation of the research and training activities.

An absolute priority is proposed for an RRTC to:

- Identify and assess existing case management systems for persons with long-term mental illness, including goals, organization, staffing, functions, and

outcomes, and develop and test model approaches to case management;

- Develop and evaluate model approaches to train consumers to administer programs, represent their interests in program development, and address issues of systems change;
- Evaluate the impact of client involvement in program planning and implementation on program content, participation and use, and outcomes;
- Study the experiences and problems confronting young adults, aged 18-22 years, who are completing their special education programs under Pub. L. 94-142, and develop model service interventions for this group, including services to facilitate their transition from school to work or postsecondary education;
- Develop and test models to use existing community resources to meet client needs for postsecondary education;
- Develop and evaluate rehabilitative interventions to enhance the rehabilitation of individuals with long-term mental illness; and
- Develop and test models for the efficient delivery of technical assistance to consumer self-help and other community-based programs for persons with mental illness; and
- Develop and implement a program to disseminate the findings of the Centers' research to appropriate practitioner, consumer, and research constituencies.

#### **Rehabilitation of Severely Emotionally Disturbed (SED) Children and Youth (Two Priorities)**

There are an estimated three million children with emotional disturbances, and they are among the most underserved of all disabled populations. (*Unclaimed Children*, Children's Defense Fund, 1982.) A background paper issued by the Office of Technology Assessment (OTA) indicates that, while there is convincing evidence that severely emotionally disturbed children can benefit from mental health services, there is a need for more reliable early assessment, better matching of children with services and interventions, and more community-based services. (*Children's Mental Health*, 1986.) That report further notes that the Federal Government is virtually the only source of funds for research and training in this area.

Children with emotional disturbances often do not receive any attention to their problems until they require services from other system components—juvenile justice, corrections, social services, or drug abuse agencies, for example. The most

readily available form of help for these children continues to be in-patient hospitalization—the most restrictive and costly form of intervention.

NIDRR has identified two different programmatic areas of research, training, and knowledge dissemination and is proposing two RRTCs in this area, each focusing on one of the sets of specific elements outlined below. The target population includes children from birth to age 21 years who have serious emotional impairments. The target population of families must include single-parent families, families with teen-aged parents, and minority families. The National Institute of Mental Health (NIMH) intends to contribute support to these Centers. Any Center to be funded in this area must involve severely emotionally disturbed youth and members of their families in planning, conducting, and evaluating the research program. Each Center must conduct all research and training activities in community-based settings, and must establish communications with RRTCs in related areas, with the Child and Adolescent Service System Program (CASSP) directors, the National Parent Network, and other relevant organizations concerned with the improvement of children's mental health.

Each Center may elect to establish satellite activities through agreements with other institutions of higher education for the purpose of replicating research studies or providing additional training sites. Specific priority requirements are:

#### **Improving Service Systems for Seriously Emotionally Disturbed Children and Youth**

An absolute priority is proposed for an RRTC to:

- Develop instruments and classification systems that will provide profiles of the functional abilities and deficits of children with serious emotional disorders;
- Develop, evaluate, and disseminate model programs, involving interagency and interdisciplinary collaboration, to assist transition from school to work for this population;
- Assess the efficacy and cost-effectiveness of alternatives to residential treatment, identify incentives and disincentives to community and home-based treatment, and develop models to address the disincentives;
- Assess the financing options that could be applied to meet the multiple service needs of this population and their families;
- Provide information to the RRTC on Improving Services for Families of

Children and Youth With SED for inclusion in a clearinghouse;

- Conduct at least one study of the state-of-the-art in a selected topic in this research area.

