9-13-88
Vol. 53 No. 177
Pages 35283-35422

federal register

Tuesday
September 13, 1988

Briefings on How To Use the Federal Register—
For information on briefings in Chicago, IL, see announcement on the inside cover of this issue.

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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5857 of September 9, 1988

Youth 2000 Week, 1988

By the President of the United States of America

A Proclamation

America is at once the world's oldest Republic and a Nation whose spirit is made forever young by our heritage and our future of liberty, justice, and opportunity. The American people cherish the children God has granted us. We seek to give young people a good start in life through our care, encouragement, and training and our transmittal of the enduring values that provide stability, vision, and strength. Youth 2000 Week, 1988, offers us a chance to reflect on our success in these areas; on the good qualities and countless achievements of young Americans; and on all we can and must do to guide and assist youngsters into responsibility, self-reliance, and fulfilling lives as adults—into saying yes to life and to healthy attitudes and behavior.

Just as in generations past, the continued well-being of our country depends on the development and preparation of youth in the skills they will need and on their understanding and awareness of the freedom, faith, and opportunity that are at the heart of America's greatness and goodness. These goals will be attainable in coming years if all of us—private citizens, business, labor, voluntary and professional organizations, church groups, educators, government, parents, and young people themselves—work together, building on the strengths of family, community, and country.

Youth 2000 is a nationwide call to action designed to encourage people in all sectors of society to help young Americans along the road to mature adulthood and economic and social self-sufficiency. We can all do our share to help youngsters avoid or solve problems such as illegal drug use and alcohol abuse, illiteracy, dropping out of school, and crime that cut across all social, economic, and geographic boundaries but are particularly acute in areas of rural and urban poverty.

America's economic freedom and the spirit and ingenuity of our people have long guaranteed our progress and prosperity. We can continue and expand these strengths as we approach and enter the 21st century. Employment opportunities will abound in the year 2000, but these new jobs will increasingly require workers who are able to read, compute, and learn new skills, and who have acquired education or training beyond high school. This is a goal we can reach if we remain true to the selfless volunteer spirit and the confident, forward-looking vision that have always sustained us.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 11 through September 17, 1988, as Youth 2000 Week. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of September, 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.

Ronald Reagan

[FR Doc. 88-20943
Filed 9-9-88; 4:35 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of Sept. 9 on signing Proclamation 5857, see the *Weekly Compilation of Presidential Documents* (vol. 24, no. 36).

Presidential Documents

Executive Order 12650 of September 9, 1988

Establishing an Emergency Board To Investigate a Dispute Between the Port Authority Trans-Hudson Corporation and Certain of Its Employees Represented by the Brotherhood of Locomotive Engineers

A dispute exists between the Port Authority Trans-Hudson Corporation and certain of its employees represented by the Brotherhood of Locomotive Engineers.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (the "Act").

A party empowered by the Act has requested that the President establish an emergency board pursuant to Section 9A of the Act (45 U.S.C. Section 159a).

Section 9A(c) of the Act provides that the President, upon such a request, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me by Section 9A of the Act, it is hereby ordered as follows:

Section 1. *Establishment of Board.* There is established, effective September 9, 1988, a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The Board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The Board shall report its findings to the President with respect to the dispute within 30 days after the date of its creation.

Sec. 3. *Maintaining Conditions.* As provided by Section 9A(c) of the Act, from the date of the creation of the Board and for 120 days thereafter, no change, except by agreement of the parties, shall be made by the carrier or the employees in the conditions out of which the dispute arose.

Sec. 4. *Expiration.* The Board shall terminate upon the submission of the report provided for in Section 2 of this Order.

Ronald Reagan

THE WHITE HOUSE,
September 9, 1988.

[FR Doc. 88-20944
Filed 9-9-88; 4:36 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12651 of September 9, 1988

Offices of the Commission of the European Communities

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and the Act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and the members thereof, 22 U.S.C. Sec. 288h, I hereby extend to the Permanent Observer Mission of the Delegation of the Commission of the European Communities to the United Nations the same privileges and immunities as are accorded to permanent observer missions of states to the United Nations. I also hereby extend to the members of the diplomatic staff of that mission assigned to New York to observe the work of the United Nations and duly notified to the United States Government and the United Nations in that capacity, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are accorded to members of the diplomatic staff of missions accredited to the United Nations.

Pursuant to the same authority, I also hereby extend to the West Coast Office of the Delegation of the Commission of the European Communities and to the officers and employees of that mission assigned to San Francisco to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the privileges and immunities, subject to corresponding conditions and obligations, substantively equivalent to those accorded consular premises, consular officers, and consular employees pursuant to the Vienna Convention on Consular Relations. For the purpose of extending privileges and immunities to the West Coast Office of the Delegation of the Commission of the European Communities, its official functions shall consist in:

(a) protecting in the United States the interests of the European Communities within the limits permitted by domestic and international law;

(b) furthering the development of commercial, economic, cultural, and scientific relations between the European Communities and the United States and otherwise promoting friendly relations between them;

(c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural, and scientific life of the United States, reporting thereon to the European Communities and giving information to persons interested.

Pursuant to the same authority, I also hereby extend to the members of the administrative and technical staff and members of the service staff of the Delegation of the Commission of the European Communities assigned to Washington to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by members of the administrative and technical staff and members of the service staff of diplomatic missions accredited to the United States.

This order is not intended to abridge in any respect privileges, exemptions or immunities that the Delegation of the Commission of the European Communities may have acquired or may acquire by international agreements or by Congressional action.

Ronald Reagan

THE WHITE HOUSE,
September 9, 1988.

[FR Doc. 88-20945
Filed 9-9-88; 4:37 pm]
Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 88–22 of September 8, 1988

Extension of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for Secretary of State, Secretary of the Treasury

Under Section 101(b) of the Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination made by me on August 27, 1987 (52 FR 33397), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 1988.

I hereby determine that the extension for one year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by Section 101(b) of Public Law 95–223, I extend for one year, until September 14, 1989, the exercise of those authorities with respect to countries affected by:

(1) the Foreign Assets Control Regulations, 31 CFR Part 500;

(2) the Transaction Control Regulations, 31 CFR Part 505;

(3) the Cuban Assets Control Regulations, 31 CFR Part 515; and

(4) the Foreign Funds Control Regulations, 31 CFR Part 520.

This memorandum shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, September 8, 1988.

[FR Doc. 88–20987
Filed 9–12–88; 11:03 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 53, No. 177
Tuesday, September 13, 1988

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 302 and 333

Procedures for Selecting Candidates for Appointment

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is revising its regulations governing procedures used to select candidates for appointments in the excepted service and for temporary and term appointments outside registers in the competitive service. The revised regulations permit agencies to tailor the procedures more closely to their actual job requirements. Under the revised regulations, candidates for either type of appointment may be referred in one of two ways: In order of veterans preference without other ranking; or under ranking and referral procedures comparable to those used in competitive examinations. This will permit agencies to recognize qualitative differences among candidates for jobs that require specialized skills and training and will simplify referral procedures when jobs have minimal skill requirements or when all applicants have substantially equal qualifications. The regulations also permit agencies to consider current employees for excepted appointments on the same basis as former employees and make editorial changes to clarify the applicability of OPM's procedural requirements.

EFFECTIVE DATE: October 13, 1988.

FOR FURTHER INFORMATION CONTACT: Tracy E. Spencer, (202) 632–8817.

SUPPLEMENTARY INFORMATION: Proposed regulations were published for comment on December 29, 1987 (52 FR 49023). Comments were received from six Federal agencies, one employee organization, and one individual. The Federal agencies generally supported the proposed changes, although some suggested technical or editorial changes. Most comments concerned coverage of the procedural requirements, provisions for assigning numerical scores, and consideration of reemployment eligibles.

With regard to coverage of these regulations, several agencies asked whether the revised regulations will affect exemptions from the procedural requirements of subparts C and D of Part 302 previously granted by OPM for particular positions. They will not. Subparagraph 302.101(c), which authorizes those exemptions, is unchanged by the revised regulations. All exemptions listed in that subparagraph or granted under its authority remain in effect.

One agency suggested that Part 302 should not apply to Schedule C positions or to positions excepted by statute which are of a confidential, policy-making, or policy-advocating nature. An individual suggested that Part 302 should not apply to positions filled by veterans readjustment (VRA) appointments. Total exclusion of any of these positions would be inconsistent with 5 U.S.C. 3320. That section of law excludes only appointments that must be confirmed by or made with the advice and consent of the Senate from the statutory veterans preference requirements, which Part 302 implements.

Schedule C appointments are, however, exempted from the specific procedural requirements contained in subparts C and D of Part 302. That exemption is listed in subparagraph 302.101(c). Since the exemption is based on the positions' policy-making, policy-advocating, or confidential character, the final regulations expand the exemption to include positions excepted by statute which share those characteristics. Blanket exemption of VRA appointments from the requirements of subparts C and D would be inappropriate because the VRA authority is used to fill a wide variety of positions. The provision for unranked referral will, however, relieve agencies from unproductive paperwork when all VRA candidates are considered substantially equal.

With regard to ranking procedures, an agency and an employee organization suggested changes to the requirements for assigning numerical scores when candidates are ranked. The agency suggested that, instead of providing for numerical scores between 70 and 100, Part 302 should require ranking procedures for new appointments to be the same as those used for promotion. This, too, would exceed the intent of 5 U.S.C. 3320 that appointment procedures in the excepted service should parallel as closely as possible those prescribed for the competitive service. Subpart A of Part 302 does, however, provide for approval of special agency plans that allow use of alternative ranking procedures. This provision is not affected by revision of the regulations.

The employee organization suggested that the regulations should set out criteria for deciding whether to rank and procedures for ranking and should permit addition of veterans preference points to scores below 70. The first suggestion would conflict with agencies' authority to set qualification standards for excepted positions. That authority, contained in § 302.202, is unchanged by the revised regulations. We have, however, added to § 302.202 a requirement that the reasons for use of ranked or unranked referral procedures and the quality ranking factors, if any, must be recorded and made available to an applicant upon request. This parallels the requirement already in place with respect to qualification standards.

The second suggestion would conflict with 5 U.S.C. 3309, which provides for assignment of extra points only to "a preference eligible who receives a passing grade." Since 70 is the lowest score which can be assigned to a candidate who meets minium eligibility requirements, candidates who score below that level are ineligible for the position being filled and are not legally entitled to veterans preference. The regulations have been reworded to clarify that basically eligible candidates must receive scores of 70 or more.

With respect to consideration of reemployment eligibles, the employee organization suggested that referral should be in order of retention standing, as is provided in Part 330, which governs reemployment priority lists. The changes proposed in Part 302 parallel changes proposed in Part 330, which have received generally favorable comments. We expect to issue final regulations revising Part 330 in the near future.

After consideration of the comments received, we are adopting the proposed revisions to Parts 302 and 333 as final regulations, with the changes discussed above and some editorial changes suggested in the comments.

E.O. 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 this regulation will not have a significant economic impact on a substantial number of small entities because the regulation affects only the procedures used to appoint certain Federal employees.

List of Subjects in 5 CFR Parts 302 and 333

Administrative practice and procedures, Government employees.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is amending 5 CFR Parts 302 and 333 as follows:

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

1. The authority citation for Part 302 is revised as set forth below, and the authorities following individual sections within the part are removed.

Authority: 5 U.S.C. 1302, 3301, 3302, 8151, E.O. 10577 (3 CFR 1954–1958 Comp., p. 218); § 302.105 also issued under 5 U.S.C. 1104, Pub. L. 95–454, sec. 3(5); § 302.501 also issued under 5 U.S.C. 7701 *et seq.*

2. In § 302.101, paragraphs (a), (b), and (c)(7) are revised to read as follows:

§ 302.101 Positions covered by regulations.

(a) *Positions covered.* With respect to the application of veteran preference, this part applies to each position in the executive branch of the Federal Government that is not in the competitive service *and* that is subject to the provisions of title 5, United States Code, or subject to a statutory requirement to follow the veteran preference provisions of title 5. With respect to restoration rights that are due to compensable injury and appeals therefrom, this part applies to those positions covered by 5 U.S.C. 8101(1) that are not in the competitive service.

(b) *Positions not covered.* This part does not apply to a position or appointment that is required by the Congress to be confirmed by, or made with the advice and consent of, the Senate.

(c) *Positions exempt from appointment procedures.* * * *

(7) Positions included in Schedule C (see Subpart C of Part 213 of this chapter) and positions excepted by statute which are of a confidential, policy-making, or policy-advocating nature.

* * * * *

3. Section 302.102 is amended to add the following language to the end of paragraph (b) and add new paragraphs (b) (1) and (2) to read as follows:

§ 302.102 Method of filling positions and status of incumbent.

* * * * *

(b) * * * When an employee serving under a nontemporary appointment in the competitive service is selected for an excepted appointment or for noncareer executive assignment, the agency must—

(1) Inform the employee that, because the position is in the excepted service, it may not be filled by a competitive appointment, and that acceptance of the proposed appointment will take him/her out of the competitive service while he/she occupies the position; and

(2) Obtain from the employee a written statement that he/she understands he/she is leaving the competitive service voluntarily to accept an appointment in the excepted service.

* * * * *

4. Section 302.201 is revised to read as follows:

§ 302.201 Persons entitled to veteran preference.

In actions subject to this part, each agency shall grant veteran preference as follows:

(a) When numerical scores are used in the evaluation and referral, the agency shall grant 5 additional points to preference eligibles under section 2108(3) (A) and (B) of title 5, United States Code, and 10 additional points to preference eligibles under section 2108(3) (C) through (G) of that title.

(b) When eligible candidates are referred without ranking, the agency shall note preference as "CP" for preference eligibles under section 2108(3) (C) of title 5, United States Code, and as "TP" for all other preference eligibles under that title. (At its discretion, the agency may use the notation "XP" for preference eligibles under section 2108(3) (D) through (G) of title 5, but those eligibles will not be distinguished from "TP" eligibles in the referral process.)

5. In § 302.302, paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), respectively; paragraph (a) is redesignated as paragraph (b) and is revised as set forth below; and a new paragraph (a) is added to read as follows:

§ 302.302 Examination of applicants.

(a) *Eligibility.* An evaluation of the qualifications of applicants for positions covered by this part may be conducted at any time before an appointment is made. The evaluation may involve only determination of eligibility or ineligibility or may include qualitative rating of candidates. If the evaluation involves only basic eligibility, numerical scores will not be assigned and eligible candidates will be referred in accordance with the procedures described in paragraph (e) of § 302.304. If qualitative ranking is desired, numerical scores may be assigned in accordance with paragraph (b) of this section. Each agency shall make a part of the records the reasons for its decision to use ranked or unranked referral and, for ranked actions, the quality ranking factors used. This information shall be made available to an applicant on his/her request.

(b) *Rating.* Numerical scores will be assigned on a scale of 100. Each applicant who meets the qualification requirements for the position established under § 302.202 will be assigned a rating of 70 or more and will be eligible for appointment. Candidates scoring 70 or more will receive additional points for veteran preference as provided in § 302.201. Numerical ratings are not required when all qualified applicants will be offered immediate appointment. When there is an excessive number of applicants, numerical ratings are required only for a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable period of time. The agency must, however, adopt procedures to insure the consideration of preference eligibles in the order in which they would have been considered if all applicants had been assigned numerical ratings. An agency shall furnish a notice of the rating assigned to an applicant on his/her request.

* * * * *

6. In § 302.303, paragraph (a), the introductory text of paragraph (b), and paragraph (c)(1) are revised to read as follows:

§ 302.303 Maintenance of employment lists.

(a) *Establishment.* An agency shall enter the names of all applicants rated eligible under § 302.302, on either the appropriate reemployment list or the

appropriate regular employment list in the following order:

(1) *When candidates have been rated only for basic eligibility under § 302.302(a):* (i) Preference eligibles having a compensable service-connected disability of 10 percent or more (designated as "CP") unless the list will be used to fill professional positions at the GS–9 level or above, or equivalent;

(ii) All other preference eligibles; and

(iii) Qualified candidates not eligible for veterans preference.

(2) *When candidates have been assigned numerical scores under § 302.302 (b):* (i) Preference eligibles having a compensable service-connected disability of 10 percent or more, in the order of their augmented ratings, unless the list will be used to fill professional positions at the GS–9 level and above, or equivalent;

(ii) All other qualified candidates in the order of their augmented ratings. At each score, qualified candidates eligible for 10-point preference will be entered ahead of those eligible for 5-point preference or those not eligible for veteran preference, and those eligible for 5-point preference will be entered ahead of those not eligible for preference.

(b) *Reemployment list.* The reemployment list may include the names of current employees of the agency and of former employees of the agency who are to be considered for future employment. The list must, however, in all cases, include the following: * * *

(c) *Regular employment list.* (1) The regular employment list will include the names of applicants rated eligible under § 302.302 whose names are not included on the agency's reemployment list.

* * * * *

7. In § 302.304, paragraphs (a) and (d) are revised as set forth below and a new paragraph (e) is added to read as follows:

§ 302.304 Arrangement of ratings.

(a) *Order of consideration.* Except as provided in paragraphs (d) and (e) of this section, an agency shall consider applicants who have been assigned eligible ratings for a given position in either Order A or Order B as set forth in paragraphs (b) and (c) of this section.

* * * * *

(d) *Professional order.* An agency shall consider applicants who have been assigned eligible ratings for professional and scientific positions at the GS–9 level and above, or equivalent, in the following order:

(1) *Applicants on the agency's reemployment list.* If numerical scores have been assigned, the applicants will be considered in the order of their augmented scores. If numerical scores have not been assigned, all preference eligibles will be considered together regardless of the type of preference, followed by all other reemployment candidates.

(2) *Applicants on the regular employment list.* If numerical scores have been assigned, the applicants will be considered in the order of their augmented scores. If numerical scores have not been assigned, all preference eligibles will be considered together, regardless of the type of preference, followed by all other candidates.

(e) *Unranked order.* When numerical scores are not assigned, the agency may consider applicants who have received eligible ratings for positions not covered by paragraph (d) of this section in either of the following orders:

(1) *By preference status.* Under this method, preference eligibles having a compensable service-connected disability of 10 percent or more are considered first, followed by other preference eligibles and, last, by nonpreference eligibles. Within each preference category, applicants from the reemployment list will be placed ahead of applicants from the regular employment list.

(2) *By reemployment/regular list status.* Under this method, all applicants on the reemployment list are considered before applicants on the regular employment list. On each list, preference eligibles having a compensable service-connected disability of 10 percent or more are considered first, followed by other preference eligibles and, last, by non-preference eligibles.

8. In § 302.401, the introductory text of paragraph (a) is revised to read as follows:

§ 302.401 Selection and appointment.

(a) *Selection.* When making an appointment from a reemployment or regular list on which candidates have not received numerical scores, an agency must make its selection from the highest available preference category, as long as at least three candidates remain in that group. When fewer than three candidates remain in the highest category, consideration may be expanded to include the next category. When making an appointment from a list on which candidates have received numerical scores, the agency must make its selection for each vacancy from not more than the highest three names available for appointment in the order provided in § 302.304. Under either method, an agency is not required to—

* * * * *

9. Section 302.402 is revised (to add reference to current employees and delete reference to former employees of the District of Columbia Government, who are not covered by these regulations) to read as follows:

§ 302.402 Reappointment.

An agency may reappoint a current or former employee of the executive branch of the Federal Government who is a preference eligible to a position covered by this part without regard to the names of qualified applicants on the agency's reemployment list or regular employment list.

PART 333—RECRUITMENT AND SELECTION FOR TEMPORARY AND TERM APPOINTMENTS OUTSIDE THE REGISTER

10. The authority citation for Part 333 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

11. The following sentence is added to the end of § 333.101:

§ 333.101 Standards for temporary and term appointments outside the register.

* * * Candidates found to be qualified shall be assigned either an eligible rating or a numerical score of at least 70 on a scale of 100.

12. Section 333.102 is redesignated as § 333.201 and revised as set forth below and a subpart B heading is added; and a new § 333.102 is added to read as follows:

§ 333.102 Preference in temporary and term appointments outside the register.

In actions subject to this part, each agency shall grant veteran preference as follows:

(a) When numerical scores are used in evaluation and referral, the agency shall grant 5 additional points to preference eligibles under section 2108(3) (A) and (B) of title 5, United States Code, and 10 additional points to preference eligibles under section 2108(3) (C) through (G) of that title.

(b) When eligible candidates are referred without ranking, the agency shall note preference as "CP" for preference eligibles under section 2103(3)(C) of title 5, United States Code, and as "IP" for all other preference eligibles under that title. (At its discretion, the agency may use the notation "XP" for preference eligibles under section 2108(3) (D) through (G) of title 5, but those eligibles will not be

distinguished from "IP" eligibles in the referral process.)

Subpart B—Consideration for Appointment

§ 333.201 Making appointments from an unranked list.

In making temporary and term appointments from a list of eligible candidates who have not received numerical scores, an agency shall give preference to preference eligibles as follows:

(a) For professional and scientific positions at the GS–9 level or above, or equivalent, preference should be given to preference eligibles without regard to the type of preference.

(b) For other positions, preference shall be given first to preference eligibles with compensable service-connected disability of 10 percent or more, and second to other preference eligibles.

(c) Except as provided in paragraphs (b) and (c) of § 333.202, qualified candidates not eligible for veteran preference may be selected only when no qualified veteran preference eligibles are available.

13. A new § 333.202 is added to Subpart B to read as follows:

§ 333.202 Making appointments from a numerically ranked list.

(a) *Establishing the list.* An agency shall enter the names of all applicants having an eligible numerical score on the employment list in the following order:

(1) Preference eligibles having a compensable service-connected disability of 10 percent or more in the order of their augmented ratings, unless the list will be used to fill professional positions at the GS–9 level and above, or equivalent.

(2) All other qualified candidates in the order of their augmented ratings. At each score, qualified candidates eligible for 10-point preference will be entered ahead of those eligible for 5-point preference or those not eligible for veteran preference, and those eligible for 5-point preference will be entered ahead of those not eligible for preference.

(b) *Selection.* When making an appointment from a list on which candidates have received numerical scores, the agency must make its selection from not more than the highest three names available for appointment in the order provided in paragraph (a) of this section, except that an agency is not required to—

(1) Consider an applicant who has previously been considered three times by the same appointing officer for positions at the same grade level and for the same line of work;

(2) Consider a preference eligible whose eligibility for further consideration for the position has been discontinued as provided in paragraph (c) of this section.

(c) *Passing over a preference eligible.* When an agency making an appointment passes over the name of a preference eligible who is entitled to prior consideration under paragraph (a) of this section and selects a nonpreference eligible, the agency must record its reasons for so doing and must furnish a copy of those reasons to the preference eligible and to his or her representative on request. An agency may discontinue consideration of a preference eligible for a position if, on three occasions, the agency has considered the candidate for the position and has passed over his or her name and recorded its reasons for so doing.

[FR Doc. 88–20750 Filed 9–12–88; 8:45 am]
BILLING CODE 6325–01–M

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5 CFR Part 831

Retirement; Underdeduction Adjustments

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final rules on adjusting underdeductions from Federal employees' salaries for contributions to the Civil Service Retirement and Disability Fund (CSR Fund). These final rules will eliminate those instances where OPM does not receive the prescribed employee deduction or agency contribution because an agency has inadvertently failed to withhold some or all of the employee's retirement deductions or failed to reduce the salary of a reemployed annuitant.

EFFECTIVE DATE: October 13, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia A. Rochester, (202) 632–4682.

SUPPLEMENTARY INFORMATION: These regulations establish final procedures for correcting agency administrative errors in collecting the appropriate deduction from an employee's basic pay for the CSR Fund. On May 21, 1987, we published (at 52 FR 19150) proposed regulations revising our policy on correcting underdeductions for the CSR Fund and submitting the necessary deductions to OPM. Interested parties were given until July 20, 1987, to comment.

We received 5 comments. All were carefully considered in preparing the final regulations. The changes and clarifications made based on the comments are summarized below.

1. *Consistency between CSRS and FERS.* One comment suggested that procedures for correcting errors and submitting agency and employee contributions be more consistent for the Civil Service Retirement (CSRS) and Federal Employee Retirement Systems (FERS). Since the two retirement systems have substantial differences in the statutory provisions regarding contributions, it is not practical to attempt consistency in all areas of the correction process. However, we have tried to establish parallel procedures where appropriate.

2. *Time periods for submitting employee contributions.* Several comments expressed concern over the 60-day period allowed in § 831.111(b)(2) for submitting the balance of employee contributions in cases where only some of the required deductions were made. The commenters felt that an employee could not reasonably be expected to make a large payment of partial employee contributions in so short a period without financial hardship.

In actuality, for partial employee contributions, the proposed regulations did not require employees to make payment within 60 days. Rather, they required the agency to submit the amount owed via SF 2812. In other words, the agency is expected to immediately correct the employee's record and to erase the liability to the CSR Fund by submitting both the employee deductions and matching agency contributions. The salary overpayment debt which the employee owes to the agency can be disposed of later, in accordance with section 5584 or 5514 of title 5, United States Code (or other applicable statutes). This is consistent with the treatment of underdeductions for FERS retirement contributions. The same procedure could not be followed in CSRS cases where none of the required retirement deductions were withheld because in those situations employees have the option to make a deposit directly to the CSRS Fund rather than have the agency correct their retirement record.

Nevertheless, agency comments indicated that a 60-day standard for submission of employee deductions—as well as agency contributions—may not always be reasonable Therefore, the 60-day time limit has been dropped. The regulations now state that the agency

must submit employee and agency contributions as soon as possible, but not later than provided by standards established by OPM. Specific time limits will be established in a future Federal Personnel Manual letter, thus providing greater flexibility.

3. *Interest payable on underpaid retirement contributions.* One commenter suggested that the proposed rule be revised to include an agency obligation to pay any interest which may be due as a result of the administrative error causing the underdeduction. However, the procedure established by this rule does not require the payment of interest on the employee share of the underpaid retirement contribution if the employee elects to have the agency take corrective action and makes any associated payments to the employing agency. If the employee elects to delay payment of the deposit by not having the employing agency take the necessary corrective action or failing to make any required payments to the agency, the optional deposit or annuity computation made by OPM will reflect an interest charge for the unpaid deposit as required by 5 U.S.C. 8334(e). In the latter circumstances, we do not feel that the agency should be responsible for the interest payments if the employee did not wish to undertake his or her share of responsibility in resolving the error at the time of its discovery.

E.O. 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 the regulations will only affect Federal employees and retirees and their survivors.

List of Subjects in 5 CFR Part 831

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income tax, Intergovernmental relations, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM amends 5 CFR Part 831 as follows:

PART 831—RETIREMENT

Subpart A—Administration and General Provisions

1. The authority citation for Subpart A of Part 831 continues to read as follows:

Authority: 5 U.S.C. 8347; Sec. 831.102 also issued under 5 U.S.C. 8334; Sec. 831.106 also issued under 5 U.S.C. 552a; Sec. 831.108 also issued under 5 U.S.C. 8336(d)(2).

2. Subpart A of Part 831 is amended by adding a new § 831.111 to read as follows:

§ 831.111 Employee deductions and agency contributions.

(a) *Agency share.* When an agency fails to withhold some or all of an employee deduction under 5 U.S.C. 8334(a) for any pay period, the agency is still responsible for submitting the correct agency contribution to OPM. The agency must submit as the agency share, a payment equal to the amount that would have been submitted if the error had not been made (or a payment equal to the difference between the amount already submitted as the agency share and the amount that should have been submitted). The payment should be submitted to OPM in the manner currently prescribed for the transmission of withholdings and contributions as soon as possible, but not later than provided by standards established by OPM in the Federal Personnel Manual.

(b) *Employee share.* (1) If, through administrative error, an agency did not withhold any of the employee deductions required by 5 U.S.C. 8334(a) for any pay period, the employee may, at his or her option—

(i) Request the agency that employed him or her when the error was made to correct his or her records and arrange to pay any resulting overpayment of pay to the agency (unless it is waived by the agency); or

(ii) Pay the deposit plus any applicable interest (under certain conditions, the deposit may be made at any time until the final adjudication of his or her application for retirement) directly to OPM by submitting SF 2803; or

(iii) Have the period of service treated like the nondeduction service described in § 831.303.

(2) When the agency withholds part of the required employee deductions for any pay period, the balance must be submitted to OPM in the manner currently prescribed for the transmission of withholdings and contributions as soon as possible, but not later than provided by standards established by OPM in the Federal Personnel Manual. The agency must correct its error. The employee does not have the option to pay a deposit directly to OPM when partial deductions have been withheld.

(3) If the agency waives the employee's repayment of the salary overpayment that resulted from the administrative error, the agency must also submit (in addition to the agency contribution) the employee's share of the unpaid contributions to OPM in the manner currently prescribed for the transmission of withholdings and contributions.

3. The authority citation for Subpart H of Part 831 continues to read as follows:

Authority: 5 U.S.C. 8347.

Subpart H—Reemployment of Retired Employees

§§ 831.803 and 831.804 [Redesignated from §§ 831.802 and 831.803]

4. Subpart H of Part 831 is amended by redesignating §§ 831.802 and 831.803 as §§ 831.803 and 831.804 respectively and adding a new § 831.802, to read as follows:

§ 831.802 Reduction in pay for reemployed annuitants.

(a) Pursuant to Section 8344(a) of title 5, United States Code, an employing agency must deduct from the pay of a reemployed annuitant, the amount of annuity allocable to the period of actual employment and remit the deducted amounts to OPM in the manner currently prescribed for the transmission of withholdings and contributions.

(b) When the employing agency fails to withhold some or all of the deduction required by section 8344(a), the employee has received an overpayment of pay. The employing agency must collect the overpayment of pay (unless it is waived under 5 U.S.C. 5584 or some other applicable statute) and remit the proper funds to OPM in the manner currently prescribed for the transmission of withholdings and contributions as soon as possible, but not later than provided by standards established by OPM in the Federal Personnel Manual.

(c) If the employing agency waives the annuitant's repayment of the salary overpayment, it must submit—on behalf of the reemployed annuitant—an amount equal to the correct deduction from pay (or the balance due in the case of a partial deduction) to OPM in the manner currently prescribed for the transmission of withholdings and contributions as soon as possible, but not later than provided by standards established by OPM in the Federal Personnel Manual.

[FR Doc. 88-20751 Filed 9-12-88; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document expands the scope and applicability of the Department's uniform rules of practice governing adjudicatory proceedings to include actions initiated under the Agricultural Marketing Agreement Act of 1937. The Agricultural Marketing Agreement Act of 1937 was amended on December 22, 1987, to authorize assessment of civil penalties by the Secretary of Agriculture against any handler or any officer, director, agent or employee of such handler found to be in violation of any order issued under that Act. Accordingly, this rule will make the Department's uniform rules applicable to the administrative adjudications now authorized under the Act, and will thus permit the orderly conduct of any such adjudications initiated by the Secretary. This document also consolidates all authority citations by moving citations for the Egg Research and Consumer Information Act and the Potato Research and Promotion Act from the section on scope and applicability to the authority citation.

EFFECTIVE DATE: September 13, 1988.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202) 447–5698.

SUPPLEMENTARY INFORMATION: This action has been determined to be exempt from the procedures under Executive Order 12291 and Departmental Regulation 1512–1 because it is administrative in nature. Further, this action has been determined to be exempt from the requirements set forth in the Regulatory Flexibility Act because this action is not a rule as defined in that Act.

This rule relates to internal agency management concerning rules of agency procedure or practice in formal adjudicatory proceedings. Therefore, this rule is exempt from the provisions of 5 U.S.C. 553. For this same reason it has been determined that good cause exists to make this action effective upon publication in the Federal Register.

Effective December 22, 1987, the Agricultural Marketing Agreement Act of 1937 was amended to authorize administrative adjudications to enforce the provisions of the Act and any order issued thereunder, against any handler or officer, director, agent or employee of such handler found to be in violation, through the imposition of civil penalties by the Secretary. The amendment to the Act provides that before any penalty can be issued, the affected person shall be provided with an opportunity for a hearing. Prior to December 22, 1987, the enforcement of violations of the Act and orders issued thereunder was limited to actions prosecuted in the Federal District Courts. Thus, there was no need for administrative rules of practice before that date.

The Department's uniform rules of practice (7 CFR Part 1, Subpart H), which govern the conduct of adjudicatory proceedings under numerous statutes, have been in effect since February 1, 1977. Accordingly, to insure consistency and uniformity in the conduct of the Department's administrative proceedings, it has been determined that proceedings initiated under the amended Agricultural Marketing Agreement Act of 1937 should also be governed by these uniform procedures.

When 7 CFR Part 1 was amended to expand the scope and applicability of the Department's uniform rules of practice governing adjudicatory proceedings to include actions initiated under the Egg Research and Consumer Information Act and the Potato Research and Promotion Act, authority for that action was cited in § 1.131. This action consolidates all authority citations by moving citations for the Egg Research and Consumer Information Act and the Potato Research and Promotion Act from § 1.131 to the authority citation.

List of Subjects in 7 CFR Part 1

Adjudicatory proceedings.

For the reasons set forth in the preamble, Subtitle A of Title 7 is amended as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart H—Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes

1. The authority citation for Part 1, Subpart H is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 61, 87e, 149, 150gg, 162, 163, 164, 228, 268, 499o, 608c(14), 1592, 1624(b), 2151, 2621, 2714, 2908, 3812, 4610, 4815, 4910; 15 U.S.C. 1828; 16 U.S.C. 1540(f), 3373; 21 U.S.C. 104, 111, 117, 120, 122, 127, 134e, 134f, 135a, 154, 463(b), 621, 1043; 43 U.S.C. 1740, unless otherwise noted.

§ 1.131 [Amended]

2. Section 1.131(a) is amended by inserting the following statutory reference in the list of statutes in alphabetical order:

Agricultural Marketing Agreement Act of 1937, as amended, section 8c(14), 7 U.S.C. 608c(14).

3. Section 1.131 is further amended by removing the authority citations "(7 U.S.C. 2701 *et seq.*, as amended, Pub. L. 96–276, 94 Stat. 541, effective June 17, 1980; 7 U.S.C. 2611 *et seq.*, as amended, Pub. L. 97–244, 96 Stat. 310, effective August 26, 1982)" which appear at the end of that section.

Signed in Washington, DC on September 8, 1988.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 88–20753 Filed 9–12–88; 8:45 am]

BILLING CODE 3410–02–M

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children; Age of Medical Data, Vendor Disqualification, Participant Information Sharing

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends three provisions in the regulations governing the Special Supplemental Food Program for Women, Infants and Children (WIC). The three provisions are unrelated, except that each has been a subject of concern to the WIC community and has been found by the Department to require change. First, the regulation allows the date of medical data required for certification (height, weight and bloodwork) to precede the date of certification by up to 60 days. A full certification period is allowed provided that the data is 60 or fewer days old. Second, this regulation allows the disqualification of WIC vendors who have been assessed a Civil Money Penalty (CMP) in the Food Stamp Program. Finally, this regulation authorizes disclosure of information obtained from WIC Program applicants and participants to representatives of public organizations which administer health or welfare programs serving persons categorically eligible for WIC. These amendments will both strengthen

and streamline program administration at the State agency level.

EFFECTIVE DATE: October 13, 1988.

FOR FURTHER INFORMATION CONTACT: Ronald J. Vogel, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1017, Alexandria, Virginia 22302, (703) 756–3746.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed under Executive Order 12291, and has been determined to be *nonmajor*. The rule will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers; or geographic regions. Nor will this rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Pursuant to that review, the Administrator of the Food and Nutrition Service has certified that this proposal does not have significant economic impact on a substantial number of small entities. This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, and final rule-related notice published June 24, 1983 (48 FR 29114)).

Background

The Department reassesses WIC Program regulations and operations on an ongoing basis to ensure the continuing efficiency and effectiveness of the program. Three areas identified through frequent expressions of concern by the WIC community were recently reviewed and found to warrant consideration for change. Therefore, on September 18, 1987, the Department published a proposed rule (52 FR 35264) to amend three provisions in the regulations governing the WIC Program. The proposed rule provided for a 90-day comment period, which ended on December 17, 1987. During that period, 198 comments were received from a variety of sources, including State and local health professionals, other State and local agency staff, advocacy groups and professional organizations.

The Department has given all comments careful consideration and would like to thank all of those commentors who responded to the proposal. Especially appreciated were the individual comments which provided a detailed and thorough analysis of an issue; these proved particularly helpful in formulating this final rule.

The remainder of this preamble discusses the major concerns expressed by commentors regarding each provision and explains the reasoning behind the decisions embodied in this final rule.

1. Age of Medical Data and Length of Certification Period (§ 246.7(f)(4))

Program regulations did not previously place a temporal limit on the age of required medical intake data (i.e., bloodwork, weight, height or length) allowed in determining nutritional risk. Current regulations implicitly allow old data to be used, stating that if data used in nutritional risk determinations antedate entrance to the Program, the certification period (for participants other than pregnant women) will be based on the date when the data were taken, rather than on the date of certification. Pregnant women are certified for the duration of their pregnancy and for up to 6 weeks postpartum.

On July 8, 1983 (48 FR 31502), the Department proposed to permit a person to be certified for a full certification period based on medical data collected within a 6-month period preceding certification. However, many who commented on this proposal strenuously opposed the use of old data, especially data approaching 6 months old, contending that they are invalid for determining nutritional status. The Department evaluated the recommendations and agreed that older data would not accurately reflect an applicant's current status. There was no clear consensus among commentors regarding what shorter time limits would be appropriate. The final rule, published on February 13, 1985 (50 FR 6108), retained the stipulations of previous regulations. The regulations additionally required that the use of data gathered before the time of certification be restricted to that which is "reflective of" an applicant's current categorical status. Subsequently, in response to requests for clarification on the final rule, the Department issued guidance to the effect that information can be up to 30 days old without affecting the length of the certification period. The 30-day provision is consistent with the longstanding authority to shorten or extend certification periods by 30 days and is intended to facilitate coordination and scheduling of WIC certification and health care.

Since issuance of the final regulations and guidance, concerns continued to be voiced about allowable age of medical data and its effect on the length of certification periods. Some State agencies contended that more than 30 days is sometimes needed for the required medical data to reach WIC clinics through referral systems. They suggested that 60 days would allow enough time for referral data to be received while at the same time assuring that the data accurately represent the applicant's health status. The 60-day limit would make it unnecessary to shorten certification periods based on the age of data.

After an extensive review of these suggestions, as well as other materials pertinent to this issue, the Department published a proposed rule allowing only required intake medical data (i.e. bloodwork, weight and height or length) up to 60 days old to be used in determining nutritional risk. Certification periods would not be shortened based on the age of the data. The Department also proposed that the 60-day period run from the date of application.

Following the publication of the 1985 final rule, concern was also expressed about the requirement in § 246.7(f)(4) that the mandatory intake medical data be "reflective of the applicant's categorical status at the time of certification," by which the Department intended that data can be used only if taken while the applicant is in the category—pregnant women, infant, etc.—that the person occupied at time of certification. Some States have argued that only the changes from nonpregnant status to pregnancy, and from pregnancy to postpartum, are dramatic and abrupt enough to justify this restrictive requirement. For this reason, and because the 60-day limit would be generally effective in ensuring that medical data accurately reflects the applicant's current status, the Department proposed to require that data used to certify pregnant women be taken during their pregnancy, and to prohibit the use of data taken during pregnancy to certify postpartum women.

The Department received 195 comments addressing the proposed temporal limit on the age of medical

intake data required as part of the certification process in the WIC Program. Thirty-six commentors supported the changes in allowable age of medical data and length of certification period as presented in the proposal. Six of those 36 commentors believed that the proposal lengthened, rather than shortened, the allowable age of medical data. Those commentors reside in States which have adopted the policy of accepting only data less than 30 days old for certification purposes without shortening the certification period to reflect the age of medical data. These States believe strongly in basing eligibility determinations upon timely intake data and have implemented State restrictions on age of medical data beyond those required by Federal regulations and policy. The proposal to restrict allowable age of medical intake data to 60 or fewer days old does not preclude a State from adopting medical intake data age limitations more restrictive than those required by regulation.

Six commentors supported the general concept of shortening the allowable age of medical data and allowing for a full, six-month certification period, while offering variations on what shorter time limit would be appropriate. These commentors felt that 60-day-old data were too old to be acceptable. Typical of such comments was one which read: "The age of medical data up to 60 days seems somewhat lengthy to accept for a full certification period. Change in anthropometric and hematological data can be rapid in pregnant women, infants and children." Said another commentor, "We are concerned that the medical data reflect current nutritional status. To continue to insure the highest quality of medical services will be provided to the WIC participants, the medical data needs to be critically reviewed, as it is the major focus for WIC certification." These commentors suggested variations on allowable age of medical data of between 30 and 45 days.

One hundred and fifty-one commentors opposed the proposal. However, this count is not reflective of overall national concerns regarding the provision. Of these comments, 140 came from a single State and opposed the provision for reasons tied specifically to the administration of that State's public health system. All but nine of these comments were part of mass mailings of postcards and standard letters. Many of the State's WIC participants receive medical care from a Medicaid-based State public health program which performs hemoglobin and hematocrit tests on infants and children on a State-established schedule which is different from that required by WIC. Based on the needs of the public health program, the State WIC Program proposed allowing data up to 6 months old to be used in determining nutritional risk while allowing a full 6-month certification period if data less than 6 months old is used. Two commentors outside of this State supported its proposal. After extensive review, it has been determined that these isolated concerns should not be addressed through the national rulemaking process. The 140 comments address concerns unique to one State which do not have national application and which should be resolved through coordination efforts within the State.

The 9 other commentors opposing the proposal also believed that 60 days was too short a period for allowable age of medical data. Three commentors found no advantage to the proposed change and suggested that the current provision be retained. The remaining six commentors suggested a 90-day limit for allowable age of medical data. One commentor proposed a full certification period with the 90-day-old data. The remaining 5 commentors suggested a shortening of the certification period if data over 60 days old are used.

The major reason commentors advocated that medical data over 60 days old be allowed is the belief that a 60-day limit creates a hardship for local agencies relying heavily on referral data, which may take more than 60 days to reach the WIC office. the Department continues to believe that long periods between the collection of data and certification are not inevitable or inherent in referral systems. Rather than accepting this gap and seeking administrative accommodations to it, State and local agencies should make every possible effort to narrow it.

As stated previously, 140 comments opposing the proposal came from one State and reflected concerns unique to that State which should not be addressed through a national rulemaking. A clear majority of the remaining 54 comments supported the provision presented in the proposed rule. This rule makes final the proposal, which allows medical intake data used to determine nutrition risk to be up to 60 days old. Certification periods will not be shortened based on the age of the data. Most of the commentors who addressed this provision agreed that a full certification period, regardless of age of medical data, provides a uniform, equitable certification process for participants and eases administrative responsibilities for the local agency. State agencies should be aware that the 60-day limit applies to the required bloodwork, height or length, and weight data, even if an applicant's nutritional risk status is established on the basis of unrelated risk factors. The 60-day limit strikes an acceptable balance between the need for medical data reflective of an applicant's current status and the need to accommodate the provision of required medical data through referral systems.

This final rule does make one change to the medical data provision as proposed. The Department proposed that the 60-day period for allowable age of the data run from the date of application, rather from the date of certification. This was intended to prevent the situation in which data are less than 60 days old on the date of application but have become more than 60 days old when, at a later date, the local agency prepares to complete the certification process. However, several commentors suggested that running the 60-day period from the date of application severely limits the effectiveness of the provision in ensuring timely medical data. Many applicants on waiting lists many not be certified for program participation until several months after application is made. Data collected up to 60 days before the date of the application could be completely outdated and unreflective of current status by the time slots become available and certification actually occurs. The Department believes that this is a legitimate concern and, therefore, has required in this final rule that the 60-day period run from date of certification.

This new limit on the age of medical data creates a situation which local agencies have previously faced only in the rare instance of persons who were on waiting lists for more than 6 months. That is, an applicant's medical data may become outdated between the date of entry onto a waiting list and the date of eligibility determination or certification. Clinics with the capacity to complete height and weight measurements and bloodwork on the premises should, of course, do so as part of the intake process in this situation. When a clinic must rely on referral data, the local agency should retain a record of such applicants and place them as high as possible on the waiting list when they return with updated data. Such placements must be made in a way that complements the participant priority system. For example, a child returning with updated data would be placed first among children on the waiting list. However, if any new pregnant or

breastfeeding women or infant applicants have entered the list, they must be given consideration before any children returning with updated data or children currently on the list.

Two clarifications were also made in the provision addressing the age of medical data. First, the provision now specifies that the category of women "after the termination of their pregnancy" includes breastfeeding postpartum women, as well as nonbreastfeeding postpartum women. In the past, only the phrase "postpartum women" appeared, and this phrase, as it is used elsewhere in the regulations, does not include breastfeeding women. Second, the revised text clarifies that data on pregnant, breastfeeding, and postpartum women must *both* be taken within 60 days of certification *and* be reflective of their status at the time of certification. Thus data collected for a pregnant woman 65 days prior to certification are not acceptable even though they were gathered during her pregnancy. Conversely, data 20 days old are not acceptable if collected during the pregnancy of a woman who will be certified in the breastfeeding postpartum category.

Finally, this provision has been removed from paragraph (f) of § 246.7 and incorporated into paragraph (d)(1). The permissible age of medical data was previously addressed under paragraph (f), "Certification Periods," because the age of height or length, weight and bloodwork data affected the length of the certification period. Since this casual relationship no longer exists, the provision has been shifted to paragraph (d)(1), which addresses the collection of this required data.

2. Vendor Sanctions (§§ 245.12(f) and 246.12(k))

In the past, the WIC Program has not allowed State agencies to disqualify vendors solely because they have been assessed a Civil Money Penalty in the Food Stamp Program. Section 278.6(f) of the Food Stamp Program regulations states that FNS may impose a Civil Money Penalty as a sanction in lieu of disqualification "only when the firm subject to disqualification is selling a substantial variety of staple food items, and the firm's disqualification would cause hardship to food stamp households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices." In instances where removal of a vendor from the Food Stamp Program would create a hardship for food stamp recipients, the Department believed that disqualifying this vendor from WIC would inevitably cause a concomitant hardship for WIC recipients who reside in the same area.

However, a number of State agencies requested that Program regulations be amended to allow a WIC State agency to disqualify a vendor sanctioned through a Civil Money Penalty in the Food Stamp Program. They asserted that the composition and distribution of the WIC population in an area may differ significantly from that of food stamp recipients. The Department agreed that hardship to WIC participation does not always arise in such situations. In addition, Civil Money Penalties are generated by violations severe enough to warrant a disqualification from the Food Stamp Program. WIC regulations allowed State agencies the option of disqualifying a vendor from the program only if that vendor is disqualified from the Food Stamp Program. Therefore, the Department proposed to allow State agencies to disqualify a vendor from the WIC Program in response to a Civil Money Penalty in the Food Stamp Program.

Such disqualifications would be subject to specific controls which ensure participants reasonable access to WIC vendors. Under the proposed rule, States would not be allowed to disqualify a vendor from WIC based on a Civil Money Penalty unless the State documents that disqualification of the vendor from WIC would not create undue hardship for WIC participants. Undue hardship would result if, after disqualification, WIC participants in the area would no longer have sufficient opportunity to obtain supplemental foods. The documentation requirements would carry out the long-standing regulatory mandate that the State agency "consider whether disqualification would create undue hardship for participants (§ 246.12(k)(1)(iv)). In addition, State agencies exercising this option would be required to announce their policy in their vendor agreement.

This proposal was the least controversial of the three proposed changes. Of the 198 total comments received, only 41 mentioned the vendor sanction proposal.

Thirty-nine commentors supported the proposal. Most felt that if a vendor commits a violation serious enough to warrant disqualification from the Food Stamp Program, the State agency should have the authority to disqualify the vendor from the WIC Program.

Two commentors opposed the proposal. One felt that the rule unnecessarily restricts a vendor's option to participate in the WIC Program. The Department does not believe that the proposed rule is unduly harsh with regard to retailers. The long established authority of WIC State agencies to select the most viable from among applicants and to limit participation of vendors to the number needed for program purposes has been accepted by the vendor community. Both this established limitation authority and the disqualification provision implement the principle of quality control through selectivity. The Department believes that this proposal serves the best interest of WIC participants, while assuring fair and reasonable treatment to vendors.

The second opposing comment questioned the necessity for coordination between the Food Stamp and WIC Programs. Coordination of Federal programs to ensure the most efficient use of Federal funds in order to provide the best services possible for benefit recipients has long been a Federal priority. The coordination of the Food Stamp Program and the WIC Program, both administered by the Food and Nutrition Service and both delivering benefits through retail grocers, is clearly in the public interest.

Because the Department believes strongly that the vendor disqualification provision as proposed would have served the best interest of the WIC Program and its recipients, and with the support of 95 percent of the commentors, the proposed provision is made final in this rulemaking. Subject to specific controls to insure participants reasonable access to WIC vendors, this final rule allows State agencies to disqualify a vendor from the WIC Program in response to a civil money penalty in the Food Stamp Program.

Documentation required to carry out the mandate in current regulations that the State agency "consider whether the disqualification would create undue hardship for participants" (§ 246.12(k)(1)(iv)) is required. A high standard of documentation must be upheld since, as with any adverse action, the State agency decision to disqualify a vendor who has received a Food Stamp civil money penalty is subject to appeal. The issue of the basis for, or validity of, the Food Stamp civil money penalty cannot be introduced into the appeal of a WIC disqualification based on the Food Stamp Program action. This action is relevant to the WIC appeal only to the extent of confirming that the vendor did, in fact, receive a civil money penalty.

3. Confidentiality (§§ 246.7(h)(9) and 246.26(d))

Based on the Department's concern that any information regarding WIC Program applicants and participants remain strictly confidential, program regulations allow the disclosure of information obtained from applicants and participants only to persons directly connected with the WIC Program administration or enforcement or the Comptroller General of the United States. This policy, however, has given rise to questions by States concerning the competing interests of confidentiality and health care systems coordination. Some States have expressed interest in the exchange of participant data and other information between the WIC Program and other State programs. Such exchanges would reduce duplication of administrative efforts, such as the taking and storing of income information, necessary when more than one program serves the same population.

The Department agreed that such an exchange could facilitate coordination of all health and social service needs of an individual, which would be consistent with efforts to coordinate activities between programs and thereby increase efficiency. The Department proposed, therefore, to authorize the disclosure of information provided by WIC applicants and participants, at the discretion of the chief State health officer, to public health or welfare programs that serve persons categorically eligible for the WIC Program. In Indian State agencies, approval would be granted by the governing authority. The State agency would be required to execute a written agreement with any agency to which it discloses information, specifying the purposes of the disclosure and containing the receiving agency's assurance that it will not, in turn, disclose this information. States choosing to exercise this disclosure authority would be required to include, in their certification forms to be signed by the applicant, a statement which acknowledges that the information may be released to approved health or welfare agencies.

Fifty-eight comments were received on this proposal. Twenty-six commentors supported the provision exactly as proposed. These supporters believed that the provision would reduce unnecessary duplication of effort, not only on the part of program administrators, but on the part of program applicants as well. If program intake information were shared with health or welfare programs, WIC applicants would not find it necessary to provide income and/or medical data, separately, to each program to which they apply within a short period of time.

Nine other commentors stated that, while they supported the general concept of applicant and participant information sharing between WIC and other public health and welfare programs, some adjustments to the proposal should be made. Several of these commentors suggested regulations require that applicants and participants be allowed to refuse consent for release of information without jeopardizing their access to program benefits. This suggestion is addressed later in the preamble.

Twenty-three commentors opposed the proposal. The majority of these believed that the information would be used in a way that would impact negatively on participants. The information could be used to develop a data base by the Federal or State government on low-income people, to facilitate government projects rather than to assist program recipients. Commentors also believed that a provision allowing release of information would create a negative relationship between WIC and its clients, creating fear among undocumented aliens that the information will in some way be used against them, discouraging applicants fearful that benefits from another program, such as public assistance or food stamps, would be reduced if WIC information were released, and perpetuating the perception among low-income public assistance beneficiaries that lack of confidentiality betokens lack of respect for program applicants and recipients on the part of program administrators.

The Department has considered the objections raised by commentors and has decided to amend the regulatory language concerning this issue. The change to the confidentiality provision was proposed to facilitate information sharing for two basic purposes: coordinated administration of health and welfare programs and conduct of outreach to WIC applicants and participants concerning other programs for which the WIC population might be eligible. The language of the proposed rule did not describe these uses although the preamble to the proposed rule did discuss them. The language of the final rule has been amended to make clear that WIC Program information may be used by the designated public organizations only for the purposes of (1) establishing the eligibility of the WIC applicant or recipient for health or welfare programs, and (2) conducting outreach to WIC applicants or participants.

It should be emphasized that the proposal would provide an *option* to State agencies; it would not *require* information sharing. The Department envisions that each state agency, in determining whether to implement this option, would invite vigorous internal and public debate regarding its compatibility with client interests and the State's service delivery systems. States can be expected to assess this option carefully and, if they choose to exercise it, to do so in a fair and reasonable manner. Furthermore, State agencies which choose to implement information sharing could allay the concerns of applicants and participants by providing a clear, straightforward explanation of why they have decided to operate such exchanges of information and how their systems work.

The Department believes that State agencies should have this opportunity to enhance their health and welfare service delivery systems to the benefit of their citizens and has, therefore, adopted the proposal with the modification discussed above. In response to comments, consideration was also given to modifying the proposal to require that applicants and participants be given the right to forbid release of information they provide without jeopardizing their WIC applications or participation. The Department believes that this change could unduly restrict information sharing; therefore, this right is not established in the final rule. However, State agencies should be aware that they can, if they adopt such systems, offer applicants and participants the right to refuse.

State agencies should also be reminded that the final rule does not change the Department's policy concerning release of WIC Program information to individual requesters outside the health and welfare organizations authorized to receive such information by the chief State health officer. The rule does not authorize release of information to such individuals. If a request for such information is in the form of a subpoena issued by a court or other government body possessed of subpoena power, the WIC local agency should consult its legal counsel and seek guidance from the State agency, while making the officer who issued the subpoena aware of the requirements of the WIC regulations concerning confidentiality of WIC Program applicant and participant information.

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs-social programs, Indians, Infants and children, Maternal and child health, Nutrition, Nutrition education, Public assistance programs, WIC, Women.

For the reasons set out in the preamble, 7 CFR Part 246 is amended as follows:

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

1. The authority citation for Part 246 continues to read as follows:

Authority: Sec. 8–12, Pub. L. 100–237, 101 Stat. 1733 (42 U.S.C. 1786); sec. 341–353, Pub. L. 99–500 and 99–591, 100 Stat. 1783 and 3341, (42 U.S.C. 1786); sec. 3, Pub. L. 95–627, 92 Stat. 3611 (42 U.S.C. 1786); sec. 203, Pub. L. 96–499, 954 Stat. 2599; sec. 815, Pub. L. 97–35, 95 Stat. 521 (42 U.S.C. 1886).

2. In § 246.7, paragraph (d)(1) is revised, paragraph (f)(4) is removed, and a new paragraph (h)(9) is added.

§ 246.7 Certification of participants.

* * * * *

(d) * * *

(1) *Determination of nutritional risk.* At a minimum, height or length and weight shall be measured, and a hematological test for anemia such as a hemoglobin, hematocrit, or free erythrocyte protoporphyrin test shall be performed. However, such hematological tests are not required for infants under six months of age and, at the State or local agency's discretion, the blood test is not required for children who were determined to be within the normal range at their last certification. However, the blood test shall be performed on such children at least once every 12 months. Height or length and weight measurements and, with the exceptions specified in this paragraph, blood tests, shall be obtained for all participants, including those who are determined at nutritional risk based solely on the established nutritional risk status of another person, as provided in paragraphs (d)(1)(i) and (d)(1)(ii) of this section. Weight and height or length shall be measured, and a blood test shall be conducted, not more than 60 days prior to certification for program participation, provided that such data for persons certified as pregnant women shall be collected during their pregnancy, and such data for persons certified as postpartum and breastfeeding women shall be collected after the termination of their pregnancy.