#### **Improving Service for Families of Children and Youth with Serious Emotional Disturbances (SED)**

- An absolute priority is proposed for an RRTC to:
  - Investigate patterns of family use of community-based resources and services;
  - Investigate patterns of successful family coping among families with SED children;
  - Analyze the perceptions of SED among minority families and the impact of those perceptions on service utilization, and develop and evaluate culturally sensitive information and service delivery models for minority families;
  - Develop and test strategies to facilitate the involvement of families in the development and evaluation of community-based services at the individual, community, and State levels;
  - Identify exemplary graduate level training courses and curricula used in the cross-disciplinary training of professionals and families who plan, provide, and coordinate services and programs for this population of children and youth, and develop materials to replicate best practices;
  - Develop a national, clearinghouse, including a parent-operated resource center component, that can provide technical assistance to parents, family members, and professionals on service systems and on options for family support; and
  - Conduct at least one national conference on the state-of-the-art in supportive resources for families with children with serious emotional disturbances.

#### **Less Restrictive Housing Environments**

The provision of appropriate housing for the lifespan of disabled and aging persons is a major undertaking, involving accommodation to a complex array of physical limitations. An RRTC is needed in this area to develop a variety of housing options and innovative approaches to challenges of designing, financing, and administering models of adaptive housing. A convergence of knowledge from the fields of architecture, engineering, construction, rehabilitation, independent living, and related areas is required to create appropriate housing environments in which disabled persons and aging persons can live

independently. The knowledge base must include information about modifications to existing structures and equipment, as well as design concepts that can be used to build facilities for the entire lifespan. The knowledge base must be developed from the results of research, needs assessments, and analysis of the physical capabilities of individuals with disabilities.

One immediate objective is to conduct new programmatic research into the needs of disabled and aging persons for accessible housing environments. A second need is to improve the utilization of available research-based information on accessibility and independent living, including data on human performance, models of accessible building adaptations, and standards and guidelines that have been developed for construction. Over the longer term it is important to develop better building designs, based on field and laboratory research, and tested by disabled persons in regular use.

A prerequisite to improving design of housing environments in a permanent and comprehensive way is to make those who design, build, adapt, maintain, manage, finance, and use housing aware of the potential for creating more accessible environments for independent living. A center to be funded in response to this priority must maintain liaison with the Architectural and Transportation Barriers Compliance Board (ATBCB), as well as with NIDRR-supported research projects and Centers

in such areas as independent living, aging, and community integration. The RRTC must maintain liaison with the Rehabilitation Engineering Centers, especially those in the area of quantification of human performance. A critical element of any Center to be funded under this priority will be the involvement of individuals with disabilities and their families in the planning, conduct, and review of the research and related activities.

An absolute priority is proposed for an RRTC to:

- Identify and assess housing environments that promote independent living for disabled and aging persons and the specific housing environment needs of persons with physical, sensory, and cognitive impairments;
- Analyze the legal, regulatory, commercial, social, psychological, business, design, and financial aspects of developing suitable living environments for disabled and aging persons and develop strategies to address problems in these areas;
- Develop and disseminate recommendations for new designs and for adaptations to existing housing that are appropriate for persons with physical, sensory and cognitive impairments;
- Incorporate new research knowledge from NIDRR-funded projects and other sources in products, housing design and information and training materials to enhance accessibility and independent living;

- Develop, acquire, maintain, and disseminate both graphic and text databases on standards, design criteria, plans, building products, costs, funding sources, and performance evaluations of accessible housing, and serve as a national information resource;

- Design training materials to increase awareness of the housing needs of disabled and aging persons, concepts of accessibility, and techniques to increase the availability of accessible housing, and conduct training for a range of involved populations, including persons with disabilities, architects and home builders, designers and manufacturers of furnishings and equipment, housing managers, and city planners and engineers;

- Promote concepts of accessible housing, including ideas from abroad, in graduate and undergraduate education and professional practice in a wide range of academic disciplines and applied professions; and

- Conduct at least one state-of-the-art study on a significant aspect of accessible housing.

Authority: U.S.C. 760-762.

Dated: August 5, 1988.