* * * * *

(h) * * *

(9) In States exercising the authority to disclose information pursuant to § 246.26(d)(2), a statement, to be added to the statement required under paragraph (h)(8) of this section, acknowledging that the chief State health officer (or in the case of Indian State agencies, the governing authority) may authorize disclosure of information provided by the applicant or participant to representatives of public organizations, designated by such chief State officer or governing authority, which administer health or welfare programs that serve persons categorically eligible for the WIC Program. This statement shall also indicate that such information can be used by the recipient organizations only to determine the eligibility of WIC applicants and participants for programs administered by such organizations, and to conduct outreach for such programs.

* * * * *

3. Section 246.12 is amended by revising paragraph (f)(3), redesignating paragraph (k)(1)(iv) as paragraph (k)(1)(v), and adding a new paragraph (k)(1)(iv) to read as follows:

§ 246.12 Food delivery systems.

* * * * *

(f) * * *

(3) Other provisions shall be added to the contracts or agreements to implement State agency options in paragraphs (k)(1)(iii), (k)(1)(iv), and (s)(5)(iv) of this section.

* * * * *

(k) * * *

(1) * * *

(iv) The State agency may disqualify a vendor who has been assessed a civil money penalty in the Food Stamp Program in lieu of disqualification, as provided in 7 CFR 278.6, only if the State agency:

(A) Documents that any such disqualification will not create undue hardship for participants; and

(B) Includes notification that it will take such disqualification action in its vendor agreement, in accordance with paragraph (f)(3) of this section.

* * * * *

4. In § 246.26, paragraph (d) is revised to read as follows:

§ 246.26 Other provisions.

* * * * *

(d) *Confidentiality.* The State agency shall restrict the use or disclosure of information obtained from program applicants and participants to:

(1) Persons directly connected with the administration or enforcement of the program, including persons investigating or prosecuting violations in the WIC Program under Federal, State or local authority;

(2) Representatives of public organizations designated by the chief State health officer (or, in the case of Indian State agencies, the governing authority) which administer health or welfare programs that serve persons categorically eligible for the WIC Program. The State agency shall execute a written agreement with each such designated organization:

(i) Specifying that the receiving organization may employ WIC Program information only for the purpose of establishing the eligibility of WIC applicants and participants for health or welfare programs which it administers and conducting outreach to WIC applicants and participants for such programs, and

(ii) Containing the receiving organization's assurance that it will not, in turn, disclose the information to a third party; and

(3) The Comptroller General of the United States for audit and examination authorized by law.

Date: September 6, 1988.

Anna Kondratas,

Administrator, Food and Nutrition Service.

[FR Doc. 88–20771 Filed 9–12–88; 8:45 am]

BILLING CODE 3410-30-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 0

Restrictions Against Ownership of Certain Security Interests by Members of Advisory Committee on Nuclear Waste; Gifts, Entertainment, and Favors

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations governing the ownership by NRC employees of stocks, bonds, and other security interests in companies that fall within any one of five reactor-related or fuel cycle-licensed categories. This amendment will add to the group of affected employees those special Government employees who serve as members of the Advisory Committee on Nuclear Waste. The Commission is also amending its regulations on acceptance of gifts, entertainment, and favors to permit acceptance of travel expenses from an otherwise prohibited source when proffered in connection with a job interview and to permit acceptance of

food and refreshments at widely-attended events sponsored by certain groups whose membership is composed of prohibited sources.

EFFECTIVE DATE: September 13, 1988.

FOR FURTHER INFORMATION CONTACT: Susan Fonner, Senior Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–1632.

SUPPLEMENTARY INFORMATION: Section 0.735–29(a) of NRC's Conduct of Employees regulations (10 CFR Part 0) prohibits Commissioners, certain staff members, and other related personnel, including members of the Advisory Committee on Reactor Safeguards, from owning certain security interests. The Commission recently created a new committee, the Advisory Committee on Nuclear Waste. The Advisory Committee on Nuclear Waste will have as its members special Government employees who will perform the same advisory functions with regard to the high-level waste repository licensing program that members of the Advisory Committee on Reactor Safeguards perform with respect to power reactor licensing. In view of this, the Commission has determined that the new committee should be added to the listing of NRC employees subject to the prohibition of § 0.735–29(a).

The Commission is amending § 0.735–42 of the NRC Conduct of Employees regulations, which prohibits NRC employees from accepting gifts, entertainment, or favors (including travel expenses) from certain prohibited sources. Because potential employers frequently require pre-employment interviews at the employer's place of business, this prohibition can create considerable hardship for any NRC employee who wishes to apply for employment with a prohibited source organization that is located outside of the area of the employee's duty station. Under the revised regulation, employees may accept food, lodging, and transportation from an otherwise prohibited source when proffered in connection with a job interview outside of the area of an employee's duty station.

The Commission is also amending § 0.735–42 to permit acceptance of food and refreshments at widely-attended events sponsored by a consumer, environmental, industrial, technical, trade, or professional association or similar group that would otherwise fall within the general prohibition on acceptance of gifts, entertainment, or favors from certain sources. The amendment follows the guidelines set forth in an October 23, 1987, Office of Government Ethics memorandum on "Acceptance of Food and Refreshments by Executive Branch Employees."

Because these amendments relate solely to matters of agency management or personnel, good cause exists for omitting notice of proposed rulemaking and public procedures thereon, as unnecessary, and for making the amendments effective upon publication in the **Federal Register**.

Environmental Impact: Categorical Exclusion

The action required under this final rule is administrative and would not impact the environment. The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*).

Regulatory Analysis

Under existing NRC regulations, no Commissioner or employee, including a special Government employee who is a member of the Advisory Committee on Reactor Safeguards, who occupies a position at or above GS–13 or its equivalent, may own any stocks, bonds, or other security interests issued by any entity that falls within any one of five designated reactor-related or fuel cycle-licensed categories. The Advisory Committee on Nuclear Waste will have as its members special Government employees who will perform the same advisory functions with regard to the high-level waste repository licensing program that members of the Advisory Committee on Reactor Safeguards perform with respect to power reactor licensing. These functions include providing input on major Commission decisions. The Commission has, therefore, determined that the regulations should be revised to provide that members of the Advisory Committee on Nuclear Waste are subject to the prohibition on ownership of securities of organizations that fall within the designated categories. The revised regulation in an alternative which is preferred to the unrevised regulation, and the cost entailed in its promulgation and application is necessary and appropriate.

In accordance with Executive Order 11222 and Part 735 of Title 5, Code of Federal Regulations, existing NRC regulations prohibit employees of the agency from accepting gifts, entertainment, or favors from an entity that (1) has, or is seeking to obtain, contractual or other business or financial relations with NRC, (2) conducts operations or activities that are regulated by NRC or is an applicant for an NRC license, or (3) has interests that may be substantially affected by the performance or nonperformance of the employee's official duty. However, Executive Order 11222 and 5 CFR Part 735 authorize agencies to provide necessary and appropriate exceptions to this prohibition.

The present NRC regulation prohibiting acceptance of gifts, entertainment, or favors from prohibited sources applies to acceptance of travel benefits in connection with a job interview. Because potential employers frequently require pre-employment interviews at the employer's place of business, the prohibition can create considerable hardship for any NRC employee who wishes to apply for employment with a prohibited source organization that is located outside of the area of the employee's duty station. The alternative adopted in this rule will permit acceptance of food, lodging, and transportation from an otherwise prohibited source when proffered in connection with a job interview outside of the area of an employee's duty station. The Commission believes that this alternative is to be preferred to the unrevised regulation.

Existing NRC regulations on acceptance of gifts, entertainment, and favors also prohibit employees of the agency from accepting food or refreshments at widely-attended events sponsored by organizations that fall into the categories listed above. The alternative adopted in this rule will permit such acceptance where the donor is a consumer, environmental, industrial, technical, trade, or professional association, or a similar group, and it has been determined that it is in the agency's interest that the employee attend the event and the food and refreshments offered are not excessive in nature. A number of Government agencies have adopted such a provision. The Commission also believes that this is the preferred alternative, and the cost entailed in the promulgation and application of this and the foregoing amendment to the regulations is necessary and appropriate. The foregoing discussion constitutes the regulatory analysis for this final rule.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required for this final rule because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 0

Conflict of interest, Penalty.

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, E.O. 11222 of May 8, 1965, 5 CFR 735.104, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 0.

PART 0—CONDUCT OF EMPLOYEES

1. The authority citation for Part 0 continues to read as follows:

Authority: Secs. 25, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2035, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 11222, 30 FR 6469, 3 CFR 1964–1965 Comp., p. 306; 5 CFR 735.104.

Sections 0.735–21 and 0.735–29 also issued under 5 U.S.C. 552, 553. Section 0.735–26 also issued under secs. 501, 502, Pub. L. 95–521, 92 Stat. 1864, 1867, as amended by secs. 1, 2, Pub. L. 96–28, 93 Stat. 76, 77 (18 U.S.C. 207).

2. In § 0.735–29, paragraph (a) is revised to read as follows:

§ 0.735–29 Restriction against ownership of certain security interests by Commissioners, certain staff members and other related personnel.

(a) No Commissioner or employee, including special Government employees who are members of the Advisory Committee on Reactor Safeguards, the Advisory Committee on Nuclear Waste, the Atomic Safety and Licensing Board Panel, or the Atomic Safety and Licensing Appeal Panel, who occupies a position at or above GS–13 or its equivalent, shall own any stocks, bonds, or other security interests issued by any entity falling within the categories set forth in paragraph (b)(1) of this section. This prohibition also applies to employees who occupy positions below the GS–13 level that fall within occupational codes designated by the Commission. The restrictions set forth in this section apply to spouse, minor child, or other members of the immediate household of a Commissioner, employee, or special Government employee. In cases where the entity covered by the prohibition is a subsidiary of another corporation, the prohibition extends to the parent company.

* * * * *

3. In § 0.735–42, new paragraphs (b)(6) and (b)(7) are added to read as follows:

§ 0.735–42 Gifts, entertainment, and favors.

* * * * *

(b) * * *

(6) Acceptance of food, lodging, and transportation from a prospective employer incident to travel required for a bona fide job interview if—

(i) The employee, in conformance with § 0.735–22, is not acting on behalf of the NRC in any particular matter in which the prospective employer has a financial interest;

(ii) Any reimbursement for food, lodging, and transportation is limited to actual expenses; and

(iii) The employee informs the counselor or a deputy counselor in writing in advance of the proposed travel.

(7) Acceptance of food and refreshments from a consumer, environmental, industrial, technical, trade, or professional association or similar group (not from an individual company), in connection with an NRC employee's attendance at a widely-attended gathering of mutual interest to the government and the private sector, such as a reception, seminar, conference, or training session, provided that:

(i) The food and refreshments proffered are not excessive; and

(ii) The employee's immediate supervisor or, in the case of an invitation to a Commissioner, the Commissioner, after consultation with the counselor or a deputy counselor, has determined in writing that:

(A) It is in the interest of the NRC for the employee to attend the gathering; and

(B) Attendance at the event will not create an appearance of impropriety, considering factors such as the timing of the event, the reasons for the event, and the sponsors of the event.

* * * * *

Dated at Rockville, Maryland, this 8th day of September, 1988.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 88–20791 Filed 9–12–88; 8:45 am]

BILLING CODE 7590–01–M

FARM CREDIT ADMINISTRATION

12 CFR Parts 611 and 617

Organization; Examinations and Investigations; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published final regulations under Parts 611 and 617 on July 19, 1988 (53 FR 27155). The final regulations to Parts 611 and 617 eliminate duplicative or unnecessary regulations relating to FCA examinations and investigations. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is September 13, 1988.

EFFECTIVE DATE: September 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Stephen G. Smith, Examiner, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4160

or

James M. Morris, Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

Authority: 12 U.S.C. 2252(a) (9) and (10).

Dated: September 8, 1988.

David A. Hill,

Secretary, Farm Credit Administration.

[FR Doc. 88–20786 Filed 9–12–88; 8:45 am]

BILLING CODE 6705–01–M

12 CFR Part 618

General Provisions; Member Insurance

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration Board (FCA Board) adopts amendments to Part 618, Subpart B, relating to the authority of Farm Credit System banks (excluding banks for cooperatives) (hereinafter banks) and associations to sell credit-related forms of insurance to their members and borrowers, on an optional basis. This action is taken to implement amendments made to section 4.29 of the Farm Credit Act of 1971, as amended (1971 Act), by the Agricultural Credit

Act of 1987 (Pub. L. 100–233) (1987 Act). The final regulation requires banks which offer insurance to approve the programs of more than two insurers for each type of insurance offered in its chartered territory. The regulation also requires the board of directors of the bank or association to select and offer at least two insurers from among those offering approved programs for each type of insurance made available. Comments received from the public have been considered and minor clarifying changes have been made to the proposed amendments.

EFFECTIVE DATE: The regulations shall become effective upon the expiration of 30 days after this publication during which either or both Houses of Congress are in session. Notice of the effective date will be published.

FOR FURTHER INFORMATION CONTACT:
Dennis K. Carpenter, Senior Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444.

or

Joanne P. Ongman, Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: On June 6, 1988, the FCA Board published for public comment proposed amendments to Part 618 Subpart B. 53 FR 20647. The proposed amendments address the authority of Farm Credit System banks and associations to sell credit-related forms of insurance to their members and borrowers, on an optional basis. The proposed amendments implement section 422 of the 1987 Act, which amends section 4.29 of the 1971 Act, 12 U.S.C. 2218. The amended section 4.29 requires banks which offer insurance to approve the programs of more than two insurers for each type of insurance offered in its chartered territory and requires the board of directors of the bank or association to select and offer at least two insurers from among those offering approved programs for each type of insurance made available. The comment period closed July 6, 1988. The FCA received one set of comments from the Farm Credit Corporation of America (FCCA) on behalf of its members and one set of comments from the Crop Insurance Research Bureau and the National Association of Mutual Insurance Companies (CIRB/NAMIC). The FCA Board has carefully analyzed and considered these comments and responds to them on the basis of a thorough consideration of the merits of the positions expressed.

The FCCA supported the proposed amendments with two minor suggested revisions, both of which have been incorporated into the final regulation. Section 618.8030(b)(6) has been redesignated as § 618.8030(b)(2) in response to FCCA's comment that this reordering provided a more appropriate placement of the basic requirement of approval of more than two insurers for each type of insurance offered in a bank's chartered territory. In addition, language has been added to the redesignated § 618.8030(b)(2) in response to FCCA's suggestion that the second sentence be revised to make clear that the term "program" refers to the approved program of the insurer, rather than the type of member insurance.

In their joint submission, CIRB/NAMIC stated that the proposed amendments followed the content of the 1987 Act, but offered several suggestions that they assert would ensure its full implementation. For the reasons discussed below, the FCA Board has determined that the comments made by CIRB/NAMIC did not require revisions to the proposed amendments.

CIRB/NAMIC suggested that banks and associations comply with the insurance codes and regulations of the States in which insurance is offered. Since banks and associations are already subject to these State law requirements, the FCA Board has determined that it is unnecessary to incorporate this comment into the final regulation.

CIRB/NAMIC suggested that the financial and quality of service standards, to be established for insurers, be uniform and published, and that professional errors and omission insurance be purchased to protect association or bank employees selling insurance. The FCA Board believes that it is appropriate to allow the banks to determine whether to establish uniform financial and quality of service standards and the proposed amendments provide this flexibility. Similarly, the FCA Board believes that the decision as to whether professional errors and omission insurance should be obtained is more appropriately left to each bank and association. The decisions made in each of these areas will be evaluated in the examination process based on sound business practices.

CIRB/NAMIC commented that banks should automatically disqualify from selection as an approved insurer any subsidiary whose parent company has previously been designated an approved insurer. the FCA Board has not incorporated this comment into the final regulation because whether a subsidiary and its parent company constitute separate insurers presents a question of fact more appropriately handled on a case-by-case basis.

CIRB/NAMIC suggested that banks make available to associations information relating to the cost and quality of approved programs. The FCA Board notes that § 618.8030(b)(2) of the final regulation, which implements new section 4.29(a)(2) of the 1971 Act, already provides that banks may furnish such information to associations.

CIRB/NAMIC commented that the final regulation should require that loan files contain a form signed by each bank or association borrower (borrower) stating that the borrower has been informed that: (1) Insurance may be purchased from sources other than Farm Credit System banks and associations, (2) the purchase of insurance offered by Farm Credit System banks and associations is optional, (3) comparative information has been provided on the insurance products offered by Farm Credit System banks and associations, and (4) at least two insurance products have been offered for each line of insurance required to secure the loan.

The FCA Board has determined that no change is required to the proposed amendments in response to this comment. The first two items are already adequately addressed in existing § 618.8030(b)(9) (newly redesignated § 618.8030(b)(8)) and the third item is adequately addressed in § 618.8030(b)(2) of the final regulation. Newly redesignated § 618.8030(b)(8) requires banks and associations to present to borrowers a written notice for their signature stating that the purchase of insurance offered by these institutions is optional. This paragraph also requires banks and associations to explain to borrowers that there can be no discrimination against them for obtaining insurance elsewhere. Regarding the third point, new section 4.29(a)(2) does not require comparative information on insurance programs to be provided to borrowers. As discussed above, it instead states that banks may provide associations comparative information on approved programs and approved insurers, and § 618.8030(b)(2) of the final regulation incorporates this provision.

The fourth point of this comment does not reflect the requirements of the amended section 4.29. Specifically, section 4.29(b)(2)(E) requires at least two approved insurers to be offered for "each type of insurance made available

to members and borrowers," rather than for "each line of insurance required to secure the loan" as stated by CIRB/NAMIC. Accordingly, the FCA Board has determined that the fourth point is already appropriately handled in existing § 618.8030 (b)(11) and (b)(13) (newly redesignated § 618.8030 (b)(10) and (b)(12), respectively). Newly redesignated § 618.8030(b)(10) requires banks to review association insurance services at least annually to determine whether regulatory guidelines are being followed and also requires annual review and evaluation of each bank's insurance program. Newly redesignated § 618.8030(b)(12) requires records to be maintained by banks and associations in sufficient detail to facilitate review and supervision. Regarding redesignated § 618.8030(b)(10), the FCA Board has concerns that the existing requirement for bank review of association insurance services contained in this regulation duplicates reviews performed by FCA in the course of its examination of System institutions. This concern will be addressed in the context of a comprehensive review of FCA regulations.

Finally, CIRB/NAMIC suggest in their comments that each currently insured borrower be sent a notice regarding the recent changes to section 4.29, including notification that insurance can be purchased from sources other than Farm Credit System banks and associations. Under existing § 618.8030(b)(9) (newly redesignated § 618.8030(b)(8)), banks and associations have been required to explain the insurance options available to borrowers at the time insurance is sold or endorsed. The FCA Board has determined that this remains the appropriate point in time to inform borrowers of their insurance options, and that it is unnecessary to include in the final regulation a requirement that the above-described notice be sent to currently insured borrowers. However, Farm Credit System banks and associations may elect to inform borrowers of recent changes to section 4.29, as well as the other provisions of the 1987 Act, if they so choose. Regarding the concern expressed by CIRB/NAMIC that borrowers be notified that insurance can be purchased from sources other than Farm Credit System banks and associations, the preceding discussion has already noted that even prior to enactment of the 1987 Act, existing regulation § 618.8030(b)(9) (newly redesignated § 618.8030(b)(8)) required banks and associations to inform borrowers of this option.

List of Subjects in 12 CFR Part 618

Agriculture, Archives and records, Banks, banking, Insurance, Reporting and recordkeeping requirements, Rural area, Technical assistance.

For the reasons stated in the preamble, Part 618 of Chapter VI, Title 12 of the Code of Federal Regulations is amended to read as follows:

PART 618—GENERAL PROVISIONS

1. The authority citation for Part 618 is revised to read as follows:

Authority: Secs. 1.5, 1.11, 1.12, 2.2, 2.4, 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9, 5.10, 5.17; 12 U.S.C. 2013, 2019, 2020, 2073, 2075, 2076, 2093, 2122, 2128, 2183, 2200, 2211, 2218, 2243, 2244, 2252.

Subpart B—Member Insurance

2. Section 618.8030 is amended by revising the heading; removing paragraphs (b)(6) and (b)(7); by redesignating paragraphs (b)(2) through (b)(5) and paragraphs (b)(8) through (b)(13) as paragraphs (b)(3) through (b)(12); in newly redesignated paragraph (b)(4) by adding the words "and borrowers" after "members"; in newly redesignated paragraph (b)(6) by adding the words "or borrower" after the word "member" each place it appears; in newly redesignated paragraph (b)(8) by adding the words "member or" before the word "borrower" each place it appears; in newly redesignated paragraph (b)(11) by adding the words "members or" before the word "borrowers" and removing the word "association"; by adding a new paragraph (b)(2); and by revising paragraphs (a), (b) introductory text, (b)(1), and newly redesignated (b)(3) to read as follows:

§ 618.8030 Authorized Insurance Services.

(a) Farm Credit System banks (excluding banks for cooperatives) (hereinafter banks) and associations may sell to their members and borrowers, on an optional basis, credit or term life and credit disability insurance appropriate to protect the loan commitment in the event of death or disability of the debtors. The sale of other insurance necessary to protect a member's or borrower's farm or aquatic unit is permitted, but limited to hail and multiple-peril crop insurance, title insurance, and insurance necessary to protect the facilities and equipment of aquatic members and borrowers. A member or borrower shall have the option, without coercion from the bank or association, to accept or reject such insurance.

(b) Bank and association board policies governing the provision of member insurance programs shall be established within the following general guidelines:

(1) There must be a debtor-creditor relationship with a Farm Credit System bank or association for a member to be eligible for authorized member insurance services. Coverage may continue after the loan has been repaid provided the member can reasonably be expected to borrow again within 2 years, and provided such continuation of insurance is not contrary to State law. For hail and multiple-peril crop insurance only, eligibility extends to landlords of tenants and tenants of landlords having a debtor-creditor relationship.

(2) In making insurance available through private insurers, each bank shall approve the programs of more than two insurers for each type of insurance offered in the bank's chartered territory. If the approved program of an insurer is not offered in all of the States in the bank's chartered territory, the bank shall approve the programs of such additional insurers as are necessary to insure that the bank or each association is provided more than two approved programs from which to select and offer to its members and borrowers. The banks may provide comparative information relating to costs and quality of approved programs and the financial condition of approved companies.

(3) Member insurance services may be offered only if:

(i) The insurance program has been approved by the bank or association from among eligible programs made available to it by insurers—

(A) Meeting reasonable financial and quality of service standards prescribed by the bank; and

(B) Licensed under State law to do business in the State(s) in which the insurance is offered:

(ii) The bank or association has the capacity to render authorized insurance services in an effective and efficient manner;

(iii) There exists the probability that the service will generate sufficient revenue to cover all costs;

(iv) Rendering the insurance service will not have an adverse effect on the credit or other operations of the bank or association; and

(v) In making insurance available through approved insurers, the board of directors of the bank or association selects and offers at least two approved insurers for each type of insurance made available to the members and borrowers.

* * * * *

Date: September 8, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 88-20788 Filed 9-12-88; 8:45 am]

BILLING CODE 6705-01-M

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12 CFR Parts 622 and 623

Rules of Practice and Procedure; Practice Before the Farm Credit Administration; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published final regulations under Parts 622 and 623, July 19, 1988 (53 FR 27284). The final regulations to Parts 622 and 623 relate to the definition of a Farm Credit System institution and the imposition of civil money penalties by the FCA. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the Federal Register during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is September 13, 1988.

EFFECTIVE DATE: September 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Kathleen Eyer, Chief, Supervision Division, Office of Analysis and Supervision, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4455

or

Elizabeth M. Dean, Senior Attorney, Office of General Counsel, 1501 Farm Credit Drive, McLean, Virginia, 22102-5090, (703) 883-4020, TDD (703) 883-4444.

Authority: 12 U.S.C. 2252(a)(9) and (10).

Dated: September 8, 1988.

David A. Hill,

Secretary, Farm Credit Administration.

[FR Doc. 88-20787 Filed 9-12-88; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-120-AD; Amdt. 39-6016]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes, Including Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action published in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Model DC-9 series airplanes, including Model DC-9-80 series and Model MD-88 airplanes, by individual telegrams. This AD requires a one-time visual inspection to ensure that the dorsal fin attach fin angles are free from cracks, and repair or replacement, if necessary. If cracks in the attach angles are not corrected, cracks could develop in the skin and lead to structural failure of the empennage section.

EFFECTIVE DATE: September 28, 1988.

This AD was effective earlier to all recipients of telegraphic AD T88-17-51, issued August 19, 1988.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Los Angeles Aircraft Certification Office at 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5321.

SUPPLEMENTARY INFORMATION: Four operators of McDonnell Douglas Model DC-9 series airplanes have reported cracks found on dorsal fin attach angles, part numbers (P/N) 5939711-501/-502, having logged between 8,684 and 17,873 landings (on the angles). These angles were installed during production or as terminating action to AD 82-10-51-R3. Laboratory analysis by McDonnell Douglas Corporation has revealed that the cracks found in these angles were attributed to metal fatigue, caused by a combination of fastener short edge distance at the taper intersect and preload due to the absence of shims during the installation of the angles. If such cracking in the attach angles is not detected and corrected, cracks could develop in the skin and lead to structural failure of the empennage section.

On August 19, 1988, the FAA issued telegraphic AD T88-17-51, applicable to all Model DC-9 series, including Model DC-9-80 series and Model MD-88 airplanes, which requires a one-time visual inspection to ensure that the dorsal fin attach angles are free from cracks, and repair or replacement, as necessary. Additionally, operators are required to submit to the FAA a report of their findings as a result of these inspections.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking to address it.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0056.

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

This amendment has been revised to include instructions for the issuance special flight permits, in accordance with FAR 21.197 and 21.199, for operators to operate airplanes to a base in order to comply with the requirements of this AD. The FAA has determined that this revision will not increase the economic burden on any operator, nor will it increase the scope of this AD.

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

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[Amended]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to all Model DC–9 series airplanes, including Model DC–9–80 series airplanes and Model MD–88 airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the empannage section, accomplish the following:

A. For airplanes on which dorsal fin attach angles, P/N 59939711–1, –2, –501, or –502, have been installed: Prior to the accumulation of 7,500 landings since installation, or within 100 landings after the effective date of this AD, whichever occurs later, unless previously accomplished within the last 1,000 landings, conduct a visual inspection of both angles, RH and LH, for cracks.

B. If cracking is detected in any attach angle, prior to further flight, either remove the angle and replace it with a like serviceable part, or repair in a manner approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Within 72 hours after completion of the inspection required by paragraph A., above, submit a report of findings, positive or negative, to the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

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

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L00 (54–60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment becomes effective September 28, 1988.

It was effective earlier to all recipients of telegraphic AD T88–17–51, issued August 19, 1988.

Issued in Seattle, Washington, on September 1, 1988.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88–20765 Filed 9–12–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 88–NM–30–AD; Amdt. 39–6015]

Airworthiness Directives: McDonnell Douglas Model DC–10–10, –10F, –15, –30, –30F, –40, and KC–10A (Military) Series Airplanes, Fuselage Numbers 1 through 400

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to McDonnell Douglas DC–10–10, –10F, –15, –30, –30F, –40, and KC–10A (Military) series airplanes, which currently requires a one-time inspection of the inboard and outboard flap vane primary (aft) attach bolts and nuts, and replacement, if necessary. This amendment requires more detailed repetitive inspections of the attach bolts and nuts, and provides for an installation that constitutes terminating action for the repetitive inspection requirement of the AD. This amendment is prompted by the inflight loss of portions of the outboard flap vane due to a cracked and corroded nut and missing attach bolt made of H–11 steel. This condition, if not corrected, could result in the separation of an inboard or outboard flap vane from the wing.

EFFECTIVE DATE: October 21, 1988.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L00 (54–60). This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Maurice Cook, Aerospace Engineer, Airframe Branch, ANM–121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (213) 988–5226.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to revise AD 88–01–05, Amendment 39–5816 (52 FR 48673; December 24, 1987), to require repetitive inspections of the inboard and outboard flap vane primary (aft) attach bolts and nuts, and to provide terminating action for the repetitive inspections, was published in the **Federal Register** on May 13, 1988 (53 FR 17077).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given the single comment received; the commenter had no objections to the proposal.

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

It is estimated that 213 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The cost of replacement parts would be $1,800 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $434,520.

The regulations set forth in this 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 DC-10 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

§ 39.13 [Amended]

2. By revising AD 88-01-05, Amendment 39-5816 (52 FR 48673; December 24, 1987), as follows:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes, fuselage numbers 1 through 400, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inboard and outboard flap vane separation due to loose, broken or corroded primary (aft) attach bolts or nuts, accomplish the following:

A. Within 15 days after the effective date of Amendment 39-5816 (January 20, 1988), unless accomplished since June 6, 1987, inspect the flap vane primary (aft) attach bolts and nuts in accordance with the Phase I, Accomplishment Instructions, of McDonnell Douglas DC-10 Alert Service Bulletin No. A57-107, dated June 22, 1987.

B. Within 60 days after the effective date of this amendment, unless accomplished since June 6, 1987, and thereafter at intervals not to exceed two years, inspect the flap vane primary (aft) attach bolts and nuts in accordance with the Phase II, Accomplishment Instructions, of McDonnell Douglas DC-10 Alert Service Bulletin No. A57-107, Revision 1, dated June 26, 1987, or Revision 2, dated September 3, 1987.

C. If cracked, broken, or corroded bolts or nuts are found, during the inspections required by paragraphs A. or B., above, before further flight, replace with airworthy bolts and nuts, in accordance with Phase I or II, Accomplishment Instructions of McDonnell Douglas DC-10 Alert Service Bulletin No. A57-107, Revision 1, dated June 26, 1987, or Revision 2, dated September 3, 1987.

D. Replacement of primary (aft) inboard and outboard flap vane attach bolts and nuts with Inconel bolts and A286 CRES nuts, in accordance with Phase III, Accomplishment Instructions of McDonnell Douglas DC-10 Alert Service Bulletin No. A57-107, Revision 1, dated June 26, 1987, or Revision 2, dated September 3, 1987, constitutes terminating action for the repetitive inspection requirement of this AD.

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

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

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 information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment becomes effective October 21, 1988.

Issued in Seattle, Washington, on August 31, 1988.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88-20766 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 88-ACE-06]

Alteration of Transition Area; Grinnell, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Grinnell, Iowa, to provide additional controlled airspace for aircraft executing a new approach procedure to the Grinnell Municipal Airport, Grinnell, Iowa, utilizing the Nondirectional Radio Beacon (NDB) and the VOR/DME as navigational aids. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: 0901 u.t.c., December 15, 1988.

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

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional instrument approach procedure is being developed for the Grinnell Municipal Airport, Grinnell, Iowa, utilizing the NDB and the VOR/DME as navigational aids. The establishment of this instrument approach procedure, based on these navigational aids, entails alteration of the transition area at Grinnell, Iowa, at or above 700 feet above the ground, within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D, dated January 4, 1988.

Discussion of Comments

On page 23255 of the **Federal Register**, dated June 21, 1988 (53 FR 23255), the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Grinnell, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

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

Grinnell Municipal Airport, Iowa [Amended]

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Grinnell, Iowa [Revised]

The airspace extending upward from 700 feet above the surface within an eight and one-half (8.5) statue mile radius of the Grinnell Municipal Airport NDB (lat. 41°42'18"N, long. 92°43'45"W), Grinnell, Iowa.

Issued in Kansas City, Missouri, on August 29, 1988.

Clarence E. Newbern,

Manager, Air Traffic Division.

[FR Doc. 88–20761 Filed 9–12–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket Number 88–ACE–07]

Alteration of Transition Area; O'Neill, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the federal action is to alter the 700-foot transition area at O'Neill, Nebraska, to provide additional controlled airspace for aircraft executing a new approach procedure to the O'Neill Municipal Airport, utilizing the Runway 31 VOR as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Action is also taken herein to correct a typographical error in the latitude coordinate for the O'Neill Municipal Airport.

EFFECTIVE DATE: 0901 u.t.c., December 15, 1988.

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

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional instrument approach procedure is being developed for the O'Neill Municipal Airport, O'Neill, Nebraska, utilizing the Runway 31 VOR as a navigational aid. The establishment of this instrument approach procedure, based on this navigational aid, entails alteration of the transition area at O'Neill, Nebraska, at or above 700 feet above the ground, within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Subsequent to the issuance of the Notice, it was determined that the latitude coordinate for the O'Neill Municipal Airport was inaccurately cited as "42°33'15" N." instead of "42°28'15" N." Since this change is editorial in nature, additional notice and public procedure hereon are not considered necessary.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D, dated January 4, 1988.

Discussion of Comments

On Page 23256 of the **Federal Register**, dated June 21, 1988 (53 FR 23256), the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at O'Neill, Nebraska. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

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

O'Neill Municipal Airport [Amended]

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

[REVISED]

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the O'Neill Municipal Airport (lat. 42°28'15" N., long. 98°41'15" W.); within 3.5 miles each side of the O'Neill VORTAC 315° radial, extending from the 5.5 mile radius to 12 miles northwest of the VORTAC and within 3.0 miles each side of the O'Neill VORTAC 148° radial, extending from the 5.5 mile radius to 8.5 miles southeast of the VORTAC and that airspace extending upward from 1,200 feet above the surface.

Issued in Kansas City, Missouri, on August 29, 1988.

Clarence E. Newbern,

Manager, Air Traffic Division.

[FR Doc. 88–20762 Filed 9–12–88; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 25695; Amdt. No. 1382]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reasons, the FAA certifies that this amendment 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 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on September 2, 1988.

Robert L. Goodrich,

Director of Flight Standards.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective December 15, 1988

Hermiston, OR—Hermiston Muni, VOR/DME-A, Amdt. 2
Portland, OR—Portland-Troutdale, NDB-A, Amdt. 8
Vancouver, WA—Pearson Airpark, LDA BC RWY 8, Amdt. 4

. . . Effective October 20, 1988

Cordova, AK—Cordova-Mile 13, NDB/DME RWY 27, Orig.
Nenana, AK—Nenana Muni, NDB RWY 3, Orig.
Livermore, CA—Livermore Muni, ILS RWY 25R, Amdt. 7
Bridgeport, CT—Igor I. Sikorsky Memorial, ILS RWY 6, Amdt. 6
Atlanta, GA—Dekalb-Peachtree, VOR/DME RWY 34, Orig.
Thomaston, GA—Reginald Grant Memorial, NDB RWY 3, Amdt. 1
Aurora, IL—Aurora Muni, VOR RWY 36, Amdt. 6, CANCELLED
Aurora, IL—Aurora Muni, VOR-A, Amdt. 10, CANCELLED
Aurora, IL—Aurora Muni, ILS RWY 9, Orig., CANCELLED
Aurora, IL—Aurora Muni, RNAV RWY 27, Amdt. 3, CANCELLED
Bloomington/Normal, IL—Bloomington/Normal, VOR RWY 11, Amdt. 11
Bloomington/Normal, IL—Bloomington/Normal, VOR RWY 21, Amdt. 17
Bloomington/Normal, IL—Bloomington/Normal, VOR/DME RWY 21, Amdt. 2
Bloomington/Normal, IL—Bloomington/Normal, LOC BC RWY 11, Amdt. 8
Bloomington/Normal, IL—Bloomington/Normal, ILS RWY 29, Amdt. 8
Chicago/Aurora, IL—Aurora Muni, VOR RWY 36, Orig.
Chicago/Aurora, IL—Aurora Muni, VOR-A, Orig.
Chicago/Aurora, IL—Aurora Muni, ILS RWY 9, Orig.
Chicago/Aurora, IL—Aurora Muni, RNAV RWY 27, Orig.
Greenwood/Wonder Lake, IL—Galt, VOR-A, Amdt. 7
Joliet, IL—Joliet Park District, VOR RWY 12, Amdt. 11
Joliet, IL—Joliet Park District, RNAV RWY 12, Amdt. 12
Peru, IL—Illinois Valley Rgnl-Walter A Duncan Field, NDB RWY 18, Amdt. 1
Rockford, IL—Greater Rockford, VOR RWY 12, Amdt. 3
Rockford, IL—Greater Rockford, LOC BC RWY 18, Amdt. 14
Rockford, IL—Greater Rockford, NDB RWY 36, Amdt. 24
Rockford, IL—Greater Rockford, ILS RWY 36, Amdt. 27
Rockford, IL—Greater Rockford, RADAR-1, Amdt. 6
Springfield, IL—Capital, VOR RWY 22, Amdt. 19
Springfield, IL—Capital, NDB RWY 4, Amdt. 17
Springfield, IL—Capital, ILS RWY 4, Amdt. 23
Springfield, IL—Capital, ILS RWY 22, Amdt. 5
Easton, MD—Easton Muni, NDB RWY 22, Amdt. 7
Oxford, MS—University-Oxford, LOC RWY 9, Amdt. 1
Kansas City, MO—Kansas City Intl, ILS RWY 1, Amdt. 9
Lincoln, NE—Lincoln Muni, VOR RWY 17L, Amdt. 6
Lincoln, NE—Lincoln Muni, VOR RWY 17R, Amdt. 11
Lincoln, NE—Lincoln Muni, VOR RWY 17R, Amdt. 6
Lincoln, NE—Lincoln Muni, VOR RWY 35L, Amdt. 11
Las Vegas, NV—McCarran Intl, ILS RWY 25, Amdt. 12
Farmington, NM—Four Corners Regional, ILS RWY 25, Amdt. 2
Williston, ND—Sloulin Fld Intl, VOR RWY 11 Amdt. 12
Williston, ND—Sloulin Fld Intl, VOR/DME RWY 29, Amdt. 3
Williston, ND—Sloulin Fld Intl, NDB RWY 29, Amdt. 2
Williston, ND—Sloulin Fld Intl, ILS RWY 29, Amdt. 3
Bowling Green, OH—Wood County, VOR RWY 18, Amdt. 10
Bucyrus, OH—Port Bucyrus-Crawford County, VOR RWY 22, Amdt. 3
Salem, OH—Salem Airpark Inc, VOR-A, Orig.
Wilkes-Barre/Scranton, PA—Wilkes Barre/Scranton Intl, RADAR-1, Admt. 11
Barre-Montpelier, VT—Edward F. Knapp State, LOC RWY 17, Amdt. 4
Barre-Montpelier, VT—Edward F. Knapp State, ILS RWY 17, Amdt. 2
Oshkosh, WI—Wittman Field, VOR RWY 9, Amdt. 8
Oshkosh, WI—Wittman Field, VOR RWY 18, Amdt. 6
Oshkosh, WI—Wittman Field, VOR RWY 27, Amdt. 4
Oshkosh, WI—Wittman Field, LOC/DME BC RWY 18, Amdt. 5
Rice Lake, WI—Rice Lake Muni, VOR RWY 18, Orig.
Rice Lake, WI—Rice Lake Muni, NDB RWY 36, Amdt. 6
Sheridan, WY—Sheridan County, ILS RWY 31, Amdt. 2

. . . Effective September 1, 1988

Columbia, MO—Columbia Regional, VOR RWY 13, Amdt. 1
Columbia, MO—Columbia Regional, VOR RWY 20, Amdt. 1

. . . Effective August 31, 1988

Bridgeport, CT—Igor I. Sikorsky Memorial, VOR RWY 24, Amdt. 13

. . . Effective August 25, 1988

Roxboro, NC—Person County, NBD RWY 6, Amdt. 1
Fulton, MO—Fulton Muni, VOR-A, Amdt. 3
Midland, TX—Midland International, RNAV RWY 16R, Amdt. 2

. . . Effective August 24, 1988

Washington, DC—Dulles Intl, ILS RWY 1R, Amdt. 20

. . . Effective August 23, 1988

Wheeling, WV—Wheeling Ohio Co, ILS RWY 3, Amdt. 18

. . . Effective June 30, 1988

Roanoke, VA—Roanoke Regional/Woodrum Field, ILS RWY 33, Amdt. 9

The FAA published an Amendment in Docket No. 25641, Amdt. No. 1377 to Part 97 of the Federal Aviation Regulations (VOL. 53 FR No. 133, page 26234; dated Tuesday, July 12, 1988) under section 97 effective 20 Oct 88, which is hereby amended as follows:

Charlotte, NC—Charlotte/Douglas Intl, LOC BC RWY 23, Amdt. 7
Charlotte, NC—Charlotte/Douglas Intl, NDB RWY 5, Amdt. 31
Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 5, Amdt. 33
Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 36L, Amdt. 11
Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 35R, Amdt. 3
Gastonia, NC—Gastonia Muni, NDB RWY 3, Amdt. 6
Southern Pines, NC—Moore County, VOR-A, Amdt. 2

Effective Dates changed to 15 Dec 88.

The FAA published an Amendment in Docket No. 25654, Amdt. No. 1378 to Part 97 of the Federal Aviation Regulations (VOL 53 FR No. 141, Page 27676; dated Friday, July 22, 1988) under § 97.27, effective 20 Oct 88, which is hereby amended as follows:

Winnsboro, SC—Fairfield County, NDB RWY 4, Amdt. 3

Effective Date Changed to 15 Dec 88.

The FAA published an Amendment in Docket No. 25672, Amdt. No. 1780 to Part 97 of the Federal Aviation Regulations (VOL 53 FR No. 160, Page 31305; dated Thursday, August 18, 1988) under Section 97 effective 6 Oct 88, which is hereby amended as follows:

Bismarck, ND—Bismarck Muni, VOR-A Amdt. 19
Bismarck, ND—Bismarck Muni, NDB RWY 31, Amdt. 30
Bismarck, ND—Bismarck Muni, ILS RWY 13, Amdt. 2
Bismarck, ND—Bismarck Muni, ILS RWY 31, Amdt. 32
Bismarck, ND—Bismarck Muni, RADAR-1 Amdt. 1

Effective Dates should read 20 Oct 88 VICE 6 Oct 88.

[FR Doc. 88-20760 Filed 9-12-88; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 157, 260, 284, 385 and 388

[Docket No. RM87-17-000]

Natural Gas Data Collection System; Availability of Revised Record Formats

September 7, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of availability of revised record formats.

SUMMARY: This notice provides that, on September 7, 1988, the Commission issued revised record formats for submitting rate filings under Part 154 on an electronic medium. These formats will serve as a basis for discussion of rate filing formats at the implementation conference for Order No. 493 (53 FR 15023 (April 27, 1988)) on September 12 and 13, 1988.

DATES: The revised formats were available September 7, 1988. Final formats will be available November 30, 1988.

FOR FURTHER INFORMATION CONTACT: Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8995 or (202) 357-8844.

SUPPLEMENTARY INFORMATION: Order No. 493-A, issued August 1, 1988 (53 FR 30,027 (Aug. 10, 1988)) stayed implementation of electronic data submission of rate, tariff and certificate filings until March 31, 1989. On August 23, 1988, the Commission issued a Notice of Implementation Conference for the electronic data submission requirements of Order No. 493. That notice included an appendix containing Commission staff responses to technical questions on the record formats for rates, tariffs and certificates. The Commission staff has revised the records formats for rate filings in accordance with those responses and has made other revisions to accommodate the various formats used by natural gas companies to file the data required by 18 CFR 154.63(f). *These formats are subject to further revision after discussion at the implementation conference.* The Commission stated in Order No. 493-A that final record formats for rates, tariffs and certificates will be available on November 30, 1988.

The Commission provides all interested persons an opportunity to inspect or copy the contents of this document and the complete text of the revised record formats 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 text 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 notice and the revised record formats will be available on CIPS for 10 days from the date of issuance.

Copies of the revised record formats will also be available at the implementation conference.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20844 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Salinomycin and Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by SmithKline Animal Health Products providing for use of previously approved salinomycin and virginiamycin Type A medicated articles to make Type C medicated broiler chicken feeds. The feeds are indicated for use for the prevention of coccidiosis, for increased rate of weight gain, and/or improved feed efficiency.

EFFECTIVE DATE: September 13, 1988.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Beckman Corp., 1600 Paoli Pike, West Chester, PA 19380, filed NADA 138-828 providing for combining separately approved salinomycin and virginiamycin Type A medicated articles to make Type C medicated broiler feeds. The Type C medicated feeds contain: salinomycin sodium, 40 to 60 grams per ton; and virginiamycin, 5 or 5 to 15 grams per ton. The feed is indicated for use for the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti, and E. mivati,* and at 5 to 15 grams per ton virginiamycin, for increased rate of weight gain, or at 5 grams per ton virginiamycin, for increased rate of weight gain and improved feed efficiency. The NADA is approved and the regulations are amended in 21 CFR 558.550 by adding new paragraphs (b)(1)(x) and (b)(1)(xi) and in 21 CFR 558.635 by adding new paragraph (f)(3)(vi). The basis for approval is discussed in the freedom of infomation summary.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

2. Section 558.550 is amended by adding new paragraphs (b)(1)(x) and (b)(1)(xi) to read as follows:

§ 558.550 Salinomycin.

* * * * *

(b) * * *

(1) * * *

(x)(*a*) *Amount per ton.* Salinomycin 40 to 60 grams and virginiamycin 5 grams.

(*b*) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* and for increased rate of weight gain and improved feed efficiency.

(*c*) *Limitations.* Feed continuously as sole ration. Not approved for use with pellet binders. Do not feed to layers or to chickens over 16 weeks of age. May be fatal if accidentally fed to adult turkeys or horses. Virginiamycin as provided by No. 000007 in § 510.600(c) of this chapter.

(xi)(*a*) *Amount per ton.* Salinomycin 40 to 60 grams and virginiamycin 5 to 15 grams.

(*b*) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* and for increased rate of weight gain.

(*c*) *Limitations.* See paragraph (b)(1)(x)(*c*) of this section.

* * * * *

3. Section 558.635 is amended by adding new paragraph (f)(3)(vi) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) * * *

(3) * * *

(vi) Salinomycin as in § 558.550.

Dated: September 6, 1988.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 88-20794 Filed 9-12-88; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 808

[Docket No. 77P-0272]

Medical Devices; Exemption From Federal Preemption of State and Local Hearing Aid Requirements; West Virginia's Application for Exemption

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is granting exemption from Federal preemption for certain West Virginia hearing aid device requirements. These actions respond to an application from the government of West Virginia.

EFFECTIVE DATE: October 13, 1988.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 6, 1985 (50 FR 36441), under section 521 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360k) and 21 CFR Part 808, FDA published a proposed rule responding to an application from the State of West Virginia dated March 19, 1985, for exemption from Federal preemption for the State of West Virginia's hearing aid device requirements in section 30-26-15, subsections (a) and (b) of the West Virginia Code. Interested persons were given until November 5, 1985, to submit written comments on the proposal. In the same issue of that **Federal Register** (50 FR 36443), FDA issued a notice providing an opportunity for interested persons to request an oral hearing on the proposal, as provided in 21 CFR 808.25(c).

Subsection (a) of section 30-26-15 of the West Virginia Code requires the hearing aid dispenser to deliver to each person supplied with a hearing aid a receipt which shall state, among other things, whether the hearing aid is used or reconditioned, and that the person supplied with a hearing aid by a hearing aid dealer licensed in the State has the right to return the hearing aid to the dealer within 30 days after receipt and to rescind the purchase agreement, with certain exceptions. In the proposal, FDA stated that subsection (a) of section 30-26-15 contains requirements more stringent than the Federal requirements and that it believed that those requirements would not impose a significant burden on the hearing aid dispenser. Accordingly, FDA proposed to exempt subsection (a) of section 30-26-15 from preemption, with the condition that West Virginia apply FDA's definition of "used hearing aid" (21 CFR 801.420(a)(6)) to ensure uniformity.

Subsection (b) of section 30-26-15 of the West Virginia Code gives each person supplied with a hearing aid the right to return the hearing aid to the dealer within 30 calendar days of receipt, or, if applicable, within 30 days after any adjustment is made to the hearing aid by the dealer. In the proposal, FDA stated that subsection (b) of section 30-26-15 contains provisions unrelated to the safety or effectiveness of hearing aids and, consequently, that this section is not preempted by section 521 of the act.

FDA received two letters of comment on the proposed rule. One letter from a national professional association (and its West Virginia affiliate) supported adoption of the proposed rule without change. A second letter from another national professional association opposed its adoption. Summaries of these comments and FDA's responses follow. The agency did not receive any requests for an oral hearing.

1. One comment supported FDA's proposal to exempt from preemption West Virginia's additional requirement in subsection (a) of section 30-26-15 that the receipt required to be given to the purchaser identify the aid as new or used. Another comment, expressing support for uniform national requirements governing the regulation of hearing aids, urged FDA to deny an exemption for this subsection and for any State requirement differing from the FDA requirements.

FDA notes that the first comment is incorrect in stating that subsection (a) of section 30-26-15 requires that the labeling of a hearing aid specify whether the aid is "new or used". That subsection of the West Virginia Code requires that, "if a hearing aid which has been previously sold at retail is sold, the receipt shall be clearly marked as 'used' or 'reconditioned,' whichever is applicable * * *." Thus, a new hearing aid is not required to be labeled as "new," but a "used" or "reconditioned" hearing aid is to be identified as such in its labeling.

FDA recognizes the value to consumers of information in the labeling of a hearing aid as to whether the aid has been previously used. FDA finds that the information that West Virginia requires to be provided is substantially identical to FDA's informational requirements. The difference is that West Virginia requires that the person selling the hearing aid includes this information not only on the container in which the hearing aid is packaged and on a tag that is physically attached to such hearing aid, as required by 21 CFR 801.420(c)(5), but also on a receipt delivered to the purchaser at the time of sale.

As stated in the proposed rule, FDA believes that inclusion of the information in all three places will increase the likelihood that it is brought to the attention of the consumer. Accordingly, in the final rule FDA is granting exemption from preemption for this portion of subsection (a) of section 30-26-15 of the West Virginia Code with the condition that West Virginia apply the FDA definition of "used hearing aid" (21 CFR 801.420(a)(6)) to ensure uniformity.

2. One comment argued that FDA should not exempt from preemption two similar requirements in section 30-26-15

of the West Virginia Code: (1) The requirement in subsection (a) that the person selling a hearing aid deliver to each purchaser a receipt informing the purchaser of "the right to return the hearing aid to the dealer within thirty days * * * and rescind the purchase agreement," and (2) the requirement in subsection (b) that "* * * each person supplied with a hearing aid by a * * * dealer * * * shall have the right to return the hearing aid to the dealer within 30 calendar days of receipt and rescind the purchase agreement * * *." The comment argued that a statutory right to cancel is a condition of sale relating to the safety and effectiveness of a medical device and, therefore, is properly subject to preemption by FDA. Another comment supported FDA's position that these requirements are not preempted.

FDA reiterates its position that the requirements in subsections (a) and (b) of section 30–26–15 of the West Virginia Code pertaining to the purchaser's right to cancel the purchase of a hearing aid within 30 days are not preempted under section 521(a) of the Act. This decision is consistent with the agency's policy as stated in the preamble to another final rule published in the **Federal Register** of October 10, 1980 (45 FR 67325). In the preamble to that rule (45 FR 67334), FDA stated that the provisions of a New York State law requiring, in part, that the seller give the purchaser a 30-day money-back written guarantee were the type of consumer protection provisions that are not intended to be preempted by section 521 of the Act, because such provisions do not relate to the safety or effectiveness of hearing aids. FDA believes that return privileges will encourage reluctant hearing-impaired persons to try a hearing aid and will reduce problems associated with misevaluation of hearing loss.

3. One comment stated that the West Virginia statute is undefined, vague, and overly broad because it delegates to the West Virginia Board of Hearing Aid Dealers unlimited and prospective rulemaking authority. The comment claimed that the board could take enforcement action against, overturn, and circumvent agency policy and interpretation of the regulations.

FDA advises that if the State of West Virginia implements its Code regarding hearing aid devices in such a way that the State's requirements are inconsistent with the exemptions in 21 CFR 808.98, the requirements of the Code, as implemented, would be preempted by section 521 of the Act.

FDA has reviewed the comments received and has considered the information available to it regarding the application by the State of West Virginia for exemption from preemption for section 30–26–15 of the West Virginia Code. With respect to subsection (a) of section 30–26–15, FDA finds that (1) the requirements are more stringent than the provisions of the Federal act and regulations, (2) the requirements are required by compelling local conditions, and (3) compliance with the requirements in subsections (a) and (b) would not cause the device to be in violation of any applicable requirement under the Act. However, FDA finds that the requirement in subsection (a) of section 30–26–15 regarding placement of information on the sales receipt as to whether the hearing aid has been previously used would be useful to consumers with the condition stated above. Accordingly, FDA is adopting the rule as proposed.

FDA has carefully reviewed the final rule under Executive Order 12291 and concludes that it does not meet any criteria of a major regulation. Therefore, a regulatory impact analysis is not required. The rule merely applies 21 CFR Part 808 to an application from the State of West Virginia. The rule does not impose any new Federal requirements on any person. Similarly, no new requirements are established at the State level because the rule allows parts of an existing West Virginia regulation to remain in effect.

Regulatory Flexibility Act

FDA certifies that the final rule will not have a significant economic impact on a substantial number of small entities because it does not impose any new requirements on any person. Therefore, a regulatory flexibility analysis, as provided in the Regulatory Flexibility Act, is not required.

List of Subjects in 21 CFR Part 808

Intergovernmental relations, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 808 is amended as follows:

PART 808—EXEMPTIONS FROM FEDERAL PREEMPTION OF STATE AND LOCAL MEDICAL DEVICE REQUIREMENTS

1. The authority citation for Part 808 continues to read as follows:

Authority: Secs. 521, 701, 52 Stat. 1055–1056 as amended, 90 Stat. 574 (21 U.S.C. 360k, 371); 21 CFR 5.10.

2. Section 808.98 is amended by revising paragraph (a) to read as follows:

§ 808.98 West Virginia.

(a) The following West Virginia medical device requirements are enforceable notwithstanding section 521(a) of the act because the Food and Drug Administration has exempted them from preemption: West Virginia Code, sections 30–26–14 (b) and (c) and section 30–26–15(a) on the condition that in enforcing section 30–26–15(a) West Virginia apply the definition of "used hearing aid" in § 801.420(a)(6) of this chapter.

* * * * *

Dated: August 5, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–20693 Filed 9–12–88; 8:45 am]

BILLING CODE 4160–01–M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final Rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for issue 28 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, see 39 CFR 111.1.

Most of the revisions are minor, editorial, or clarifying. Substantive changes, such as the revised regulations on penalty reply mail, and the revised regulations on the disposition of mail claimed by two or more parties, have previously been published in the **Federal Register.**

EFFECTIVE DATE: September 18, 1988.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 268–2960.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual has been amended by the publication of a transmittal letter for issue 28, dated September 18, 1988. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the

transmittal letter for issue 28 covers the minor changes not previously described in interim or final rules published in the Federal Register.

Summary of Changes

Chapter 1. Domestic Mail Services, section 122.25, *Postage Payment,* is revised to add a reference to the placement of permit imprints on address labels.

In 120, Prepartion for Mailing, section 121.56, *Biological Material,* is added to include reference to new Exhibit 121.56, *Packaging of Biological Materials.* Section 124.38, *Disease Germs and Biological Products,* is also revised by inclusion of reference to Exhibit 121.56.

The following Exhibits 122.63 are updated: 122.63c, Sectional Center Facilities Serving a Single Three-Digit ZIP Code Area; 122.63d, Sectional Center Facilities Serving More Than One Three-Digit ZIP Code Prefix Area (Postal Bulletin 21679, 6–30–88); 122.63m, 122.63n, and 122.63o, 3-Digit, Sectional Center Facility (SCF), and Area Distribution Center (ADC) Labeling Lists for Optional Combined ZIP + 4 and Presorted First-Class Mail; 122.63q, Originating Mixed States Labeling List for Mailer Prepared Third-Class Letter and Third- and Fourth Class Flat Size Mail (PB 21676, 6–9–88).