**William J. Bennett,**  
*Secretary of Education.*

(Catalog of Federal Domestic Assistance No. 84.133B, National Institute on Disability and Rehabilitation Research)

[FR Doc. 88-19114 Filed 8-22-88; 8:45 am]

BILLING CODE 4000-01-M

# Federal Register

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Tuesday  
August 23, 1988

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Part V

## The President

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Proclamation 5847—National Senior  
Citizens Day, 1988

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Part 4

# The President

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# Presidential Documents

Title 3—

Proclamation 5847 of August 19, 1988

The President

National Senior Citizens Day, 1988

By the President of the United States of America

## A Proclamation

Throughout our history, older people have achieved much for our families, our communities, and our country. That remains true today, and gives us ample reason this year to reserve a special day in honor of the senior citizens who mean so much to our land.

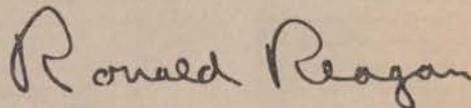
With improved health care and more years of productivity, older citizens are reinforcing their historical roles as leaders and as links with our patrimony and sense of purpose as individuals and as a Nation. Many older people are embarking on second careers, giving younger Americans a fine example of responsibility, resourcefulness, competence, and determination. And more than 4.5 million senior citizens are serving as volunteers in various programs and projects that benefit every sector of society. Wherever the need exists, older people are making their presence felt—for their own good and that of others.

For all they have achieved throughout life and for all they continue to accomplish, we owe older citizens our thanks and a heartfelt salute. We can best demonstrate our gratitude and esteem by making sure that our communities are good places in which to mature and grow older—places in which older people can participate to the fullest and can find the encouragement, acceptance, assistance, and services they need to continue to lead lives of independence and dignity.

The Congress, by House Joint Resolution 138, has designated August 21, 1988, as "National Senior Citizens Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 21, 1988, as National Senior Citizens Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

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



PROCEEDINGS OF THE DISTRICT

OF THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE

ESTATE OF

THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE

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THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE

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IN WITNESS WHEREOF

# Reader Aids

## Federal Register

Vol. 53, No. 163

Tuesday, August 23, 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

28855-28996	1
28997-29218	2
29219-29322	3
29323-29440	4
29441-29632	5
29633-29874	8
29875-30010	9
30011-30242	10
30243-30420	11
30421-30636	12
30637-30824	15
30825-30972	16
30973-31280	17
31281-31628	18
31629-31824	19
31825-32028	22
32029-32194	23

### CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

#### 1 CFR

<b>Proposed Rules:</b>	
2	29990, 30754
3	29990, 30754
5	29990, 30754
6	29990, 30754
7	29990, 30754
8	29990, 30754
9	29990, 30754
10	29990, 30754
11	29990, 30754
12	29990, 30754
15	29990, 30754
16	29990, 30754
17	29990, 30754
18	29990, 30754
19	29990, 30754
20	29990, 30754
21	29990, 30754
22	29990, 30754

#### 3 CFR

<b>Proclamations:</b>	
5843	29219
5844	29872
5845	30421
5846	30827
5847	32193
<b>Executive Orders:</b>	
10480 (Amended by EO 12649)	30639
11269 (Amended by EO 12647)	29323
12647	29323
12648	30637
12649	30639

#### Administrative Orders:

<b>Memorandums:</b>	
July 21, 1988 (correction)	28938
Aug. 11, 1988	30641
<b>Presidential Determinations:</b>	
No. 88-21 of August 1, 1988	30825

#### 5 CFR

890	28997
1605	31629
1630	31629
1631	31629
1650	31629
<b>Proposed Rules:</b>	
213	30061, 31012
300	32053
359	30061
430	29684
534	29684
536	30061
831	29057
841	29057
890	29686

#### 7 CFR

1d	31630
2	32029
26	31639
27	29325
210	29144
272	31641, 31646
273	31641
278	31646
301	29633
400	31825
456	31826
704	29552
725	29221
795	29552
910	29441, 30423, 31649
915	30973
917	29875
927	29441
929	29443
944	30973
947	31650
948	29639
967	29443
981	29222
985	31281
989	31830
993	29444
1230	30243
1446	28997
1497	29552
1498	29552
1942	30245
1945	30382
1948	30643
1951	30643
1955	30643

#### Proposed Rules:

1	30435
68	30685
277	29858
400	31874
401	29340, 29341
405	31875
441	31877
920	30288
926	31703
931	29688
932	29688
955	32054
1065	30289
1079	30290, 30291
1126	29689
1405	30068, 31958
1408	29307
1421	30068, 31958
1754	31877
1765	31346
1910	29341
3400	30414

<b>8 CFR</b>	123..... 29691	279..... 29914	203..... 28871
1..... 30011	<b>14 CFR</b>	<b>18 CFR</b>	234..... 28871
204..... 30011	23..... 30802, 30906	154..... 30027, 30047	511..... 28990
205..... 30011	25..... 30906	157..... 29002, 30027, 30047	570..... 31234
211..... 30011	27..... 30906	161..... 29654	575..... 30186
212..... 30011	29..... 30906	250..... 29654	576..... 30186
214..... 30011	39..... 28855, 28856, 28858-	260..... 30027, 30047	596..... 30944
216..... 30011	28860, 28999, 29448-29451,	271..... 30047	905..... 30206
223..... 30011	29652, 29653, 29877, 30023,	284..... 29654, 30027, 30047	941..... 30206
223a..... 30011	30024, 30425, 28861, 30975-	385..... 30047, 32035	965..... 30206
235..... 30011	30982, 31296, 32030, 32031	388..... 30047	968..... 30206
242..... 30011	71..... 28862, 29800, 30670,	389..... 31701	969..... 31274
245..... 30011	30671, 31297, 32033	1301..... 30252, 31315	970..... 30984
<b>Proposed Rules:</b>	73..... 29453	<b>Proposed Rules:</b>	<b>Proposed Rules:</b>
100..... 29804, 29818	75..... 28862	35..... 31882	201..... 30697
103..... 29804, 29818	91..... 30838, 30906	37..... 31883	570..... 30442, 31224
210a..... 30685	95..... 31298	38..... 31882	1710..... 30443
245a..... 29804	97..... 29000, 31305	284..... 31885	4100..... 29717
264..... 29804, 29818	121..... 30906	292..... 31021, 31882	<b>25 CFR</b>
299..... 29804, 29818	125..... 30906	293..... 31882	Ch. I, Appendix..... 30673
<b>9 CFR</b>	135..... 30906	382..... 31882	<b>26 CFR</b>
78..... 32029	1260..... 29328	385..... 31885	1..... 29658, 29801, 29880
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	<b>19 CFR</b>	602..... 29658, 29801,
113..... 31704	Ch. I..... 28888, 29482, 32077	113..... 29228	<b>Proposed Rules:</b>
327..... 32060	15..... 31608	122..... 29228	1..... 29343, 29719, 29920,
381..... 32060	21..... 28888, 30292	176..... 30983	30147
<b>10 CFR</b>	23..... 28888	178..... 29228	54..... 29719
2..... 31651	25..... 30292	<b>Proposed Rules:</b>	301..... 29920
11..... 30829	39..... 29692-29695, 29912,	4..... 30696	<b>27 CFR</b>
19..... 31651	30435, 31012-31016, 31364,	134..... 30312	9..... 29674
20..... 31651	31365, 32077-32080	177..... 29343	<b>Proposed Rules:</b>
21..... 31651	61..... 29582	178..... 31367	4..... 30848