Section 124.3, *Hazardous Matter,* and 125, *Mail Addressed From, To or Between Military Post Offices Overseas,* are revised to reflect current air carrier rules for the acceptance of hazardous materials to be transported by air. Specific sections revised are 124.331, 124.332, 124.353, 124.362, 124.365a, 124.391, 124.392, 125.161d.

In 135, *For the Blind and Other Handicapped Persons,* section 135.3, *Listing of Qualified Individuals,* is revised by the addition of 135.34, *Postmaster's Personal Knowledge* to clarify that the postmaster's personal knowledge of an individual may be sufficient to permit inclusion of the individual in the listing of persons eligible to mail under 135.

In 137, *Offical Mail,* the list that appears in section 137.252 has been updated to include agency codes and business reply mail permit numbers.

* * * * *

Section 143.421, *Stamps Precanceled by Bars Only,* is revised to require a *complete domestic* return address on mailpieces bearing stamps precanceled by bars only or where the stamps are precanceled with the Presorted First-Class legend under 143.424 (PB 21680, 7–7–88).

Section 144.521, *Place of Mailing,* is revised to clarify that street mailboxes and similar facilities are meant for the deposit of full-rate (single-piece rate) matter only.

Section 146.121 of 146.12, *Mailable Matter Not Bearing Postage Found in the Mail,* is revised to require that mail matter of any class found in the mails without postage will be treated as dead mail in accordance with section 159.4, if it is determined that the delivery address and return address, while different, are for the same person or organization (PB 21680, 7–7–88).

* * * * *

Part 154, *Plant Load Operations,* is revised to allow mailers to be authorized to transport plant-verified mail at their own expense. Under a plant-verified drop shipment authorization, mail is verified for presort, mail makeup, and postage by the Postal Service at the mailer's plant and postage is paid at the post office where the mailer is authorized plant load. The mailer then transports its plant-verified mail, at its own expense, to destination postal facilities where the mail is deposited and accepted for mailing. Only plant load mailers that have been authorized to do so may transport plant-verified mail at their own expense under the conditions specified in the DMM and in the agreement between the mailer and the Postal Service. Postmasters who have customers interested in plant-verified drop shipping may obtain a copy of the service agreement from their division. Section 154.17. *Plant-Verified Drop Shipment,* is added; section 154.74 is revised; sections 154.73 and 154.74 are renumbered as 154.74 and 154.75, and new 154.73 is added.

Chapter 4, Second-Class Mail, section 468.4, *Combining More Than One Second-Class Publication or Edition,* is revised to clarify existing requirements for making a combined mailing to two or more second-class publications or editions in a single mailing.

Part 480, *Payment of Postage,* is revised to incorporate procedures governing the Centralized Postage Payment (CPP) System for second-class publications. The CPP System offers publishers of second-class publications the opportunity to pay postage and submit postage payment documents to a single Designated Post Office (DPO) for mailings entered at three or more authorized Entry Post Offices (EPOs). Specific parts revised are 442. *Additional Entry Applications:* 445, *Application for Exceptional Dispatch;* 481, *Payments in Advance of Dispatch,* and 482 *Mailing Statements (See Exhibits 482a–i).* A new 484, *Centralized Postage Payment (CPP) System* is added and previous 484 is renumbered 485.

Chapter 6, *Third-Class Mail,* part 640, *Authorization and Permits,* is revised. Part 643, Revocation, is changed to add authority for the General Manager, Business Requirements Division, Office of Classification and Rates Administration, USPS Headquarters, to initiate or undertake reviews of special bulk third-class rate privileges issued to nonprofit organizations.

In part 667, *Preparation of Bulk Rate Mailings,* 667.673, *Request for Authorization,* is revised to eliminate the unnecessary duplication of information provided to the Postal Service by those mailers that are applying on Form 3856, *Application for Authorization to Palletize,* to palletize third-class packages and bundles under 667.6 at the same time they are requesting authorization to commingle mixed level rate mailings of the same product on pallets.

Chapter 9, Special Services, sections 914.6, *Issuance of Payment,* and 914.74, *Remitting Units,* are revised to clarify that COD tags must be directed to unit that will file the tags.

Minor, nonsubstantive changes include: 263.31; 464.31c, and 954.62.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. In consideration of the foregoing, the table at the end of § 111.3(e) is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual.

* * * * *

Transmittal letter	Dated	Federal Register publication
28	Sept. 18, 1988	53 FR. . . .

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88–20798 Filed 9–12–88; 8:45 am]

BILLING CODE 7710–12–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-90]

Radio Broadcasting Services; La Plata, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the revised FM Table of Allotments (§ 73.202 of the Commission's Rules) with respect to station WXTR, Channel 281B, La Plata, Maryland. Originally, Channel 281B was allotted to Waldorf, Maryland. Pursuant to the former "15-mile rule" this allotment was licensed to La Plata. The revised FM Table of Allotments reflected this fact. However, at the time of the action releasing the revised FM Table, there was an application pending by Station WXTR to change its community of license from La Plata to Waldorf. This document announces that the Channel 281B allotment is being restored to Waldorf to permit grant of the application.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice* released September 1, 1988. The full text of this *Public Notice* is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

In the table of allotments in § 73.202(b) under Maryland, "La Plata * * * 281B" is removed and "Waldorf * * * 281B" is added alphabetically.

Federal Communications Commission

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-20738 Filed 9-12-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 80482-8082]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of closure.

SUMMARY: NOAA announces the closure of the commercial salmon fishery in the exclusive economic zone (EEZ) from Trinidad Head to Punta Gorda, California, at midnight, September 8, 1988, to ensure that the chinook salmon quota is not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined that the commercial fishery quota of 15,000 chinook salmon for the subarea will be reached by September 8, 1988. The closure is necessary to conform to the preseason announcement of 1988 management measures. This action is intended to ensure conservation of chinook salmon.

DATES: Closure of the EEZ from Trinidad Head to Punta Gorda, California, to commercial salmon fishing is effective at 2400 hours local time, September 8, 1988. Comments on this closure will be received through September 23, 1988.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731-7415. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, or Rodney R. McInnis at 213-514-6199.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or commercial fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register** under § 661.23, close the commercial or commercial fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Management measures for 1988 were effective on May 1, 1988 (53 FR 16002, May 4, 1988). The 1988 commercial fishery for all salmon species in the subarea from Trinidad Head to Punta Gorda, California, commenced on September 1, 1988, and was scheduled to continue through the earlier of October 31, 1988 or the attainment of a quota of 15,000 chinook salmon. Based on the best available information, the commercial fishery catch in the subarea is projected to reach the 15,000 chinook salmon quota by midnight, September 8, 1988. Therefore, the fishery in this subarea must be closed to further fishing.

Consequently, NOAA issues this notice to close the commercial salmon fisheries in the EEZ from Trinidad Head to Punta Gorda, California, effective midnight, September 8, 1988. This notice does not apply to other fisheries which may be operating in other areas.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the California Department of Fish and Game regarding a closure of the commercial fishery between Trinidad Head and Punta Gorda, California. The State of California will manage the commercial fishery in State waters adjacent to this subarea of the EEZ in accordance with this Federal action.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after the effective date, through September 23, 1988.

Other Matters

This action is authorized by 50 CFR 661.21(a)(1) and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

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

Dated: September 8, 1988.

Richard H. Schaefer,

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

[FR Doc. 88-20847 Filed 9-8-88; 4:51 pm]

BILLING CODE 3510-22-M

50 CFR Part 674

[Docket No. 80630-8130]

High Seas Salmon Fishery Off Alaska

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

ACTION: Notice of extension of fishing period.

SUMMARY: NOAA issues this notice to extend for 3 days the period for harvesting all species but chinook salmon in the U.S. Exclusive Economic Zone in the areas open for commercial salmon fishing off Southeast Alaska between Cape Spencer and Cape Fairweather. This action is necessary to allow a controlled harvest of coho salmon by the commercial troll fishery and is intended to ensure that weak coho salmon stocks are not overharvested.

DATES: This notice is effective from 2359 hours Alaska Daylight Time (ADT), Wednesday, September 7 until 2359 hours ADT, Saturday, September 10, 1988. Public comments are invited until October 7, 1988.

ADDRESSES: Send comments to James W. Brooks, Acting Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802-1668. During the 30-day public comment period, the data upon which this notice is based will be available for public inspection from 0800 through 1630 hours ADT, Monday through Friday, at the NMFS Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Aven M. Andersen (Fishery Management Biologist, NMFS), 907-586-7228.

SUPPLEMENTARY INFORMATION: Salmon fishing in the U.S. Exclusive Economic Zone (EEZ) off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude (FMP). This FMP was developed and amended by the North Pacific Fishery Management Council (Council) and is implemented by NOAA through regulations appearing at 50 CFR Part 674.

The FMP also implements provisions of the Pacific Salmon Treaty and the Pacific Salmon Treaty Act (16 U.S.C. 3631 *et seq.*). Article III of the treaty requires that each Party conduct its fisheries to prevent overfishing of the salmon stocks subject to the treaty. The coho stocks being protected by this action are stocks subject to the treaty (article I(6) and 1988 amendment of annex IV, chapter 5).

The troll fishery opened on July 1 for all salmon species (53 FR 25492, July 7, 1988). It was closed for harvesting chinook salmon on July 12, because it had taken its chinook quota (53 FR 26779, July 15, 1988). On July 26, it was closed completely for 10 days to protect coho salmon (53 FR 28403, July 28, 1988). The troll fishery was closed again on August 14, for 10 days (53 FR 31010, August 17, 1988) to provide further protection for coho because all indicators showed the coho salmon in Southeast Alaska to be well below average in abundance. The fishery resumed on August 25, and was closed again on August 31.

On September 2, the commercial troll fishery in most waters between Cape Spencer and Cape Fairweather was reopened for the harvest of all salmon species but chinook salmon until 2359 hours ADT, on Wednesday, September 7, and most waters between Cape Fairwather and Cape Suckling were reopened until 2359 hours, Saturday, September 10; certain State and Federal waters were kept closed to protect chinook salmon.

New information on the status of the coho stocks has been obtained from the commercial troll, purse seine, and gillnet fisheries, from the sport fisheries, and from the spawning grounds. The rate of harvest in northern Southeast Alaska waters supports a short extension of the troll fishing period in the waters between Cape Spencer and Cape Fairweather as well as in some internal State waters. For example, the catch of coho salmon in a research fish wheel on the Taku River went from 200 per period to almost 600 per period during the last week of August. Coho harvests in the northern inside gillnet fisheries and the Juneau sport fishery have also shown improvement.

Regulations implementing the FMP (at § 674.23(a)) provide that the Secretary may modify the fishing times and areas whenever he determines that the condition of any salmon species in any part of the management area is substantially different from the condition anticipated in the FMP. In making such a determination, he may consider the following factors:

(1) The effect of overall fishing effort within any part of the management area;

(2) The catch per unit of effort and the rate of harvest;

(3) The relative abundance of salmon stocks within the management area;

(4) The condition of salmon stocks throughout their ranges;

(5) Any other factors relevant to the conservation of salmon.

After reviewing the available information on the coho stocks and fisheries, including the effect of overall fishing effort, the catch per unit of effort, and the rate of harvest throughout the management area, the Secretary has determined that the condition of coho stocks is substantially different from the condition anticipated in the FMP. In consultation with the Alaska Department of Fish and Game (ADF&G), he has also found that this difference will allow the troll salmon fishery between Cape Spencer and Cape Fairweather an additional 3 days of fishing. The Secretary and the ADF&G deemed this to be an appropriate extension of the fishing period as it will enable further evaluation of the strength of the coho stocks and will reduce possible enforcement problems from different fishing periods north and south of the line at Cape Fairweather.

The Secretary is reopening these areas in conjunction with similar actions by the ADF&G for certain coastal and internal State waters of northern Southeast Alaska. The small fishing areas in State and Federal waters closed earlier to protect chinook salmon (e.g., the Outer Fairweather Grounds in the EEZ, 53 FR 26779) will remain closed to commercial salmon fishing for all salmon species.

The extension of the fishing period between Cape Spencer and Cape Fairweather is effective as of 2359 hours ADT, September 7, 1988, until 2359 hours ADT, September 10, 1988, and the closure has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game.

Other Matters

The Assistant Administrator for Fisheries, NOAA, has determined that this period for extension of an opening must be effective immediately in order for U.S. fishermen to utilize the resource consistent with the intent of section 9 of the Pacific Salmon Treaty Act of 1985 and the FMP. Giving due regard to potential adverse economic effects of delaying this reopening, he finds that it would be impracticable and contrary to the public interest to provide advance notice and a prior opportunity for public comment or to delay for 30 days the effective date of this notice under the provisions of 5 U.S.C. 553 (b) and (c). However, § 674.23(b)(3) requires the Secretary to accept and consider public comments for 30 days after the effective date of notices like this one, which did not provide an opportunity for the public to comment before it became effective. The aggregated data upon which this closure is based are available for public inspection at the address given above. If comments are received, the Secretary

will reconsider the necessity of this action and will publish another notice in the **Federal Register** either confirming the notice's continued effect, modifying it, or rescinding it, unless the notice has already expired or been rescinded.

This action is authorized by 50 CFR Part 674 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 674

Fisheries, Fishing, International organizations, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 1801 et seq.

Dated: September 8, 1988.

Richard H. Schaefer,

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

[FR Doc. 88–20817 Filed 9–8–88; 4:38 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 53, No. 177
Tuesday, September 13, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 563c and 571

[No. 88-945]

Investment Portfolio Policy and Accounting Guidelines

Dated: September 7, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of rescheduled public hearing.

SUMMARY: The Federal Home Loan Bank Board (the "Board") is rescheduling its public hearing on its proposed rule and statement of policy on investment portfolio policy and accounting guidelines for insured institutions because of a conflict on the earlier date.

DATE: The public hearing will be held on Thursday, September 22, 1988, from 9:00 a.m. to 5:00 p.m. Requests to participate must be received by September 19, 1988.

ADDRESS: Written requests to participate in the public hearing must be mailed to: Secretary, Federal Home Loan Bank Board, 1700 G St. NW., Washington, DC 20552 or hand delivered to the same address between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, and received no later than 5:00 p.m. on September 19, 1988. Persons who have already submitted requests to participate in the public hearing need not resubmit their requests.

Hearing Location: The Federal Home Loan Bank Board's Amphitheater, 2nd Floor, 1700 G St. NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Julie A. Gerschick, Professional Accounting Fellow, (202) 331-4583, or Barefoot Bankhead, Professional Accounting Fellow, (202) 331-4585, Office of Regulatory Activities, Federal Home Loan Bank System, 801 17th Street, NW., Washington, DC 20006; or Gary Jeffers, Staff Attorney (202) 377-6457, or Julie L. Williams, Deputy General Counsel, (202) 377-6459, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G St. NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Board is rescheduling its public hearing on its proposed rule and statement of policy regarding investment portfolio policy and accounting guidelines for insured institutions from September 13, 1988 to September 22, 1988 in order to avoid a conflict. The Board will be contacting those persons who have already indicated an interest in participating in the hearing; they need not resubmit a request to participate. Other persons wishing to participate in the hearings may submit requests until September 19, 1988. Those persons should refer to the original notice of hearing, Board Res. No. 88-686, 53 FR 31363 (August 18, 1988) for information regarding the scope of the hearing and information that should be contained in the request to participate.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88-20938 Filed 9-12-88; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-108-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 a one-time inspection and correction, if necessary, of the brake alternate antiskid value modules for correct check value installation and installation of additional check values at the alternate brake metering values. This proposal is prompted by reports of reducer unions installed in place of the required check values in the alternate antiskid value modules. Furthermore, an additional problem was identified in that the check value installed at the alternate metering values was not located so it could perform its function. These conditions, if not corrected, could result in the loss of fluid from the left hydraulic system after a failure causing loss of fluid in the right hydraulic system.

DATE: Comments must be received no later than November 9, 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-108-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 Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Herron, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1949. Mailing address: FAA, Northwest Moutain 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-108-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

During production checks on Boeing Model 757 series airplanes by the manufacturer, it was discovered that two reducer unions were installed in the return ports of the left and right alternate antiskid value modules in place of check valves.

Additional review of the brake system revealed that the left hydraulic return line intersections for flight controls and the left thrust reverser are located such that one currently installed brake system check value cannot perform its required function. Either of these conditions will allow hydraulic fluid to flow from the left hyrdaulic system to the right hydraulic system. Consequently, if a leak occurs in certain portions of the right hydraulic system, it may be followed approximately one hour later by the loss of the left hydraulic system. Loss of the left and right hydraulic systems will result in the following equipment being inoperative: All wheel brakes, both thrust reversers, 10 of 12 speed brakes, and nose wheel steering. This condition, if not corrected, could result in the inability to stop the airplane after landing.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-32A0081, dated June 24, 1988, which describes the inspection and modification of the hydraulic systems to correct the check valve installations.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require inspection and modification of the brake hydraulic system, in accordance with the service bulletin previously mentioned.

It is estimated that 102 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 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 $16,320.

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 signficant 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 757 airplances 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, Group 1 and Group 2, as listed in Boeing Alert Service Bulletin 757-32A0081, dated June 24, 1988, certificated in any category. Compliance required within the next 120 days after the effective date of this AD, unless previously accomplished.

To prevent the loss of airplane braking due to a single hydraulic failure, accomplish the following:

A. Inspect Group 1 and 2 airplanes left and right alternate antiskid valve module return ports for proper check valve configuration, and correct, if necessary, in accordance with Boeing Alert Service Bulletin 757-32A0081, dated June 24, 1988.

B. On Group 1 airplanes, remove the reducer unions installed in the left and right alternate brake metering valve module return ports and install check valves, in accordance with Boeing Alert Service Bulletin 757-32A0081, dated June 24, 1988.

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

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

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.99 to operate airplanes to a base for the accomplishment of the 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 Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on September 1, 1988.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88-20768 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-107-AD]

Airworthiness Directives: Garrett Model GTCP331-200A, -200AC, -200C, -200ER, -250F, -250H, and -200P Auxiliary Power Units Installed In, but Not Limited to, Boeing Model 757 and 767 Series Airplanes, Airbus Model A310 and A300-600 Series Airplanes, and Certain Boeing Model 747 Series Airplanes With Dual Units

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to revise an existing airworthiness directive (AD), applicable to Garrett Model GTCP331 series Auxiliary Power Units (APU) with a certain fan assembly, which currently requires incorporation of a new fan assembly with an improved fan containment housing. This action would require revision to the modified fan

assembly configuration. This action is prompted by three uncontained failures of the modified fan assembly. This condition, if not corrected, could lead to additional failures and possible inflight or ground fires.

DATE: Comments must be received no later than November 8, 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-107-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Garrett Airline Service Division, A Division of the Allied/Signal Aerospace Company, Technical Publications, Dept. 65-70, P.O. Box 29003, Phoenix, Arizona 85038.

This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy McKinnon, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5247.

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-107-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On April 2, 1987, FAA issued Revision 1 to AD 85-14-02, Amendment 39-5571 (52 FR 5945; February 27, 1987), to require installation of an improved fan containment housing in accordance with Garrett Service Bulletin GTCP331-49-5546, dated August 9, 1984.

Since issuance of that AD, three uncontained failures have occurred on airplanes with the improved fan containment housing installed. As a result of these failures, attributed to fatigue, Garrett has designed a further improvement to the fan containment housing, which adds spacers surrounding retention bolts to provide added strength to the containment assembly.

The FAA has reviewed and approved Garrett Service Bulletin 3862160-49-5716, dated November 19, 1987, which provides instructions to accomplish the above improvement of the fan containment assembly.

Since this condition is likely to exist or develop on other Auxiliary Power Units (APUs) of this same type design, an AD is proposed which would require installation of the revised fan containment assembly in accordance with the service bulletin previously mentioned.

Additionally, this proposal would remove all references in the existing AD to the use of later equivalent FAA-approved revisions of the applicable service bulletins, 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 bulletins may be approved as an alternate means of compliance with this AD, as provided by paragraph C.

It is estimated that 800 APU's installed on airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per APU 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 revision on U.S. operators is estimated to be $128,000.

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 of the minimal cost of compliance per APU ($160). 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 revising AD 85-14-02, Amendment 39-5571 (52 FR 5945; February 27, 1987), as follows:

Garrett Auxiliary Power Division (Formerly Garrett Turbine Engine Company and The Airesearch Manufacturing Company of Arizona): Applies to all GTEC Models GTCP331-200A, -200AC, -200C, -200ER, -250F, -250H, and -200P Auxiliary Power Units (APU) with fan assembly, Garrett Part Number 3862160-3, -4, or -5, installed; as installed in, but not limited to, Boeing Model 757 and 767 series airplanes, Airbus Model A310 and A300-600 series airplanes, and certain Boeing Model 747 series airplanes with dual units, certificated in any category. Compliance is required as indicated, unless already accomplished.

To prevent an uncontained APU cooling fan failure, accomplish the following:

A. Upon removal of the cooling fan assembly, Garrett Part Number 3862160-3 or -4, from an affected GTCP331 series Auxiliary Power Unit (APU) for any reason; or within 1,000 airplane hours time-in-service after August 15, 1985, or prior to September

15, 1985, whichever comes first, for the Boeing Model 757 and 767 series airplanes; and within 1,000 airplane hours time-in-service after April 2, 1987 (the effective date of Amendment 39–5571), for all other airplanes with a GTCP331 series APU installed; incorporate the new fan assembly with the improved fan containment housing as specified in Section 2.A., "Accomplishment Instructions", of Garrett Service Bulletin GTCP331–49–5546, dated August 9, 1984.

B. Upon removal of the modified cooling fan assembly, Garrett Part Number 3862160–5, from an affected GTCP331 series APU for any reason, or within 6 months after the effective date of this AD, whichever occurs first, for all airplanes with GTCP331 series APU installed, incorporate the latest improved fan containment configuration in accordance with the Accomplishment Instructions of Garrett Service Bulletin 3862160–49–5716, dated November 19, 1987.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Garrett Airline Service Division, A Division of the Allied-Signal Aerospace Company, Technical Publications, Dept. 65–70, P.O. Box 29003, Phoenix, Arizona 85038. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 3229 East Spring Street, Long Beach, California.

Issued in Seattle, Washington, on August 31, 1988.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88–20767 Filed 9–12–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 88–NM–113–AD]

Airworthiness Directives: Short Brothers, PLC, Model SD3–60 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 Shorts Model SD3–60 series airplanes, which would require repetitive inspections of the engine power control cables and replacement, if necessary. This proposal is prompted by reports of frayed or damaged wires in the power control cables. This condition, if not corrected, could lead to loss of engine power or loss of the pilot's control of engine power during flight, which could result in a forced engine shutdown.

DATE: Comments must be received no later than November 8, 1988.

ADDRESSES: Send comments on the proposal in publicate to the Federal Aviation Adminstration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM–103), Attention: Airworthiness Rules Docket No. 88–NM–113–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Short Brothers, PLC, Service Representative, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM–103), Attention: Airworthiness Rules Docket No. 88–NM–113–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe conditon which may exist on certain Shorts Model SD3–60 series airplanes. There have been numerous reports of frayed or damaged wires in the power control cables due to a design deficiency. This condition, if not corrected, could lead to loss of engine power or loss of the pilot's control of engine during flight, which could result in a forced engine shutdown.

Short Brothers, PLC, has issued Service Bulletin SD360–76–08, dated May 9, 1988, which describes procedures for repetitive inspections of the power control cables for damaged wires and replacement, if necessary. The United Kingdom CAA has classified the service bulletin as mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require repetitive inspections of the power control cables for damaged wires and replacement, if necessry, in accordance with the service bulletin previously described.

The manufacturer is currently developing a modification to make the cables more flexible and improve the pulley system. Once this modification has been developed, the FAA may consider permitting this modification as an optional terminating action for the proposed inspections.

It is estimated that 78 airplanes of U.S. registry would be affected by this AD, that it would take approximately 40 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 $124,800.

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 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, Shorts Model SD3–60 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:

Short Brothers: Applies to Model SD3–60 series airplanes, as listed in Shorts Service Bulletin Number SD360–76–08, dated May 9, 1988, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent loss of engine power during flight, accomplish the following:

A. Prior to the accumulation of 1,200 flight hours or within 60 days after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,200 flight hours, inspect the engine power control cables for broken wires, in accordance with Shorts Service Bulletin SD360–76–08, dated May 9, 1988.

B. If four or more broken wires are detected in any 24-inch length of cable during the inspection required by paragraph A., above, replace the cable with an airworthy cable assembly prior to further flight, and repeat the inspection required by paragraph A., at intervals not to exceed 1,200 flight hours.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, 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.

D. 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 Short Brothers, PLC, Service Representative, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3702. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 31, 1988.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88–20769 Filed 9–12–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 88–ASO–15]

Proposed Revision to Control Zone; Augusta, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Augusta, Georgia, control zone by eliminating the Daniel Field Airport from the present description. Surface weather observations which govern IFR/VFR operations in the control zone are taken at the Bush Field Airport. Due to environmental differences between Bush Field and Daniel Field Airports, weather conditions vary greatly at the two airports; i.e., Bush Field, located adjacent to the Savannah River, often reports IFR weather conditions when weather conditions at Daniel Field are VFR. The Daniel Field Airport Manager, a local fixed base operator and local users have requested the Daniel Field Airport be excluded from the control zone.

DATE: Comments must be received on or before November 1, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO–530, Manager, Airspace and Procedures Branch, Docket No. 88–ASO–15, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the followint statement is made: "Comments to Airpsace Docket No. 88–ASO–15". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examinatin in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public

contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the Augusta, Georgia, control zone by eliminating the Daniel Field Airport from the present description. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6D dated January 4, 1988.

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

List of Subjects In 14 CFR Part 71

Aviation safety, Control zone.

The Proposed Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Augusta, GA [Revised]

By eliminating the existing description and substituting the following: "Within a 5-mile radius of Bush Field Airport (Lat. 33°22'11" N., Long. 81°57'53" W.). This zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory".

Issued in East Point, Georgia, on September 2, 1988.

William D. Wood,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 88-20764 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 88-ASO-17]

Proposed Revision to Transition Area, St. George, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the St. George, SC, Transition Area by correcting the geographic position coordinates of the St. George Municipal Airport and deleting the arrival extension predicated on the Indian Field RBN. The arrival area extension was designed to afford airspace protection for a planned standard instrument approach procedure (SIAP) utilizing the RBN. The Indian Field RBN was never commissioned. Therefore, the arrival extension is not required.

DATE: Comments must be received on or before October 11, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures, Branch, Docket No. 88-ASO-17, P.O. Box 20636, Atlanta, Georgia, 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rule-making by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-ASO-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the St. George, SC, Transition Area by correcting the geographic position coordinates of the

St. George Municipal Airport and deleting the arrival extension based on the Indian Field RBN. A NDB standard instrument approach procedure (SIAP) had been planned based on the RBN. The Indian Field RBN was never commissioned. Therefore, the arrival extension serves no purpose and is not required for protection of IFR aeronautical operations. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6D dated January 4, 1988.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

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

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

St. George, SC, [Revised]

By deleting the existing description and substituting the following: "That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of St. George Municipal Airport (lat. 33°11'40" N; long. 80°30'31" W)."

Issued in East Point, Georgia, on August 24, 1988.

William D. Wood,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 88–20763 Filed 9–12–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 205

[Docket No. 88N–0258]

Prescription Drug Marketing Act of 1987; Guidelines for State Licensing of Wholesale Drug Distributors

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing a regulation to implement that part of the Prescription Drug Marketing Act of 1987 (the new law) that requires the issuance of a regulation that sets forth guidelines for state licensing of wholesale drug distributors. The guidelines prescribe minimum requirements for the storage and handling of prescription drugs and for the establishment and maintenance of records of distributions of such drugs. The new law prohibits wholesale distribution of prescription drugs in interstate commerce unless the wholesaler is licensed by a State in accordance with these guidelines.

DATES: Written comments by October 13, 1988. The Prescription Drug Marketing Act of 1987 (the new law) requires FDA by regulation to issue guidelines for state licensing of drug wholesalers by October 20, 1988. The new law provides that subparagraph 503(e)(2)(A), which prohibits the interstate distribution of prescription drugs by persons who are not licensed by the State in accordance with these Federal guidelines, take effect 2 years after the regulation is promulgated.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard L. Arkin, Center for Drug Evaluation and Research (HFD–362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8046.

SUPPLEMENTARY INFORMATION:

I. Background

The Prescription Drug Marketing Act of 1987 (the new law) (Pub. L. 100–293, 102 Stat. 95) was signed into law by the President on April 22, 1988. The new law amends the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 *et seq.*) as follows:

(1) Requires State licensing of wholesale drug distributors under Federal guidelines that include minimum standards for storage, handling, and recordkeeping;

(2) Bans the reimportation of prescription drugs for human use produced in the United States, except when reimported by the manufacturer or for emergency use;

(3) Bans the sale, trade, or purchase of drug samples;

(4) Bans trafficking in or counterfeiting of drug coupons;

(5) Mandates storage, handling, and recordkeeping requirements for drug samples;

(6) Requires practitioners to request drug samples in writing;

(7) Prohibits with certain exceptions the resale of prescription drugs purchased by hospitals or health care facilities; and

(8) Sets forth criminal and civil penalties for violations of these provisions.

This proposed rule sets forth guidelines for minimum standards, conditions, and terms for State licensing of wholesale prescription drug distributors. Promulgation of this rule will implement that part of the new law, which provides that no person may engage in the wholesale distribution in interstate commerce of drugs subject to section 505(b) of the act (prescription drugs) in a State unless such person is licensed by the State in accordance with federally-prescribed minimum standards, conditions, and terms, as set forth in guidelines issued as a regulation by the agency (21 U.S.C. 353(e)(2)(A) and (B)).

In developing these guidelines, the agency has followed the recommendation of the House of Representatives' Committee on Energy and Commerce that it consider the Guidelines for the Inspection of Wholesalers issued by the National Association of Boards of Pharmacy (NABP). It has also considered the Proposed Uniform Standards of Practice for Wholesale Drug Distribution, which has been adopted by the National Wholesale Druggists' Association (NWDA). Finally, the agency has considered public comments which it has already received on this matter.

Copies of correspondence and other communications to the agency on this topic have been placed on file with the Dockets Management Branch (address above) and are available for review under this docket number between 9 a.m. and 4 p.m., Monday through Friday.

II. Provisions of the Proposed Rule

A. Scope

Section 205.1 states that the regulation applies to all wholesale drug distributors.

B. Purpose

Section 205.2 states that the purpose of the regulation is to implement the Prescription Drug Marketing Act of 1987.

C. Definitions

Section 205.3 sets forth definitions as they apply to this regulation. Terms defined include "drug sample," "manufacturers", "prescription drug", "wholesale distribution", and "wholesale distributors".

D. Wholesale Drug Distributor Licensing Requirement

Section 205.4 sets forth the requirement that a wholesale distributor be licensed by a State.

E. Minimum Required Information for Licensure

Section 205.5 sets forth minimum information to be required from each licensee, such as the licensee's trade name or names, principal address and telephone number, the address(es) and telephone number(s) of each facility, and the names of corporate or proprietary principals and contact persons.

F. Minimum Qualifications

Section 205.6 sets forth certain minimum qualifications for licensing. State atuhorities are called upon to consider an applicant's past history, including any criminal violations, which may reflect upon the applicant's ability to prevent drug diversion. Where granting a license would not be in the public interest, State authorities may deny a license to an applicant. The agency believes that careful screening of applicants is necessary and prudent in reducing the opportunities for diversion of prescription drugs.

G. Personnel

Section 205.7 sets forth minimum personnel standards for licensees. Empoyees must be qualified by education and/or experience to perform their duties.

H. Violations and Penalties

Section 205.8 provides for suspension or revocation of licenses, and permits fines, improvement, or civil penalties upon conviction of violations of Federal, State, or local drug laws.

I. Minimum Requirements for the Storage and Handling of Prescription Drugs and for the Establishment and Maintenance of Prescription Drug Distribution Records

Section 205.50 sets forth minimum requirements for the storage and handling of prescription drugs (including storage and handling by representatives and agents), and for the establishment and maintenance of prescription drug distribution records. These requirements, which reflect present industry standards for good manufacturing practices for prescription drug storage, handling, and recordkeeping, include:

1. *Facilities.* Paragraph (a) sets forth minimum requirements for storage facilities. These facilities are required to have sufficient space, and environmental and security controls to assure that stored drugs do not become adulterated, or stolen and that damaged, adulterated, and misbranded drugs are segregated from other drug products.

2. *Security.* Paragraph (b) establishes minimum security standards. Basic physical security measures are needed to deter theft of drugs and the resulting divesion of stolen items. This paragraph also addresses theft by computer, where computerized inventory control systems could be compromised and electronic records altered in order to hide and/or facilitate drug diversion.

3. *Storage.* Paragraph (c) sets forth minimum standards for storage of prescription drugs. Emphasis is placed upon appropriate temperature conditions because storage under adverse (usually elevated) temperatures is a prime cause of drug deterioration. Because it is vital to maintain apropriate temperature conditions on a continuing basis, there must be suitable recording equipment and/or logs to document maintenance of proper temperatures.

4. *Examination of materials.* Paragraph (d) requires detailed examination of incoming and outgoing shipments. Such examinations are necessary to prevent acceptance and distribution of drugs which are contaminated or otherwise unfit for distribution.

5. *Returned, damaged, and outdated drugs.* Paragraph (e) includes detailed instructions for the handling of returned, damaged and outdated drugs. Provisions in this paragraph are intended to prevent distribution of potentially adulterated or misbranded drugs which may have been damaged in storage, transit, or in possession of consignees.

The accountability provisions in this paragraph will provide a high level of protection againt drug diversion.

6. *Recordkeeping.* Congress intended that the new law would result in a higher level of accountability in the business practices of drug wholesalers. Paragraph (f) includes detailed minimum recordkeeping requirements, covering all transactions regarding receipt and distribution or other disposition of drugs. Such records are vital for achieving a high degree of accountability for all prescription drug transactions, including returned drugs. The higher level of accountability will provide protection against drug diversion.

7. *Written policies and procedures.* Paragraph (g) sets forth minimum standards for the establishment and maintenance of detailed written policies and procedures for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts and for correcting all errors and inaccuracies in inventories. Also mandated are procedures for conducting efficient drug recalls. By following preestablished procedures, a firm can better assure proper storage and distribution of presciption drugs on a consistent basis.

8. *Responsibility.* Paragraph (h) requires the maintenance of lists of persons in responsible company positions. Clear delineation of individual responsibilities in such lists provides a deterrent to drug diversion.

9. *Compliance with Federal, State, and local law.* Paragraph (i) requires wholesale drug distributors to operate in compliance with all applicable laws and regulations.

10. *Salvaging and reprocessing.* Paragraph (j) states that wholesale drug distributors are subject to any applicable Federal or State laws relating to salvaging or reprocessing. Some salvaging operations are complex and necessitate controls on a par with those used to originally manufacture the drugs. Accordingly, current good manufacturing practice regulations for finished pharmaceuticals in 21 CFR Parts 210 and 211 are incorporated.

III. Impact Analysis

A. Executive Order 12612: Federalism

Executive Order 12612 requires Federal agencies to carefully examine

regulatory proposals to determine if they would have significant impact on federalism. The agency must assess the impact of the proposed rule on the States, on their relationship with the National Government, and on the distribution of power and responsibilities among the various levels of government.

FDA is required by statute to issue a regulation that establishes a guideline setting forth minimum standards for State licensing of wholesale prescription drug distributors. The regulation is to include minimum requirements for recordkeeping, storage, and handling of prescription drugs. While some State laws might be preempted because they would not meet the minimum standards in the regulation, States would be free to adopt standards that exceed the minimum, would maintain maximum administrative discretion, would be able to develop their own policies to achieve program objectives, and would be encouraged to work with appropriate officials in other States and in FDA. States will have an opportunity to participate in the development of these standards through the notice-and-comment rulemaking process. Two years after the issuance of the final rule, drug wholesalers in those States whose laws do not meet these minimum standards will not be permitted to distribute prescription drugs.

FDA certifies that it has examined the proposed rule, and while it may have a possible significant effect on federalism issues, the agency's action is mandated by law, the agency has no discretion, and it must implement its legal mandate by regulation.

B. Executive Order 12291: Regulatory Impact and the Regulatory Flexibility Act (Pub. L. 96–354)

The agency has examined the economic impact of this proposed rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354).

The new law's requirements for State licensing of wholesale drug distributors and the attendant requirements for minimum standards for recordkeeping, storage, and handling of prescription drugs pose potential economic implications for wholesale drug distributors. Although the statute itself does not specify these minimum standards, Congress clearly intended that these standards match currently recommended practices within the wholesale drug sector. The recommendation by the House of Representatives' Committee on Energy and Commerce for FDA to consider the Guidelines for the Inspection of Wholesales issued by the NABP provided explicit guidance on the specifications for these standards. FDA sought to conform the proposed minimum standards with the NABP guidelines and NWDA's-related proposed uniform standards by limiting modifications to conformance with current language and to clarifications required for consistency with existing drug regulations. Thus, the proposed minimum standards are intended to mirror recommended practices already existing among drug wholesalers.

The agency is not aware of the degree to which drug wholesalers comply with the various existing guidelines, but the agency believes that these represent the norm of current practices and procedures among drug wholesalers. Thus, the agency expects minimal incremental costs to occur when these standards become effective 2 years after the publication of the final rule based on this proposal. To the extent to which this perception is not correct, any substantial costs that may arise will be attributable to the statute itself. Thus, this rule is not expected to produce economic consequences beyond those contemplated by the act. Accordingly, the agency concludes that this proposed rulemaking is not a major rule as defined by Executive Order 12291. For similar reasons, the agency certifies, in accordance with the Regulatory Flexibility Act, that this proposal will not have a significant impact on a substantial number of small entities.

IV. Proposed Legislation

On April 22, 1988, when the President signed the Prescription Drug Marketing Act into law, he issued a statement expressing his support for the goals of the bill but noting reservations about some of its provisions. Among these was the requirement that States adhere to Federal standards when licensing wholesale drug distributors. The President said he objected to this provision because of his commitment to fundamental principles of federalism. The President stated that he had directed the Department of Justice to submit to Congress legislation repealing this portion of the new law. That Department is now in the process of drafting legislation for submission to Congress that would repeal the requirements (1) that a wholesale distributor be licensed by the State in accordance with Federal guidelines, and (2) that FDA shall by regulation issue such guidelines establishing minimum standards, conditions, and terms for State licensing of wholesale drug distributors. If this legislation is passed by Congress and signed into law by the President, this rulemaking will become moot. If such legislation is not passed by Congress or signed into law by the President, this rulemaking will go forward as required by current law and discussed in this notice.

V. Paperwork Reduction Act of 1980

Sections 205.7 and 205.50 of this proposed rule contain certain collection of information requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, FDA has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these collection of information requirements.

Other organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, Rm. 3208, New Executive Office Bldg., Washington, DC 20503, Attn: Desk Officer for FDA.

VI. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(7), (8), and (10) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Request for Comments

The new law requires the agency to adopt a final rule establishing State licensing guidelines not later than 180 days after April 22, 1988, the date the new legislation was enacted into law. Accordingly, pursuant to 21 CFR 10.40(b)(2), the Commissioner of Food and Drugs finds that good cause exists for shortening the comment period on the proposed rule to 30 days. The 180-day deadline cannot be met if a 60-day period is allowed for comment after the date of publication of the proposed rule in the **Federal Register.**

Interested persons may, on or before October 13, 1988, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

VIII. Proposed Effective Date

FDA proposes that any final rule based on this proposal become effective upon publication in the Federal Register. The new law provides that 2 years after the issuance of the final rule, only drug wholesalers licensed by States whose laws meet these guidelines will be permitted to distribute prescription drugs in interstate commerce (21 U.S.C. 353(e)(2) (A) and (B)).

List of Subjects in 21 CFR Part 205

Drugs, Labeling, Manufacturing, Warehouses, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding a new Part 205 to read as follows:

PART 205—GUIDELINES FOR STATE LICENSING OF WHOLESALE PRESCRIPTION DRUG DISTRIBUTORS

Sec.

Authority: Secs. 501, 502, 503 as amended, 701 (21 U.S.C. 351, 352, 353 as amended by 102 Stat. 95, 371).

§ 205.1 Scope.

This part applies to any person, partnership, corporation, or business firm in a State engaging in the wholesale distribution of prescription drugs in interstate commerce to any other person, partnership, corporation, or business firm.

§ 205.2 Purpose.

The purpose of this part is to implement the Prescription Drug Marketing Act of 1987 by providing minimum standards, terms, and conditions for the licensing by State licensing authorities of persons who engage in wholesale distributions in interstate commerce of prescription drugs.

§ 205.3 Definitions.

(A) "Drug sample" means a unit of a prescription drug which is not intended to be sold and is intended to promote the sale of the drug.

(b) "Manufacturer" means anyone who is engaged in manufacturing, preparing, propagating, compounding, processing, packaging, repackaging, or labeling of a prescription drug.

(c) "Prescription drug" means any drug required by Federal or State law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

(d) "Wholesale distribution" and "wholesale distributions" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(1) Intracompany sales;

(2) The purchase or other acquisition by a hospital or other health care entity which is a member of a group purchasing organization of a drug for its own use from the group purchasing organization or from other hospitals or health care entities which are members of such organization;

(3) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization described in section 501(c)(3) of the Internal Revenue Code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law,;

(4) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities which are under common control;

(5) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical reasons;

(6) The sale, purchase or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription; or

(7) A transfer of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.

(e) "Wholesale distributor" means any one engaged in wholesale distribution of prescription drugs, including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions.

§ 205.4 Wholesale drug distributor licensing requirement.

The State licensing authority shall license wholesale distributors who conduct business within the State. The mere shipment of prescription drugs into the State does not necessarily require licensing.

§ 205.5 Minimum required information for licensure.

(a) The State licensing authority shall require the following minimum information from each wholesale drug distributor as part of the license described in § 205.5 and as part of any renewal of such license:

(1) The name, full business address, and telephone number of the licensee;

(2) All trade or business names used by the licensee;

(3) Addresses, telephone numbers, and the names of contact persons for all facilities used by the licensee for the storage, handling, and distribution of drugs;

(4) The type of ownership or operation (i.e., partnership, corporation, or sole-proprietorship); and

(5) The name(s) of the owner and/or operator of the licensee, including:

(i) If a person, the name of the person;

(ii) If a partnership, the name of each partner, and the name of the partnership;

(iii) If a corporation, the name and title of each corporate officer and director, the corporate name, and the name of the State of incorporation; and

(iv) If a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

(b) The State Licensing authority may provide for a single license for a business entity operating more than one facility within that State, or for a parent entity with divisions, subsidiaries, and/or affiliate companies within that State when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(c) Changes in any information in paragraph (a) of this section shall be submitted to the State licensing authority within 5 days of such changes.

§ 205.6 Minimum qualifications.

(a) The State licensing authority shall consider, at a minimum, the following factors in reviewing the qualifications of persons who engage in wholesale distribution of prescription drugs within the State:

(1) Any convictions of the applicant under any Federal, State, or local laws

relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;

(2) Any felony convictions of the applicant under Federal, State, or local laws;

(3) The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(4) The furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(5) Suspension or revocation by Federal, State, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(6) Compliance with licensing requirements under previously granted licenses, if any;

(7) Compliance with requirements to maintain and/or make available to the State licensing authority or to Federal, State, or local law enforcement officials those records required under this section; and

(8) Any other factors or qualifications the State licensing authority considers relevant to and consistent with the public health and safety.

(b) The State licensing authority shall have the right to deny a license to an applicant if it determines that the granting of such a license would not be in the public interest.

§ 205.7 Personnel.

The State licensing authority shall require that personnel employed in wholesale distribution have appropriate education and/or experience to assume responsibility for maintaining the premises in an orderly and sanitary manner, for keeping proper records, and for preventing errors in distribution.

§ 205.8 Violations and penalties.

(a) State licensing laws shall provide for suspension or revocation of licenses upon conviction of violations of Federal, State, or local drug laws or regulations, or any felony, and may provide for fines, imprisonment, or civil penalties.

(b) State licensing laws shall provide for suspension or revocation of licenses for any violations of its provisions.

§ 205.50 Minimum requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

The State licensing law shall include the following current good manufacturing practices minimum requirements for the storage and handling of prescription drugs, and for the establishment and maintenance of prescription drug distribution records by wholesale drug distributors and their officers, agents, representatives, and employees:

(a) *Facilities.* All facilities at which prescription drugs are stored, warehoused, handled, held, offered, marketed, or displayed for wholesale sale; or stored, handled, held, marketed or displayed or offered as drug samples; shall:

(1) Be of suitable size and construction to facilitate cleaning, maintenance, and proper operations;

(2) Have storage areas designed to provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;

(3) Have a separate quarantine area for storage of drugs which are outdated, damaged, deteriorated, misbranded, or adulterated, or which are in containers that have been opened or used outside the care, custody, or control of their manufacturer or packager;

(4) Be maintained in a clean and orderly condition; and

(5) Be free from infestation by insects, rodents, birds, or vermin of any kind.

(b) *Security.* (1) All facilities used for wholesale drug distribution shall be secure from unauthorized entry.

(i) Access from outside the premises shall be kept to a minimum and be well-controlled.

(ii) The outside perimeter of the premises shall be well-lighted.

(iii) Entry into areas where prescription drugs are held shall be limited to authorized personnel.

(2) All facilities shall be equipped with an internal alarm system to detect entry after hours.

(3) All facilities shall be equipped with an internal electronic security system that will provide suitable protection against theft and diversion. When appropriate, the internal security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(c) *Storage.* All prescription drugs shall be stored at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of such drugs, or with requirements in the current edition of an official compendium, such as the United States Pharmacopeia/National Formulary (USP/NF).

(1) If no storage requirements are established for a drug, a drug may be held at room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

(2) Appropriate manual, electro-mechanical, or electronic temperature and humidity recording equipment, devices, and/or logs shall be utilized to document proper storage of prescription drugs.

(3) The recordkeeping requirements in paragraph (f) of this section shall be followed for all stored goods.

(d) *Examination of materials.* (1) Each incoming shipment of prescription drugs shall be carefully inspected for identity and to prevent the acceptance of contaminated drugs or drugs that are otherwise unfit for distribution. This inspection shall extend to examination of the condition of the delivery vehicle to determine whether the drugs may have been exposed to contamination or adverse environmental conditions.

(2) Each outgoing shipment shall be carefully inspected for identity of products and to ensure that there is no delivery of merchandise which has been damaged in storage or held under improper conditions.

(3) The recordkeeping requirements in paragraph (f) of this section shall be followed for all incoming and outgoing drugs.

(e) *Returned, damaged, and outdated drugs.* (1) Drugs which are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other prescription drugs until they are destroyed or returned to their supplier.

(2) Any drugs whose immediate or sealed outer or secondary containers have been opened or used outside the care, custody, or control of their supplier, shall be identified as such, and shall be quarantined and physically separated from other prescription drugs until they are either destroyed or returned to the supplier.

(3) If there is evidence arising from the circumstances of a return; if the conditions under which returned drugs have been held, stored, or shipped before or during their return; or if the condition of the drug or its container, carton, or labeling, as a result of storage or shipping, casts doubt on the safety, identity, strength, quality, or purity of the drug; then it shall be destroyed, unless examination, testing, or other investigation proves that it meets appropriate standards of safety, identity, quality, strength, and purity.

(4) The recordkeeping requirements in paragraph (f) of this section shall be followed for all returned, damaged, or outdated drugs.

(f) *Recordkeeping.* (1) Wholesale drug distributors shall establish and maintain inventories and records of all transactions regarding the receipt and

distribution or other disposition of prescription drugs. These records shall include the following information:

(i) The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(ii) The identity and quantity of the articles received and distributed or disposed of;

(iii) Expiration dates; and

(iv) The dates of receipt and distribution or other disposition.

(2) Inventories and records shall be made available for inspection and photocopying by authorized Federal, State, or local law enforcement agency officials for a period of 2 years following the labeled expiration dates of the drugs.

(3) Wholesale drug distributors may keep records at a central location apart from the principal office of the wholesale distributor or the location at which the drugs were stored and from which they were shipped, provided that such records shall be made available for inspection within 24 hours of a request by an authorized official of a Federal, State, or local law enforcement agency.

(g) *Written policies and procedures.* Wholesale drug distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. Wholesale drug distributors shall include in their written policies and procedures the following:

(1) A procedure whereby the oldest approved stock of a drug product is distributed first. Deviation from this requirement is permitted if such deviation is temporary, appropriate, and documented.

(2) A procedure by which the distribution of each batch or lot of drug product can be readily determined to facilitate its recall, if necessary.

(3) A procedure to be followed for handling recalls and withdrawals of prescription drugs. Such procedure shall be adequate to deal with recalls and withdrawals due to:

(i) Any action initiated at the request of the Food and Drug Administration or other Federal, State, or local law enforcement or other government agency, including the State licensing agency;

(ii) Any voluntary action by the manufacturer to remove defective or potentially defective drugs from the market; or

(iii) Any recall for replacement of existing merchandise with an improved product or new package design.

(4) A procedure to ensure that wholesale drug distributors prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, State, or national emergency.

(5) A procedure to ensure that any outdated stock shall be segregated from other stock and either returned to the manufacturer or destroyed.

(i) Outdated stock shall include any stock with an expiration date that is so close, that in the distributor's professional opinion, there will not be sufficient time for the product to reach the consumer prior to its expiration date, after shipment from the wholesale distributor to the dispensing pharmacist or physician.

(ii) Written documentation of the disposition of outdated stock shall be maintained for 2 years after its disposition.

(h) *Responsibility.* Wholesale drug distributors shall establish and maintain lists of officers, directors, managers, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

(i) *Compliance with Federal, State, and local law.* Wholesale drug distributors shall operate in compliance with applicable Federal, State, and local laws and regulations.

(1) Wholesale drug distributors shall permit the State licensing authority and authorized Federal, State, and local law enforcement officials to enter and inspect their premises and delivery vehicles, and to audit their records and written operating procedures, at reasonable times and in a reasonable manner, to the extent authorized by law.

(2) Wholesale drug distributors that deal in controlled substances shall register with the appropriate State controlled substance authority and with the Drug Enforcement Agency (DEA), and shall comply with all applicable State, local, and DEA regulations.

(j) *Salvaging and reprocessing.* Wholesale drug distributors shall be subject to the provisions of any applicable Federal or State laws or regulations which relate to drug product salvaging or reprocessing, including Parts 207, 210, and 211 of this chapter.

Dated: August 9, 1988.

James S. Benson,

Acting Deputy Commissioner, Food and Drug Administration.

[FR Doc. 88-20694 Filed 9-12-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 55

[Notice No. 671; Re: Notice No. 665 and 530]

Explosive Materials in the Fireworks Industry

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

ACTION: Extension of comment period for notice of proposed rulemaking.

SUMMARY: This notice extends the comment period for Notice No. 665, a notice of proposed rulemaking published in the **Federal Register** on July 20, 1988 (53 FR 27452). ATF has received a request from a trade association representing a large number of fireworks industry members for an extension of the comment period in order to provide sufficient time for all interested parties to respond to the complex issues addressed in the NPRM.

DATE: Written comments must be received on or before October 18, 1988.

ADDRESS: Send written comments to: Chief, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 189, Washington, DC 20044-0189 ATTN: Notice No. 665.

FOR FURTHER INFORMATION CONTACT: Lawrence G. White, ATF Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7591).

Approved: September 6, 1988.

W.T. Drake,

Acting Director.

[FR Doc. 88-20596 Filed 9-12-88; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 230

[DoD Instruction 1000.12]

Procedures Governing Banking Offices on DoD Installations

AGENCY. Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed amendment is being coordinated concurrently with a revision of 32 CFR Part 231a and an amendment to 32 CFR Part 231. It defines an on-base bank automated teller machine (ATM) as a banking office for purposes of the issuance, and grants use of the postal intra-theater delivery system (IDS) to contract military banking facilities located overseas.

DATE: Comments should be received by October 13, 1988.

ADDRESS: Office of the Assistant Secretary of Defense (Comptroller), Room 1A658, The Pentagon, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT: Dr. R. Adolphi, telephone (202) 697–8281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 230

Armed forces, Banks, Banking, Federal buildings and facilities, Savings and loan associations.

Accordingly, 32 CFR Part 230 is proposed to be amended as follows:

PART 230—PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS

1. The authority citation continues to read as follows:

Authority: 10 U.S.C. 136.

2. Section 230.5 is proposed be amended to add paragraph (a)(3) to read as follows:

§ 230.5 General Operating Policies and Procedures.

* * * * *

(a) * * *

(3) For the purposes of this section, an automated teller machine owned or operated by a banking institution shall be considered a banking office.

* * * * *

3. Appendix A is proposed to be amended to revise paragraph B.3.(1) as follows:

Appendix A—Procedures for Establishing, Supporting, and Terminating Onbase Banking Offices

* * * * *

B. * * *

3. * * *

(1) U.S. Military Postal Service under DoD Directive 4525.6. Use of the free intra-theater delivery system (IDS) is authorized for all routine mail sent and received between APOs/FPOs within a theater.

* * * * *

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 6, 1988.

[FR Doc. 88–20603 Filed 9–12–88; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 231

[DoD Directive 1000.11]

Financial Institutions on DoD Installations

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed amendment is being coordinated concurrently with a revision of 32 CFR Part 231a and an amendment to 32 CFR Part 230. It defines a full-service credit union as one that provides cash operations and requires that local military proposals to seek provision by off-post institutions of financial services available from existing on-post institutions first be coordinated with the Assistant Secretary of Defense (Comptroller).

DATE: Comments should be received by October 13, 1988.

ADDRESS: Office of the Assistant Secretary of Defense (Comptroller), Room 1A658, The Pentagon, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT: Dr. R. Adolphi, telephone (202) 697–8281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 231

Armed forces, Banks, Banking, Federal buildings and facilities, Savings and loan associations.

Accordingly, 32 CFR Part 231 is proposed to be amended as follows:

PART 231—FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS

1. The authority citation continues to read as follows:

Authority: 10 U.S.C. 136.

§ 231.3 [Amended]

2. Section 231.3, definition *Full-Service Credit Union.* After the word "services" add "to include cash operations,"

§ 231.5 [Amended]

3. Section 231.5. Add the following at the end of the last sentence of paragraph (f): "However, proposals to seek the provision by off-base institutions of financial services available from existing on-base institutions shall be coordinated through channels with ASD(C)."

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 6, 1988.

[FR Doc. 88–20604 Filed 9–12–88; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 231a

[DoD Instruction 1000.10]

Procedures Governing Credit Unions on DoD Installations

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed amendment is being coordinated concurrently with an amendment to 32 CFR Part 231. It encourages overseas operation of full-service credit union offices and provides for additional logistical support to such offices. This amendment modifies the 95 percent rule as published in the Federal Register on May 7, 1987 (52 FR 17294) and requirements for the credit union automated certification thereof and defines an on-base credit union automated teller machine as a credit union facility for purposes of the Part.

DATE: Comments should be received by October 13, 1988.

ADDRESS: Office of the Assistant Secretary of Defense (Comptroller), Room 1A658, The Pentagon, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT: Dr. R. Adolphi, telephone (202) 697–8281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 231a

Armed forces; Credit Unions; Federal buildings and facilities.

Accordingly, 32 CFR Part 231a is proposed to be revised as follows:

PART 231a—PROCEDURES GOVERNING CREDIT UNIONS ON DOD INSTALLATIONS

Sec.

Sec.

Authority: 10 U.S.C. 136

§ 231a.1 Purpose.

This part provides procedural guidance to supplement 32 CFR Part 231 concerning relations with credit unions serving on DoD installations.

§ 231a.2 Applicability and Scope.

(a) This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Defense Agencies, and Washington Headquarters Services (WHS) (hereafter referred to collectively as "DoD Components").