25..... 30829	71..... 28889, 30298, 30695,	192..... 31367	5..... 30848
51..... 31651	31366	<b>20 CFR</b>	7..... 30848
70..... 31651	73..... 30298	404..... 29011, 29878	<b>28 CFR</b>
72..... 31651	75..... 31018, 31019	416..... 29011	0..... 30989, 31322
73..... 31651	141..... 29582	<b>Proposed Rules:</b>	2..... 29233
75..... 31651	143..... 29582	404..... 31886	<b>29 CFR</b>
140..... 31282	1260..... 29913	416..... 31886	1926..... 29116
150..... 31651	<b>15 CFR</b>	<b>21 CFR</b>	2619..... 30674
171..... 30423	371..... 28862	12..... 29453	2676..... 30675
<b>Proposed Rules:</b>	375..... 28864	74..... 29024, 29655	<b>Proposed Rules:</b>
Ch. I..... 29912	385..... 28862	81..... 29024, 29655	1910..... 29822, 29920, 30512
52..... 32060	399..... 28864, 30026	82..... 29024, 29655	1915..... 29822, 30512
150..... 31880	<b>16 CFR</b>	175..... 29453	1917..... 29822, 30512
<b>12 CFR</b>	13..... 29226, 31306	177..... 29655, 31832	1918..... 29822, 30512
203..... 31683	300..... 31311	178..... 29656, 30048, 31835	1926..... 29822, 30512
220..... 30830	301..... 31311	310..... 31270	2510..... 29922
227..... 29223, 29225	303..... 31311	444..... 31837	<b>30 CFR</b>
229..... 31290, 31416	<b>Proposed Rules:</b>	558..... 31316	250..... 30705
338..... 30831	13..... 30436, 31019, 31708	1308..... 29232, 31837	256..... 29884
510a..... 30251	438..... 29482	<b>Proposed Rules:</b>	901..... 32049
524..... 30251	600..... 29696, 30754	310..... 30756	925..... 30449
563..... 31699	<b>17 CFR</b>	341..... 30522	944..... 31324
569c..... 30665	5..... 30671	346..... 30756	946..... 30450
611..... 29445	30..... 30673	357..... 30786	<b>Proposed Rules:</b>
701..... 29640, 29641	200..... 30838	369..... 30756	20..... 30312
747..... 29446	211..... 29226	<b>22 CFR</b>	75..... 30312
761..... 29645	231..... 29226	201..... 31317	77..... 30312
790..... 29646	241..... 29226	207..... 29657	256..... 31424
791..... 29646	271..... 29226	<b>23 CFR</b>	281..... 31424
795..... 29651	275..... 32033	658..... 28870	282..... 31442
<b>Proposed Rules:</b>	400..... 28978	1208..... 31318	701..... 29310
8..... 31705	402..... 28978	<b>24 CFR</b>	773..... 29343
523..... 30686	403..... 28978	24..... 30049	785..... 29310
563c..... 31363	404..... 28978	50..... 30186	843..... 29343
571..... 31363	450..... 28978	58..... 30186	935..... 29746
615..... 30071	<b>Proposed Rules:</b>	201..... 28871	
<b>13 CFR</b>	240..... 31709		
121..... 29876, 30668	270..... 29914, 30299		
<b>Proposed Rules:</b>	274..... 29914		
121..... 30689, 30691	275..... 29914		