(b) Its provisions also pertain to all credit unions that operate on DoD installations.

§ 231a.3 Definitions.Terms used in this part are defined in § 231.3.

§ 231a.4 Responsibilities.

(a) The *Assistant Secretary of Defense (Comptroller)* (ASD(C)) or designee, the Deputy Assistant Secretary of Defense (Management Systems) (DASD(MS)), shall:

(1) Coordinate the DoD credit union program, consulting on aspects that pertain to the morale and welfare of DoD personnel with the Assistant Secretary of Defense (Force Management and Personnel).

(2) Maintain liaison, as necessary, with the National Credit Union Administration (NCUA) and equivalent State regulatory agencies.

(3) Coordinate on DoD Component actions that propose a credit union's removal for cause from an installation before final decision and referral to the appropriate regulatory agency.

(4) Take final action on requests for exception to the provisions of this Part.

(b) The *Assistant Secretary of Defense (Acquisition and Logistics)* (ASD(A&L)) shall carry out responsibilities outlined in subsection F.2. of DoD Directive 1000.11 [1] (32 CFR Part 231).

(c) The *Assistant Secretary of Defense (Force Management and Personnel)* (ASD(FM&P)) shall carry out responsibilities outlined in subsection F.3. of DoD Directive 1000.11.

(d) The *Secretaries of the Military Departments and Director of Defense Agencies* shall:

(1) Supervise the use of credit unions on respective DoD installations within the guidance contained herein and in 32 CFR Part 231.

(2) Assist respective onbase credit unions in developing and expanding necessary services for DoD personnel, consistent with the provisions stated herein.

(3) Encourage DoD personnel to serve on credit union boards and committees on a voluntary basis, without compensation, when neither conflict (32 CFR Part 40). Such personnel may be allowed to attend credit union conferences and meetings in accordance with DoD Directive 1327.5, Civilian Personnel Manual (CPM) Supplement 990–2, and CompGen Decision B–212457.

(4) Ensure that the recommendations of the Unified or Specified Command concerned are considered before processing requests for overseas credit union service or related actions emanating from overseas component commands of duty nor conflict of interest is involved, as stated in DoD Directive 5500.7

(5) Refer matters requiring policy decisions or proposed changes to the provisions of this Part or 32 CFR Part 231 to the DASD(MS).

(e) The *Commanders of Unified and Specified Commands*, or designees, shall:

(1) Ensure the appropriate coordination of requests to:

(i) Establish credit union service in countries not presently served. Such requests shall include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission or U.S. Embassy and that the host country will permit the operation.

(ii) Totally eliminate credit union service in a country. Such requests shall include a statement that the U.S. Chief of Diplomatic Mission has been informed and that appropriate arrangements to coordinate local termination announcements and procedures have been made with the U.S. Embassy.

(2) Monitor and coordinate credit union operations within the command area. Personnel assigned to security assistance positions shall not serve in this capacity without the prior approval of the Director, Defense Security Assistance Agency (DSAA).

§ 231a.5 General operating policies and procedures.

(a) *General.* Given their unique role in promoting morale and welfare, credit unions operating on DoD installations shall be recognized and assisted by DoD Components at all echelons. These credit unions shall provide services to DoD personnel of all ranks and grades within their respective fields of membership.

(b) *Limitation on Service.* (1) Only one credit union shall establish a branch or facility on a DoD installation, and its field of membership normally shall include all assigned DoD personnel. For the purposes of this provision, an automated teller machine owned or operated by a credit union shall be considered a credit union facility. On installations where more than one credit union already exists, each is entitled to the benefits defined in this part.

(2) As described in section G., Appendix of this part, commanders of installations served by onbase credit unions shall ensure that installation activities do not disseminate literature from competing credit unions.

(c) *Establishing Domestic Credit Union Service.* (1) A demonstrated need for credit union services may be addressed by establishing a new full-service credit union or by opening a branch office or facility of an existing credit union under the common bond principle.

(2) Each DoD Component shall develop internal instructions, consistent with the following, that govern the submission and justification of requests to establish credit unions on respective installations.

(i) DoD personnel seeking to establish a new full-service credit union or a branch or facility of an existing credit union shall submit a proposal to the installation commander. Such proposals shall be forwarded through channels to the DoD Component headquarters concerned, together with recommendations for acceptance or rejection.

(ii) The DoD Component shall notify credit unions that operate on DoD installations of the need for service; review the specific proposals of interested credit unions; coordinate with its field commands as appropriate; and recommend for approval the designation of a credit union to the appropriate regulatory agency, providing an information copy to the DASD(MS). No specific NCUA approval is required for a Federal credit union to open a branch office.

(iii) No commitment may be made to a credit union regarding its proposal until the appropriate regulatory agency has announced a selection.

(d) *Establishing Overseas Credit Union Service.* (1) When the installation (community) commander determines

[1] All DoD Directives and/or Instructions may be obtained, if needed from the U.S. Naval Publications and Forms Center Attn: Code 1062, 5801 Tabor Avenue, Philadelphia PA 19120.

that credit union services are needed within an existing geographic franchise (see paragraph H.2., Appendix of this part), and the DoD Component headquarters concurs, it shall contact the servicing Defense credit union to establish a branch or facility. The basic decision concerning such extensions of service rests with the credit unions. If the NCUA has not established a geographic franchise, the DoD Component concerned shall canvass existing Defense credit unions for proposals to establish a branch or facility.

(2) In addition to the requirements stated in paragraph (b)(2) of this section, installation commanders shall provide the following information in support of requests to their DoD Component headquarters for overseas credit union service:

(i) In countries not presently served, a statement concurred in by the Unified Commander that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission or U.S. Embassy and that the host country will permit the operation, with any conditions imposed by the host-country identified.

(ii) The name and location of the nearest credit union branch or facility.

(iii) The distance between the installation and the nearest credit union branch or facility and the availability of any official or public transportation.

(iv) The number of DoD personnel in duty assignments that confine them to the installation, or who cannot obtain transportation (such as hospital patients).

(3) The DoD Component shall notify Federal credit unions that operate on DoD installations of this need; review the specific proposals of interested credit unions; and coordinate with its field commands as appropriate. Preference shall be given to proposals that offer full-service credit union operations. After coordination with the DASD(MS), the DoD component shall recommend designation of a particular credit union to the NCUA for approval.

(4) Recommendations to the NCUA shall include identification of the primary installation from which the proposed branch would operate and the geographical territory in which any additional branches, facilities, or mobile outlets would operate.

(5) No commitment may be made to a credit union regarding its proposal until the NCUA announces its selection. The DoD Component shall then notify the DASD(MS) of NCUA approval and arrange for operations to begin.

(e) *Operating Agreements.* An operating agreement, conforming to the guidelines set forth herein, shall be executed and maintained between each installation (community) commander and the onbase credit union.

(1) Each agreement shall be confined to basic relationships and mutual support activities and may not involve internal operations of the credit union. The installation commander shall agree to provide support as specified in this Part. A sample format is contained in DoD 4000.19–R.

(2) Each credit union operating on a DoD installation shall agree to:

(i) Comply with this Part, 32 CFR Part 231, and DoD Component regulations that implement these issuances;

(ii) Keep the installation commander advised of credit union operations;

(iii) Give the installation commander a copy of its monthly financial report and other local credit union publications;

(iv) Invite command representatives to attend its annual meetings and other appropriate functions;

(v) Indemnify and hold harmless the U.S. Government from (and against) any loss, expense, claim, or demand to which the Government may be subjected as a result of death, loss, destruction, or damage in conjunction with the use and occupancy of premises of the DoD Component in any way caused by agents or employees of the credit union;

(vi) Maintain physical security of cash and negotiable items in a manner consistent with the requirements of the credit union's fidelity insurer. A copy of these requirements shall be provided to the installation commander upon request.

(vii) Accommodate, whenever possible, local command requests for lecturers and printed materials for consumer credit education programs. Credit union personnel invited to participate in such programs shall not use the occasion to promote the exclusive services of a particular financial institution;

(viii) Provide that neither the DoD Component concerned nor its representatives shall be responsible for the financial operation of a credit union or for any expense, loss (including criminal losses), or claim for damages arising from credit union operations; and

(ix) Operate in accordance with the guidelines at Appendix and comply with other provisions of this part, with 32 CFR Part 231 and with their DoD Component implementing regulations.

(f) *Liaison Officers.* To maintain effective lines of communication, each commander of an installation with an onbase credit union shall appoint a credit union liaison officer as defined at enclosure 2 of DoD Directive 1000.11.

(1) The credit union liaison officer's name and duty telephone number shall be displayed in the lobby of each onbase credit union location.

(2) The liaison officer shall maintain regular contact with the credit union manager to confer, help resolve member complaints, and discuss quantitative and qualitative improvements in the services provided. However, neither liaison officers nor their superiors shall become involved in the internal operations of the credit union.

(3) No one on the board of directors serving the credit union in another official capacity may serve as the credit union or bank liaison officer.

(g) *Complaints Processing*—(1) *Discrimination.* Any installation commander who suspects or receives complaints of discrimination by the onbase credit union shall try to resolve any such problem by negotiation. The installation commander should consider using the credit union's supervisory committee in resolving the complaint. Failing resolution, and in accordance with DoD Component implementing regulations, a written request for investigation shall be forwarded to the appropriate regulatory agency. The request must document the problem and local command efforts toward resolution. Information copies of all related correspondence shall be sent through channels to the DoD Component concerned for transmittal to the DASD(MS).

(2) *Malpractice.* The installation commander shall report to the appropriate regulatory agency any evidcnce suggesting malpractice by credit union personnel, in accordance with DoD Component regulations.

(3) *Follow-up.* A DoD Component unsatisfied with action taken by the appropriate regulatory agency shall submit a full report with recommendations to the DASD(MS). The DASD(MS) shall pursue the matter with the appropriate regulatory agency and apprise the respective DoD Component of progress or resolution.

(h) *Logistic Support*—(1) *Membership Criterion.* (i) In accordance with section 124 of the Federal Credit Union Act, the provision of no-cost office space and other real property is limited to credit unions having a membership at least 95 percent of which is composed of individuals who are, or who were at the time of admission into the credit. union, active duty military personnel or Federal employees, or members of their families. This percentage criterion applies to the total credit union membership, not just to members who use the onbase office.

(ii) Prior to renewal of each no-cost lease or license, the credit union shall provide a written certification, prepared on credit union letterhead and signed either by its president or general manager, that the credit union continues to meet the 95 percent criterion. A certification also is required whenever there is a merger, takeover or significant change in a field of membership. This certification shall serve as justification and documentation for the continued allocation of free Government space, including space renovated or constructed with credit union funds.

(2) *Criteria for Use of Space in Government-Owned Buildings.* (i) A credit union may be provided space on a DoD installation at one or more locations by no-cost permits or licenses for periods not to exceed 5 years, as prescribed in DoD Directive 4165.6. The cumulative total of space authorized at one or more locations is subject to the limitations contained in DoD 4270.1–M.

(ii) A credit union that fails to meet the 95 percent criterion shall be charged fair market rent for space provided. No credit union whose field of membership excludes any DoD personnel assigned on the installation shall receive free Government space. This latter limitation is waived in cases when an installation is served by more than one credit union.

(iii) All space assigned by the GSA, whether leased or in Federal office buildings, is reimbursable to the GSA at the standard level user charge under Pub. L. 92–313. Consequently, the GSA shall charge the benefiting DoD Component for any space assigned for credit union operations. Such space is then subject to the provisions of paragraphs (h)(2) (i) and (ii) of this section.

(iv) When a credit union uses its own funds to expand, modify, or renovate Government-owned space, a no-cost permit or license may be provided for a period not to exceed 25 years. Duration of the permit or license shall be commensurate with the extent of the improvements as determined by the DoD Component concerned. It shall be effective until the agreed date of expiration or until the credit union ceases to satisfy the 95 percent criterion. In this latter case, the no-cost permit shall be cancelled in favor of a lease immediately negotiated at fair market value under the provisions of paragraph (h)(2)(ii) of this section.

(3) *Utilities, Base Services, and Equipment.* (i) When available, janitorial services, utilities (such as air conditioning, heat, and light), fixtures, and maintenance shall be furnished at no cost to a credit union occupying free space in a Government building. The credit union shall pay for other services, such as telephone lines, long-distance toll calls and space alterations. Should a credit union fail to meet the 95 percent membership criterion, any logistic support furnished shall be on a reimbursable basis.

(ii) When available from local stock, typewriters, adding machines, other office equipment and office furniture may be leased to an onbase credit union at nominal cost, i.e., $1.00 per year, under authority of 10 U.S.C. 2667.

(iii) Central locator service shall be provided under conditions identified at enclosure 3 of DoD Directive 1000.11 when requested by Defense credit unions. This service shall be provided at no cost, in accordance with DoD Instruction 7230.7 (32 CFR Part 288).

(iv) DoD Components shall provide debt processing assistance to Defense credit unions, in accordance with DoD Directive 1344.9 (32 CFR Part 43a), as limited by the Privacy Act Guidelines set forth in enclosure 3 of DoD Directive 1000.11. Unless otherwise prohibited, Defense credit unions seeking restitution for delinquent loans or dishonored checks may request the assistance of local commanders, credit union liaison officers, or other officials.

(v) DoD Components shall prescribe clearance procedures for departing military personnel which provide the onbase credit union with adequate notice of such membership changes. Clearance involves reporting a change of address, reaffirming allotments or notes payable and arranging for counseling, if appropriate. Clearance shall not be denied to facilitate the collection of debts or the resolution of disputes between the credit union and its departing members. Where administratively feasible, similar clearance procedures shall be used for departing DoD civilian employees.

(4) *Additional Support in Overseas Areas.* In addition to the logistic support identified above, the following may be made available to Defense credit unions operating at overseas installations:

(i) Military postal service may be authorized, in accordance with DoD Directive 4525.6. For full service credit unions, as defined in 32 CFR Part 231 use of the free intra-theater delivery system (IDS) is authorized for all routine mail sent and received between APOs/FPOs within a theater.

(ii) AUTOVON and AUTODIN may be provided on a case-by-case reimbursable basis.

(iii) Travel of U.S.-based credit union officials to their overseas offices shall be as set forth in DoD Directive 4000.6. Invitational travel orders that authorize travel at no expense to the U.S. Government may be issued by the local commander for official onsite visits.

(iv) For full service credit unions, as defined in 32 CFR Part 231, logistical support shall include steel bars grillwork, security doors, a vault or safe (or both), burglar alarm system, other security features normally used by credit unions construction of teller cages, and other necessary modifications and alternations to existing buildings to facilitate cash operations, under authority of DoD Directive 4270.24.

(i) *Construction of Credit Union Buildings.* (1) Credit union proposals to finance construction of buildings on domestic DoD installations at their own expense must be processed in accordance with DoD Instruction 7700.18. In support of each construction proposal, the credit union shall provide written assurance that:

(i) Management understands its potential loss of the building in the event of installation closure or other delimiting condition specified in paragraph (i)(1) of this section;

(ii) The proposed building will serve only the needs of the credit union and will not be used to house other activities; and

(iii) Management accepts financial responsibility and will reimburse the U.S. Government for all costs of construction and any maintenance, utilities and other services furnished. Rates shall be established per DoD Directive 4000.6 and confirmed by a written agreement between the DoD installation and the credit union; and

(2) Credit unions that finance building construction at their own expense do not have to meet the space criteria contained in DoD 4270.1–M.

(j) *Leases of Government Land.* (1) Except as provided in paragraph (g)(2)(iv) of this section land required for approved building construction at credit union expense shall be made available at appraised fair market rental by real estate lease, not to exceed 25 years, in accordance with DoD Directive 4165.6. Once determined, the charges shall be applicable for the term of the lease. Leases shall include the provision that, in the event of national emergency or any other event cited in paragraph (k)(3) of this section, and at the option of the Government, structures and other improvements erected thereon shall be conveyed to the Government without reimbursement or removed and the land restored to its original condition.

(2) When a credit union participates in the construction of a complex, such as an installation shopping mall, it shall be provided a lease at fair market rental

not to exceed 25 years. The lease shall cover only underlying land for the specific space to be occupied by the credit union.

(3) If determined, in accordance with 10 U.S.C. 2667 to be in the Government's interest, an existing lease of land may be extended prior to expiration of its term. Passage of title to facilities will be deferred until all extensions have expired. Such extensions shall be for periods not to exceed five years at the appraised fair market rental of the land only as determined on the date of each such extension. The credit union will continue to maintain the premises and pay for utilities and services furnished in accordance with 32 CFR Part 288.

(4) When, under the terms of a lease or extension, title to improvements passes to the Government, the credit union shall be given first choice to continue occupying those improvements under a facility lease.

(i) The lease shall require the credit union to maintain the premises and pay for utilities and services furnished in accordance with 32 CFR Part 288.

(ii) In addition, the lease for a credit union not qualifying under the 95 percent criterion cited in paragraph (h)(1) of this section shall require that the credit union pay fair market rental for land underlying the improvements.

(k) *Automated Teller Machine (ATM) Service.* (1) ATMs may be used to augment service provided by an onbase credit union.

(2) An onbase credit union that proposes to augment its service by installing one or more ATMs shall:

(i) Coordinate the ATM proposal through the installation commander under provisions of applicable DoD Component regulations;

(ii) Provide a statement that the cost of ATM installation and maintenance shall be borne by the credit union alone or in conjunction with other financial institutions; and

(iii) Provide for access through debit transaction cards, rather than restricting access to holders of a financial institution's credit cards.

(3) Before service begins, regulatory agency approval, as necessary, must be obtained, and leases must be negotiated in accordance with this Instruction.

(i) No lease is needed to site an ATM within an existing credit union office.

(ii) When a credit union requests up to 100 square feet of additional floor space in an existing structure and the credit union agrees to bear all expenses for modifying the structure, a lease providing for an annual rental fee of $1.00 shall be locally negotiated and approved. This lease provision also shall be offered if a credit union requests up to 250 square feet of land to construct, at its expense, a kiosk or other structure to house an ATM. In either case, the charge for any maintenance, utilities and services shall be consistent with that applied to tbe onbase credit union office.

(iii) Leases pertaining to other situations shall be negotiated in accordance with paragraphs (g)(2) and (h) of this section.

(l) *Termination of Credit Union Service*— (1) *Termination of Operations by the Credit Union.* An onbase credit union planning to terminate its operations should notify the installation commander at least 90 days before the closing date. This notification should precede public announcement of the planned closure. When appropriate, the commander shall attempt to negotiate an agreement permitting the credit union to continue operations until the installation has made other arrangements. Immediately upon notification of a closing, the commander shall advise the DoD Component headquarters concerned. If it is determined that continuation of credit union services is justified, action to establish another credit union shall comply with paragraphs (b) and (c) of this section.

(2) *Termination for Cause.* If, after discussion with credit union officials, the installation commander determines that the operating policies of the credit union are inconsistent with this Instruction, a recommendation for termination of logistic support and space arrangements may be made through DoD Component channels. A credit union shall be removed from the installation only with approval by the DoD Component headquarters, after coordination with the DASD(MS) and the appropriate regulatory agency.

(3) *Termination in Interest of National Defense.* At the option of the Government, leases may be terminated in the event of national emergency or as a result of installation inactivation, closing, or Other disposal action.

Appendix—Operations of Defense Credit Unions

A. Staffing

1. Full services shall be provided by onbase credit unions that are staffed by:

a. A loan officer authorized to act for the ' credit committee;

b. An individual authorized to sign checks; and

c. A qualified financial counselor available to serve members during operating hours.

2. Exceptions to A.1., above, may be approved by the DoD Component concerned in the case of newly organized credit unions.

3. When an onbase credit union can support only minimum staffing, one of the other positions required in A.1., above, may be subsumed under the counselor duties.

4. Remote service locations at the same installation may be staffed with one person alone, provided that a direct courier or message service links them to the credit union's onbase main office.

5. All staffing shall fully comply with the spirit and intent of DoD equal employment opportunity policies and programs, in accordance with DoD 32 CFR Part 191.

6. Neither active duty military personnel nor DoD civilian employees may be detailed to duty or employment with an onbase credit union. However, off-duty DoD personnel may be employed by a credit union if approved by the installation commander following a determination that such employment will not interfere with the full performance of the individual's official duties.

B. Counseling

Members of Defense credit unions shall have access to free counseling service. Members (particularly youthful or inexperienced personnel and young married families) shall receive help in budgeting and solving financial problems. Military members in junior enlisted grades who apply for loans shall receive special attention.

C. Lending

1. In accordance with accepted credit union practice, lending policies are expected to be as liberal as possible while remaining consistent with the best interests of the overall credit union membership. Credit unions must strive to provide the best possible service to all members.

2. Defense credit unions evidencing a policy of discrimination in their loan services are in violation of this Instruction. In resolving complaints of discrimination, the installation commander shall follow procedures specified in § 231a.5.

3. Defense credit unions shall conform to the Standards of Fairness principles set forth in DoD Directive 1344.9 before executing loan or credit agreements. Should an onbase credit union branch refer a prospective borrower to an offbase office of the same credit union, it shall advise the latter office that the Department of Defense requires compliance with the Standards of Fairness.

D. Hours of Operation

Onbase credit unions may conduct operations during normal duty hours provided they do not disrupt the performance of official duties. Credit unions should set operating hours that meet the needs of all concerned. ATMs may be used to provide expanded service and operating hours.

E. Share Insurance

Credit unions serving on DoD installations must maintain adequate share insurance. Any share insurance that is at least equal to that required by the NCUA for Federal credit unions may be obtained through the NCUA, a

State-sponsored insurance program, or a private insurance plan to satisfy this requirement. A credit union not maintaining share insurance shall be suspended from onbase operations.

F. Allotments of Pay

DoD personnel may use their allotment of pay privileges as authorized by 32 CFR Parts 59 and 89 to establish sound credit and savings practices through Defense credit unions.

1. The credit union shall credit member accounts not later than the value date of the allotment check or electronic funds transfer.

2. Under no circumstances shall the initiation of an allotment of pay become a prerequisite for loan approval or disbursement to the credit union member. Allotments voluntarily consigned to a credit union shall continue at the option of the member.

G. Advertising

1. Advertising of onbase credit union services shall be in accordance with policies set forth in 32 CFR Part 43.

2. Advertising in official Armed Forces newspapers and periodicals (32 CFR Parts 297 and 248) is prohibited, with the exception of inserts in the *Stars and Stripes* overseas.

3. 32 CFR Part 372a precludes use of the Armed Forces Radio and Television Service to promote a specific credit union.

4. Onbase credit unions may use the unofficial section of the installation daily bulletins, provided space is available, to inform DoD personnel of financial services and announce membership meetings, seminars, consumer information programs, and other matters of broad general interest. Announcement of free financial counseling services are encouraged. Such media may not be used for competitive or comparative advertising of, for example, specific interest rates on savings or loans.

5. Defense credit unions may use onbase information bulletin boards for announcements of membership meetings and promotional materials generally complementing the installation's financial counseling and thrift promotion programs. Onbase credit unions may, with moderation, use installation message center services to distribute announcements for display on informational bulletin boards, provided this does not overburden the distribution system.

6. Installations, to include military exchange outlets or concessionaires, shall not permit the distribution of competitive literature from other credit unions at locations served by onbase credit unions. This does not preclude a credit union from using a direct mail approach to serve its field of membership or commercial advertising in another credit union's area.

H. Overseas Operations

1. An overseas credit union branch or facility shall be limited to onbase operations. It shall confine its field of membership to individuals or organizations eligible by law or regulation to receive services and benefits from the installation, not precluded from receiving these services by intergovernmental agreement or host-country law.

2. Credit unions serving overseas shall have a prescribed territorial franchise. However, any credit union may continue to serve its members stationed overseas by direct mail.

3. Any proposal for a new service must be coordinated with the appropriate Unified Commander and U.S. Chief of Diplomatic Mission or U.S. Embassy to ensure that it does not conflict with status of forces agreements or hostcountry law.

4. Cash Operations.

a. Except where prohibited by host country law or regulation, credit union branches or facilities that are "full-service," as defined in 32 CFR Part 231 shall have U.S. currency and coin available for member transactions. In areas served by currency custody accounts, transactional U.S. currency and coins shall be made available from the servicing Military Banking Facility (MBF) with no direct or analysis charge to the credit union.

b. Credit unions may purchase *foreign* currency from the servicing MBF at the bulk rate when used for internal vendor of payroll payments. The rate of exchange for sales to individuals must be no more favorable than that available from the MBF, in accordance with DoD Directive 7360.11.

c. Overseas credit unions operating in military payment certificate areas shall comply with DoD 7360.5 and any DoD Component regulations implementing that issuance.

5. In accordance with NCUA rules and regulations, no credit union loans may be made for the purpose of purchasing real property or purchasing or erecting any type of residence in any country outside the United States, its territories and possessions, or the Commonwealth of Puerto Rico.

6. The recommendations and direction of the NCUA through its rules, regulations, procedural forms, reports, and manuals directly apply to all Defense credit union branches and facilities operating overseas.

7. Funds shall be deposited and invested in accordance with the authority applicable to federal credit unions. Overseas Defense credit union branches and facilities shall deposit funds in accordance with instructions issued by the NCUA, giving full consideration to using the servicing MBFs.

8. Operation of overseas Defense credit union branches and facilities shall be reviewed by the NCUA during examination of the parent credit union or as the NCUA determines necessary.

I. Notification of Credit Unions

Each DoD Component shall ensure that every credit union with an office at its installations receives a copy of the document that implements this part and 32 CFR Part 231.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 6, 1988.

[FR Doc. 88-20605 Filed 9-12-88; 8:45 am]

BILLING CODE 3810-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88-417, RM-6295]

Radio Broadcasting Services; Idalia, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Virginia K. Cutforth seeking the allotment of FM Channel 231A to Idalia, Colorado, as its first local broadcast service. Reference coordinates utilized for this proposal are 39-42-06 and 102-17-30.

DATES: Comments must be filed on or before October 24, 1988, and reply comments on or before November 8, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Virginia K. Cutforth, 965 South Irving Street, Denver, CO 80219.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-417, adopted August 1, 1988, and released September 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission Consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-20746 Filed 9-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-414, RM-6231]

Radio Broadcasting Services; Helen, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Helen Broadcasters seeking the allotment of Channel 286A to Helen, Georgia, as the the community's first local FM service. Channel 286A can be allotted to Helen in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.5 kilometers (1 mile) east to avoid a short-spacing to the construction permit of Station WQSB, Albertville, Alabama. The coordinates for this allotment are North Latitude 34-42-00 and West Longitude 83-42-54.

DATES: Comments must be filed on or before October 24, 1988, and reply comment on or before November 8, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard Hildreth, Esq., Fletcher, Heald & Hildreth, 1225 Connecticut Avenue, Suite 400, Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-414, adopted August 1, 1988, and released September 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commisison consideration or court review, all *ex part* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-20743 Filed 9-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-416, RM-6426]

Radio Broadcasting Services; Pearson, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Albert E. Harper d/b/a/ Harper Broadcasting, seeking the allotment of Channel 270A to Pearson, Georgia, as the community's first local FM service. Channel 270A can be allotted to Pearson in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.5 kilometers (1.6 miles) west to avoid a short-spacing to Station WZAT, Channel 271C, Savannah, Georgia. The required spacing is met based on a grant of the pending application of Station WGBA, Channel 273C1, Waycross, Georgia, for a license to cover its outstanding construction permit (BLM-880210KF). The coordinates for this allotment are North Latitude 31-17-38 and West Longitude 82-52-51.

DATES: Comments must be filed on or before October 24, 1988, and reply comments on or before November 1, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Roy F. Perkins, Jr., Esq., 1400-20th Street, NW., Washington, DC 20036 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-416, adopted August 1. 1988, and released September 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW; Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-20741 Filed 9-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-413, RM-6370]

Radio Broadcasting Services; Ringgold, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by James E. Price seeking the allotment of Channel 229A to Ringgold, Georgia, as the community's second local FM service. Channel 229A can be allotted to Ringgold in compliance with the Commission's minimum distance separation requirements with a site

restriction of 6.3 kilometers (3.9 miles) west to avoid a short-spacing to Station WLJA–FM, Channel 228A, Ellijay, Georgia. The coordinates for this allotment are North Latitude 34–54–01 and West Longitude 85–10–37.