<b>31 CFR</b>	232.....	29750	<b>201-24</b> .....	32085	64.....	29053
<b>Proposed Rules:</b>					69.....	30059
103.....	31370		<b>42 CFR</b>		73.....	29056, 29462-29464, 29895-29897, 30840, 30841, 31339, 31340
210.....	30512		498.....	31334	87.....	28940
<b>32 CFR</b>			<b>Proposed Rules:</b>		94.....	30059
173.....	30839		74.....	29590	300.....	30060
191.....	30990		405.....	29486, 29590, 31888	<b>Proposed Rules:</b>	
199.....	28873, 30994		410.....	29486	1.....	30853, 31377
239a.....	30676		413.....	31888	2.....	30075
239b.....	30676		416.....	29590	22.....	30075
375.....	30996		433.....	30317, 31801	36.....	29493
385.....	29329, 30754		440.....	29590	73.....	29493, 29751, 29925- 29927, 30076, 30853, 30854, 31894
386.....	29454		482.....	29590	74.....	29493
387.....	29330, 30754		483.....	29590	80.....	30075
389.....	29455		488.....	29590	90.....	30075
706.....	30426		489.....	29486	94.....	30853, 31377
838.....	30253		493.....	29590	<b>48 CFR</b>	
<b>33 CFR</b>			1003.....	29486	208.....	29332
1.....	30259		<b>43 CFR</b>		252.....	29332
100.....	29456, 29457, 29676, 29678, 31326, 31856		3000.....	31867, 31958	504.....	30841
110.....	29032		3100.....	31866, 31867, 31958, 31959	505.....	28885
117.....	28883, 29032, 29034, 29680, 30260, 31857		3110.....	31867, 31958	514.....	28885, 30841
165.....	29458, 29678, 30261, 30839, 31858, 31859		3120.....	31867, 31958	515.....	30841
<b>Proposed Rules:</b>			3130.....	31866, 31867, 31959	522.....	30841
117.....	30314		3150.....	31866, 31959	525.....	28885
165.....	28890		3160.....	31866, 31867, 31958	532.....	30841
166.....	29058		3180.....	31866, 31867, 31959	534.....	30841
<b>34 CFR</b>			3200.....	31866, 31867, 31958, 31959	536.....	30841
31.....	31820		3220.....	31959	537.....	30841
327.....	29988		3280.....	31867	552.....	30841
675.....	30182		5460.....	31001	553.....	30841
706.....	30790		5470.....	31001	1246.....	30176
707.....	30790		8340.....	31002	1252.....	31006
708.....	30790		<b>Public Land Orders:</b>		1505.....	31871
<b>Proposed Rules:</b>			6686.....	30264	1506.....	31871
74.....	31580		<b>Proposed Rules:</b>		<b>Proposed Rules:</b>	
75.....	31580		5450.....	31055	2.....	30818
76.....	31580		<b>44 CFR</b>		14.....	30818
77.....	31580		64.....	29053	15.....	30818
237.....	31580		65.....	31868	52.....	30818, 31280
263.....	31580		67.....	31057, 31869, 31870	215.....	29347
300.....	31580		<b>Proposed Rules:</b>		927.....	29494
356.....	31580		67.....	28896, 28897, 31892	<b>49 CFR</b>	
562.....	31580		<b>45 CFR</b>		7.....	30265
630.....	31580		206.....	30432	191.....	29800
653.....	31580		233.....	30432	195.....	29800
762.....	31580		801.....	29894, 30379	571.....	30433, 30680, 31007
<b>36 CFR</b>			1180.....	31336	580.....	29464
7.....	29681		1607.....	30678	585.....	30434
<b>Proposed Rules:</b>			<b>46 CFR</b>		1150.....	31341
7.....	28891, 30849		25.....	31004	<b>Proposed Rules:</b>	
13.....	29746		30.....	28970	24.....	28995
222.....	30954		32.....	32050	393.....	31378
<b>37 CFR</b>			72.....	32050	571.....	30855, 31378, 31379, 31712, 31716
202.....	29887		92.....	32050	1004.....	29498
<b>Proposed Rules:</b>			98.....	28970	1041.....	29498
202.....	29923		151.....	28970	1042.....	29498
<b>38 CFR</b>			153.....	28970	1152.....	29245
4.....	30261		190.....	32050	1312.....	31720
21.....	28883		382.....	31870	<b>50 CFR</b>	
<b>Proposed Rules:</b>			<b>Proposed Rules:</b>		17.....	29335
21.....	30314		571.....	30852	20.....	29897, 31341, 31612
<b>39 CFR</b>			581.....	30852	23.....	30682
232.....	29460		<b>47 CFR</b>		215.....	28886
<b>Proposed Rules:</b>			0.....	29053	285.....	30845, 31701
111.....	29483, 29748, 30452		1.....	28940	611.....	29337, 31009, 32051
			15.....	32051	661.....	29235, 29337, 29467, 30285, 30286, 31343, 31344, 31872
			32.....	30058		

663.....	29338, 29480, 29907, 31009
641.....	30846
672.....	31010, 32051
674.....	31010

**Proposed Rules:**

14.....	30077
17.....	31721-31723
20.....	30622
80.....	29500
216.....	31725
600.....	30082
601.....	30082
604.....	30082
605.....	30082
611.....	30322
625.....	29549, 31416
672.....	30322, 31728
675.....	30322
681.....	31381

---

**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 August 17, 1988