DATES: Comments must be filed on or before October 24, 1988, and reply comments on or before November 8, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James E. Price, Route 6, 14 West Sharon Circle, Ringgold, Georgia 30736 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–413, adopted August 5, 1988, and released September 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communication Commission.

Steve Kaminer,

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

[FR Doc. 88–20744 Filed 9–12–88; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88–412, RM–6369]

Radio Broadcasting Services; Ramsey and Shelbyville, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for making filed by Kin Do Communications, Inc., licensee of Satation WSHY–FM, Shelbyville, Illinois, which seeks to substitute Channel 286B1 for Channel 285A at Shelbyville and to modify its Class A license accordingly, at coordinates 39–24–05 and 88–49–00. Additionally, Channel 227A is proposed as a substitute for unused Channel 287A at Ramsey, Illinois (application pending), at coordinates 39–08–06 and 89–06–02.

DATES: Comments must be filed on or before October 24, 198, and reply comments on or before November 8, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gene A. Bechtel, Ann C. Farhat, Bechtel & Cole, Chartred, 2101 L Street, NW., Suite 502, Washington, DC 20037.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–412, adopted August 2, 1988, and released September 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should not that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73.

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–20747 Filed 9–12–88; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88–415, RM–6401]

Radio Broadcasting Services; Kalispell, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by KOFI, Inc., permittee of Channel 280A, Kalispell, Montana, proposing the substitution of Channel 280C1 for Channel 280A. The coordinates for Channel 280C1 are 48–11–52 and 114–15–03. Canadian concurrence will be sought for the allotment of Channel 280C1 at Kalispell.

DATES: Comments must be filed on or before October 24, 1988, and reply comments on or before November 8, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dennis F. Begley, Reddy, Begley, & Martin, 2033 M Street, NW., Washington, DC 20036, (Counsel for the petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–415, adopted August 5, 1988, and released September 1, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased for the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-20745 Filed 9-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 88-373, FCC 88-248]

Private Land Mobile Radio Services; Assignment of Frequencies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making that proposes to allow the Business Radio Service to use certain 150 MHz radio channels that are currently unavailable for assignment to any land mobile radio service. The Commission also is proposing to allow high power paging operations on some of these channels. The subject channels are already allocated to the Private Land Mobile Radio Services, but their use has been prohibited since they were created in 1971. The Commission was concerned that their use would cause unacceptable interference on adjacent channels, which are also allocated to the Private Land Mobile Radio Services. Because certain regulatory changes minimizing the potential for interference have occurred since 1971, the Commission believes that the subject channels can now be used to promote more intensive use of the available private land mobile spectrum in the congested 150 MHz band.

DATES: Comments are due by September 29, 1988 and replies by October 14, 1988.

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

FOR FURTHER INFORMATION CONTACT: Michael Lewis, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, PR Docket No. 88-373, adopted July 20, 1988, and released August 11, 1988.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington DC 20037.

Summary of Notice of Proposed Rule Making

This proceeding was initiated by a petition for rule making filed by the National Association of Business and Educational Radio, Inc. (NABER). The petition identified twenty-two 150 MHz channels that are currently assigned to various Private Land Mobile Radio Services in the continental United States, but are unavailable for assignment to any Private Land Mobile Radio Service in the Virgin Islands and Puerto Rico. NABER requested that these channels be made available in those territories to the Business Radio Service and requested that five of these channels be designated for high power paging. The petition also identified twelve 150 MHz channels that are now available to the Taxicab Radio Service for use within Standard Metropolitan Areas (SMAs) having populations greater than 50,000 according to the 1950 census. Outside of these SMAs, the channels are not available to any Private Land Mobile Radio Service. The petition requested that these channels be made available outside the defined SMAs to the Business Radio Service and further requested that two of these channels be designated for high power paging.

Commenters to the petition did not oppose the requested assignment of channels in the Puerto Rico and Virgin Islands. Commenters did oppose, however, the proposal to designate some of these offshore channels and some of the continental U.S. channels as high power paging channels. Commenters were concerned about the potential for adjacent channel interference caused by high power paging transmitters. Also, the international Taxicab Association, Inc. (ITA) argued that the continental U.S. channels identified by NABER should not be assigned to the Business Radio Service. ITA stated that the twelve channels should instead be made available to the Taxicab Radio Service for use both inside and outside the defined SMAs.

Because there was no opposition, the Commission proposed to assign all twenty-two Puerto Rico and the Virgin Island channels to the Business Radio Service. The Commission further proposed to assign all twelve continental U.S. channels to the Business Radio Service for use outside of the defined SMAs. The Taxicab Radio Service would continue to have use of these channels inside the defined SMAs. The Commission based this latter proposal on the fact that, as businesses, taxicab companies are eligible to use channels assigned to the Business Radio Service. By assigning these twelve channels to the Business Radio Service, therefore, the Commission reasoned that the maximum number of potential users would have access to these channels, including taxicab companies.

As for the proposal concerning additional high power paging channels in the 150 MHz band, the Commission recognized the need for additional channels to help accommodate the increased interest in this service. Therefore, the Commission asked for additional comments on the proposals contained in the NABER petition and further asked whether an appropriate action would be to increase the permitted power to 350 watts on channels already designated for high power paging. Finally, the Commission tentatively concluded that it should continue to define SMAs using data from the 1950 census but asked for additional comments.

Regulatory Flexibility Act Initial Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, an initial regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

Paperwork Reducation Act Statement

The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements, and will not increase burden hours imposed upon the public.

List of Subjects in 47 CFR Part 90

Radio, Private land mobile radio services.

Amendatory Text

47 CFR Part 90 is proposed to be amended as follows:

PART 90—[AMENDED]

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

2. 47 CFR 90.75 is proposed to be amended by revising the frequency table in paragraph (b) by adding the frequencies 150.830, 150.860, 150.890, 150.920, 150.950, 151.010, 151.040, 151.070, 151.100, 151.130, 151.160, 151.190, 151.220, 151.250, 151.280, 151.310, 151.340, 151.370, 151.400, 151.4.30, 151.460, 151.490, 152.285, 152.315, 152.345, 152.375, 152.405, 152.435, 157.545, 157.575, 157.605, 157.635, 157.665, and 157.695, to read as follows:

§ 90.75 Business Radio Service.

* * * * *

(b) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
*	*	*
150.830	Base	8, 10, 12
*	*	*
150.860	do	8, 10, 12
*	*	*
150.890	do	8, 10, 12
*	*	*
150.920	do	8, 10, 12
*	*	*
150.950	do	8, 10, 12
*	*	*
151.010	do	8
*	*	*
151.040	do	8
*	*	*
151.070	do	8
*	*	*
151.100	do	8
*	*	*
151.130	do	8
*	*	*
151.160	do	8
*	*	*
151.190	do	8
*	*	*
151.220	do	8
*	*	*
151.250	do	8
*	*	*
151.280	do	8
*	*	*
151.310	do	8

BUSINESS RADIO SERVICE FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations
*	*	*
151.340	do	8
*	*	*
151.370	do	8
*	*	*
151.400	do	8
*	*	*
151.430	do	8
*	*	*
151.460	do	8
*	*	*
151.490	do	8
*	*	*
152.285	do	9
*	*	*
152.315	do	9
152.345	do	9
*	*	*
152.375	do	9
152.405	do	9
*	*	*
152.435	do	9
*	*	*
157.545	Base or mobile	9
*	*	*
157.575	do	9
157.605	do	9
*	*	*
157.635	do	9
157.665	do	9
*	*	*
157.695	do	9
*	*	*

3. 47 CFR 90.93 is proposed to be amended by revising the frequency table in paragraph (b) by changing the limitations for the frequencies 152.285, 152.315, 152.345, 152.375, 152.405, 152.435, 157.545, 157.575, 157.605, 157.635, 157.665 and 157.695 as follows:

§ 90.93 Taxicab Radio Service.

* * * * *

(b) * * *

TAXICAB RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
*	*	*
152.285	Base or Mobile	1, 2
*	*	*
152.315	do	1, 2
*	*	*
152.345	do	1, 2
*	*	*
152.375	do	1, 2
*	*	*
152.405	do	1, 2
*	*	*
152.435	do	1, 2

TAXICAB RADIO SERVICE FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations
*	*	*
157.545	do	1, 2
*	*	*
157.575	do	1, 2
*	*	*
157.605	do	1, 2
*	*	*
157.635	do	1, 2
*	*	*
157.665	do	1, 2
*	*	*
157.695	do	1, 2
*	*	*

4. 47 CFR 90.555 is proposed to be amended by revising the frequency table in paragraph (b) by changing service and limitation entries for the frequencies 150.830, 150.860, 150.890, 150.920, 150.950, 151.010, 151.040, 151.070, 151.100, 151.130, 151.160, 151.190, 151.220, 151.250,151.280, 151.310, 151.340, 151.370, 151.400, 151.430, 151.460, 151.490, 152.285, 152.315, 152.345, 152.375, 152.405, 152.435, 157.545, 157.575, 157.605, 157.635, 157.665, and 157.695 as follows:

§ 90.555 Combined frequency listing

* * * * *

(b) * * *

Frequency	Services	Special limitations
150.830	IB, LA	Do, paging only.
*	*	*
150.860	IB, LA	Do, paging only.
*	*	*
150.890	IB, LA	Do, paging only.
*	*	*
150.920	IB, LA	Do, paging only.
*	*	*
150.950	IB, LA	Do, paging only.
*	*	*
150.010	IB, PH	Do.
*	*	*
151.040	IB, PH	Do.
*	*	*
151.070	IB, PH	Do.
*	*	*
151.100	IB, PH	Do.
*	*	*
151.130	IB, PH	Do.
*	*	*
151.160	IB, PO	Do.
*	*	*
151.190	IB, PO	Do.
*	*	*
151.220	IB, PO	Do.
*	*	*
151.250	IB, PO	Do.
*	*	*
151.280	IB, PO	Do.
*	*	*
151.310	IB, PO	Do.

Frequency	Services	Special limitations
• • •	• •	
151.340	IB, PO	Do.
• • •	• •	
151.370	IB, PO	Do.
• • •	• •	
151.400	IB, PO	Do.
• • •	• •	
151.430	IB, PO	Do.
• • •	• •	
151.460	IB, PO	Do.
• • •	• •	
151.490	IB, PO, IS	IS use not permitted in PR/VI
• • •	• •	
152.285	LX, IB	IB outside, LX inside SMAs over 50,000 pop.
• • •	• •	
152.315	LX, IB	Do.
• • •	• •	
152.345	LX, IB	IB outside, LX inside SMAs over 50,000 pop.
• • •	• •	
152.375	LX, IB	Do.
• • •	• •	
152.405	LX, IB	IB outside, LX inside SMAs over 50,000 pop.
• • •	• •	
152.435	LX, IB	Do.
• • •	• •	
157.545	LX, IB	IB outside, LX inside SMAs over 50,000 pop.
• • •	• •	
157.575	LX, IB	Do.
• • •	• •	
157.605	LX, IB	IB outside, LX inside SMAs over 50,000 pop.
• • •	• •	
157.635	LX, IB	Do.
• • •	• •	
157.665	LX,IB	IB outside LX inside SMAs over 50,000 pop.
• • •	• •	
157.695	LX, IB	Do.
• • •	• •	

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-20809 Filed 9-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 88-139; DA 88-1321]

Amateur Radio Services

AGENCY: Federal Communications Commission.

ACTION: Order; Extension of time.

SUMMARY: This document extends the comment and reply comment periods in which to respond to the *Notice of Proposed Rule Making* in this proceeding concerning the reorganization and deregulation of Part 97 of the Commission's Rules governing the Amateur Radio Services. This action is being taken as a result of a motion to extend time by the American Radio Relay League, Inc. (ARRL). The ARRL stated that its ad hoc committee required at least 90 more days to review the proposals contained in this reorganization of the entire body of the amateur service rules.

DATES: Comments may be filed on or before November 29, 1988. Reply comments may be filed on or before January 31, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Special Services Division, Private Radio Bureau, (202) 632-4964.

SUPPLEMENTARY INFORMATION: A summary of the *Notice of Proposed Rule Making* in this matter was published in the **Federal Register** at 53 FR 12780, April 19, 1988.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-20807 Filed 9-12-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Ch. VI

[Docket No. 84-D]

RIN 2132-AA24

Withdrawal of Rulemaking Extending Safety Requirements to All Federally Assisted Buses; Rescission of Mandatory Safety Specifications for Advanced Design Buses

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: In this Notice, the Urban Mass Transportation Administration (UMTA) announces that it is withdrawing the rulemaking proposing extension of certain safety requirements to all federally assisted buses.

During the process of developing the Notice of Proposed Rulemaking, it has become apparent that the standards of NHTSA and MCS are adequate to deal with the problems which were to be addressed by making the safety specifications mandatory for all federally assisted buses. In addition, UMTA is rescinding its policy making certain safety specifications mandatory for all advanced design buses.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Bolton, Director of Policy, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW., Room 9310, Washington, DC 20590, (202) 366-4060.

SUPPLEMENTARY INFORMATION: Between March 14, 1977 (42 FR 13816) and October 1, 1982 (47 FR 44457), UMTA mandated the use by its grantees of the Baseline Advanced Design Transit Coach Specification ("White Book") for the purchase of Advanced Design Buses (ADB's) Effective October 1, 1982, UMTA rescinded the retained certain of the standards as mandatory. These standards were deemed to be safety related. On October 14, 1984 (49 FR 40426), UMTA published an Advance Notice of Proposed Rulemaking (ANPRM) which proposed extending these mandatory specifications to all buses purchased with Federal assistance. The purpose for doing so was to eliminate an inequity in which ADB's were required to meet three sets of safety standards (the White Book as well as those required by the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration's Office of Motor Carrier Safety (MCS)), while all other buses were required to meet the requirements of only NHTSA and MCS.

During the process of developing the Notice of Proposed Rulemaking, it has become apparent that the standards of NHTSA and MCS are adequate to deal with the problems which were to be addressed by making the safety specifications mandatory for all federally assisted buses. In many cases, the White Book specifications duplicated or conflicted with those of NHTSA and MCS.

Accordingly, UMTA is withdrawing this rulemaking. In addition, because continuing to mandate these requirements only for ADB's would

perpetuate the inequity, UMTA has decided to terminate its requirement that all solicitations for ADB's must include the specifications which remained as mandatory when use of The White Book was made voluntary on October 1, 1982. Thus, use of the White Book is now voluntary for all model buses, and inclusion of these specifications is now also voluntary.

UMTA Docket No. 84–D will be transferred to NHTSA. Any issue regarding bus safety standards henceforth should be directed to NHTSA or MCS, as appropriate.

Issued on September 7, 1988.

Alfred A. DelliBovi,

Administrator.

[FR Doc. 88–20773 Filed 9–12–88; 8:45 am]

BILLING CODE 4910-57-M

Notices

Federal Register
Vol. 53, No. 177
Tuesday, September 13, 1988

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

COMMISSION ON CIVIL RIGHTS

Illinois Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 3:00 p.m., on September 26, 1988, at the Palmer House and Towers, 17 East Monroe, Chicago, Illinois. The purpose of the meeting is to conduct orientation for the newly rechartered Advisory Committee and to discuss program plans for FY 1989.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Hugh J. Schwartzberg, or Melvin Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816/426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 31, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88–20652 Filed 9–12–88; 8:45 am]

BILLING CODE 6335–01–M

Indiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:00 p.m., on September 28, 1988, at the Hyatt Regency Hotel, 1 South Capitol, Indianapolis, Indiana. The purpose of this meeting is to discuss program plans and activities for FY 1989.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, William F. Harvey, or Melvin Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816/426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 31, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88–20653 Filed 9–12–88; 8:45 am]

BILLING CODE 6335–01–M

New Hampshire Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 3:00 p.m. and adjourn at 5:00 p.m. on September 28, 1988, at the Center Holiday Inn, Hawthorne Room, 700 Elm Street, Manchester, NH 03101. The purpose of the meeting is: (1) To receive a briefing from invited speakers on the treatment of language-minority students in the New Hampshire public school system, and (2) plan future SAC activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Robert A. Wells 603/625–6464 or John I. Binkley, Director of the Eastern Regional Division of the Commission at 202/523–5264 or TDD 202/376–8117. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 31, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88–20655 Filed 9–12–88; 8:45 am]

BILLING CODE 6335–01–M

Ohio Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 12:00 p.m. and adjourn at 4:00 p.m., on September 29, 1988, at the Holiday Inn—City Centre, 175 Eastown Street, Columbus, Ohio. The purpose of the meeting is to discuss program plans for FY 1989 and brief the Committee on civil rights issues in Toledo, Ohio.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Donald G. Prock, or Melvin Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816/426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 31, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88–20654 Filed 9–12–88; 8:45 am]

BILLING CODE 6335–01–M

Washington Advisory Committee; Agenda and Notice of Public Forum

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Washington Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:00 p.m. on September 23, 1988, at the Aladdin Motor Inn, 900 Capitol Way, Olympia, Washington 98501. The purpose of the meeting is to plan project activities for the new charter period and to discuss civil rights issues affecting the State of Washington.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Sharon Bumala or Philip Montez, Director of the Regional Division, (213) 894–3437, (TDD 213/894–0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 31, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88–20656 Filed 9–12–88; 8:45 am]

BILLING CODE 6335–01–M

Wisconsin Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 3:00 p.m., on September 27, 1988, at the Marc Plaza, 509 W. Wisconsin Avenue, Milwaukee, Wisconsin. The purpose of this meeting is to conduct orientation for the newly rechartered Advisory Committee and conduct program planning for FY 1989.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Acting Chairperson, James L. Baughman, or Melvin Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816/426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 31, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88–20657 Filed 9–12–88; 8:45 am]

BILLING CODE 6335–01–M

Wyoming Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Wyoming Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 2:00 p.m., on September 24, 1988 at the Casper Hilton Inn, 800 North Poplar, Casper, Wyoming 82601. The purpose of the meeting is to plan project activities for the new charter period and to discuss civil rights issues affecting the State of Wyoming.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Donald Tolin or Philip Montez, Director of the Western Regional Division (213) 894–3437, (TDD 213/894–0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 31, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88–20658 Filed 9–12–88; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held October 4, 1988, 9:30 a.m., Room B–841 at the Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda

Open Session

1. Opening remarks by the Chairman.

2. Presentation of papers or comments by the public.

3. Public Comments are Solicited on the Appropriate Control Levels for CCL Entries 1501, 1502 and 1531.

4. Briefing by AT&T on Network Management and Control.

5. Discussion on Minimum Essential Test Equipment and Software for Semi-Knock Down Assembly Kit.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes, call Betty Ferrell at (202) 377–2583.

Date: September 7, 1988.

Betty Anne Ferrell,

Acting Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 88–20804 Filed 9–12–88; 8:45 am]

BILLING CODE 3510–DT–M

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award's Panel of Judges; Meeting

AGENCY: National Institute for Standards and Technology, Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that there will be a closed meeting of the Panel of Judges of the Malcolm Baldrige National Quality Award from Tuesday, September 27, through Thursday, September 29, 1988, from 8:30 a.m. to 5:00 p.m each day. The Panel of Judges is composed of nine members prominent in the field of quality management and appointed by the Secretary of

Commerce. The purpose of this meeting is to review the 1988 Award applications and to recommend Award recipients to the Secretary of Commerce and Director of the National Institute of Standards and Technology. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence.

DATES: The meeting will convene September 27, 1988 at 8:30 a.m. and adjourn at approximately 5:00 p.m. on September 29, 1988. The entire meeting will be closed.

ADDRESS: The meeting will be held in Lecture Room C, Administration Building, National Institute of Standards and Technology, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Dr. Curt W. Reimann, Associate Director for Quality Programs, National Institute for Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2036.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 6, 1988 that the meeting of the Panel of Judges will be closed pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with section 552b(c)(4) of Title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Date: September 7, 1988.

Ernest Ambler,

Director.

[FR Doc. 88–20696 Filed 9–12–88; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Serivce, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene a public meeting of its Florida/Alabama Habitat Advisory Panel at the Sheraton Grand Hotel, 4860 West Kennedy Boulevard, Tampa, FL, to discuss the final Corps of Engineers Section 404 Regulations, the Coastal Barrier Resource Act, offshore oil and gas leasing, contaminants in estuaries and marine waters, habitat restoration research efforts, and spoil disposal in Mobile Bay. The public meeting will convene on September 27, 1988, at 9 a.m., and recess at 5 p.m., reconvene September 28 at 8:30 a.m., and adjourn at noon.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228–2815.

Date: September 8, 1988.

Richard H. Schaefer,

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

[FR Doc. 88–20820 Filed 9–12–88; 8:45 am]

BILLING CODE 3510–22–M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting on September 22, 1988, at 8:30 a.m., at the Ocean Gate Motor Inn, Route 27, Southport, ME, to discuss reports of the Council's Groundfish and Foreign Fishing Committees. There also will be updates and discussion of billfish, user fees, amendments to the Magnuson Fishery Conservation and Management and Marine Mammal Protection Acts, the interjurisdictional fisheries policy and the 12-mile territorial sea proclamation. The U.S. Department of State will give a presentation on general agreement on tariffs and trade, and the Council's ad hoc Committees on work priorities will review its conclusions. The public meeting will adjourn on September 22 at approximately 5 p.m.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, (Route One), Saugus, MA 01906; telephone: (617) 231–0422.

Date: September 8, 1988.

Richard H. Schaefer,

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

[FR Doc. 88–20819 Filed 9–12–88; 8:45 am]

BILLING CODE 3510–22–M

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council and its advisory entities will convene public meetings at the Sheraton Hotel, Anchorage, AK, as follows:

Council—will convene on September 28, 1988, at 9 a.m. Council members will elect officers for the coming year, will receive status of stocks reports for groundfish in the Gulf of Alaska and the Bering Sea/Aleutian Islands, and will set harvest quotas and initial apportionments for domestic and joint venture fisheries for 1989. Final approval of harvest levels will be made in December. The Council also will review performance of domestic harvesters and processors.

The Council will review public comments on two sablefish season alternatives in the Gulf of Alaska and will choose a preferred alternative to be forwarded for Secretarial review and implementation. Also on the agenda is Council review of a revised bycatch amendment for the Bering Sea/Aleutian Islands, and adoption of a regulatory amendment redefining directed fishing based on the recommendations of the Council's Bycatch Committee. The Council also will consider final approval of the proposed Bering Sea/Aleutian Islands King and Tanner Crab Fishery Management Plan. A draft salmon plan will be considered for approval to go to public review.

The Council is scheduled to review public comments on sablefish management alternatives for the longline fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands and will choose a preferred alternative for further development and Secretarial review.

Proposals received for halibut management will be reviewed and those proposals meeting Council criteria will be sent for public review. The Council also will consider adoption of a habitat policy and review further development of future of groundfish alternatives.

The North Pacific Council may meet with the Advisory Panel and the Bycatch Committee on September 27 at 10:30 a.m., to discuss bycatch management. Council decisions on that issue will be made later in the week. Other plan team and workgroup meetings also may be held on short notice during the week. The Council will meet in executive session at least once during the week to review personnel and/or other appropriate matters. The

Council's public meeting will adjourn on September 30.

Scientific and Statistical Committee—will convene on Sunday, September 25, 1988, at 2:30 p.m., at the Sheraton Hotel.

Advisory Panel—will convene on September 26 at 10:30 a.m., also at the Sheraton Hotel.

Bycatch Committee—is scheduled to convene on Saturday, October 1, 1988, at 9 a.m., at the North Pacific Fishery Management Council's office, 605 Fourth Avenue, Anchorage, AK.

FOR FURTHER INFORMATION CONTACT: Clarence Pautzke, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271–2809.

Date: September 1, 1988.

Richard H. Schaefer,

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

[FR Doc. 88–20821 Filed 9–12–88; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License; GENELABS, Inc.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to GENELABS, Inc., having a place of business in Redwood City, CA, an exclusive right in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application Serial Number 7–169,033, "Novel Neutrophil Chemotactic Factor Cloned cDNA and Monoclonal Antibodies Thereto." The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Agriculture.

The intended exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The intended license may be granted unless, within sixty days from the date of this published notice, NTIS receives written evidence and argument which establishes that the grant of the intended license would not serve the public interest.

Inquiries, comments and other materials relating to the intended license must be submitted to Papan Devnani, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

A copy of the instant patent application may be purchased from the NTIS Sales Desk by telephoning 703/487–4650 or by writing to NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Douglas J. Campion,

Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 88–20775 Filed 9–12–88; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the Chief of Staff's Special Commission on the Honor Code and Honor System at the United States Military Academy

SUMMARY: Under the provisions of Pub. L. 92–463, "Federal Advisory Committee Act," notice is hereby given that the Chief of Staff's Special Commission on the Honor Code and Honor System at the United States Military Academy has been determined to be in the public interest and has been established. The approximate duration of the Special Commission will be six months.

The Chief of Staff's Special Commission on the Honor Code and Honor System at the United States Military Academy will review the Honor Code and Honor System at the U.S. Military Academy to determine the efficacy of their stated goals in relation to the structure and operation of the Military Academy, as well as to leader development and professional performance. Specifically, the review will consist of an assessment of: How the Honor System supports the educational and leadership objectives of the Military Academy; whether or not there is an adequate balance between cadet and faculty/staff involvement in the Honor System; and, the degree to which the Honor Code and Honor System can assist the Military Academy achieve its mission and purpose, both now and in the future.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer Department, of Defense.

September 8, 1988.

[FR Doc. 88–20822 Filed 9–12–88; 8:45 am]

BILLING CODE 3810-01-M

Addition of New Programmatic Features to the SDI Technology Applications Information System Data Base

AGENCY: The Strategic Defense Initiative Organization Office of Technology Applications, DOD.

ACTION: Publication of the Following Announcement in the Federal Register.

SUMMARY: The Strategic Defense Initiative Organization Office of Technology Applications (SDIO/TA) has developed the Technology Applications Information System (TAIS) to identify emerging Strategic Defense Initiative technologies with spinoff potential and expedite the transfer of these technologies. The SDIO TAIS is a data base with more than 600 unclassified, nonproprietary synopses of technology innovations available for review by researchers and developers in the Department of Defense (DOD), federal agencies, and the private sector. A new feature incorporated into the TAIS is descriptions of technological innovations and business opportunities originating from two programs that fund research for SDIO. The Innovative Science and Technology Program and the Small Business Innovative Research Program. Both programs address a broad range of innovative research requirements targeted for advances in strategic defense systems. Any US citizen or corporation can access the TAIS by computer modem once a military critical technology data agreement has been completed and eligibility certified by the Defense Logistics Agency under provisions of DOD Directive 5230.25, *Control of Unclassified Technical Data with Military or Space Application.* Information regarding qualification and certification for access to militarily critical technology may be obtained by calling (800) DLA–DLSC. Information on use of the TAIS is available by calling SDIO/TA at (202) 693–1563.

FOR FURTHER INFORMATION CONTACT: SDIO/T/TA, Room 1E1023, The Pentagon, Washington, DC 20301–7100, (202) 693–1553.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 7, 1988.

[FR Doc. 88–20752 Filed 9–12–88; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: 3 October 1988.

Time: 0700–1700 hours.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Family

Programs will be hosted by the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army. The subgroup will receive briefings on the Caliber Study of the Army's Family Action Plan Process and conduct informal discussions with selected Army officials. At the conclusion of the briefings, Dr. Glacel will meet in closed executive session with the subgroup members from 1300–1700 hours to finalize the arrangements and protocol to be used for their study effort. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88–20648 Filed 9–12–88; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.004C]

Invitation for Applications for New Awards Under Desegregation of Public Education; State Educational Agency Desegregation Program for Fiscal Year 1989

Purpose: Provides grants to State Educational Agencies (SEAs) to enable them to provide technical assistance (including training) at the request of school boards and other responsible governmental agencies, in the preparation, adoption, and implementation of plans for the desegregation of public schools and in the development of effective methods of coping with special educational problems occasioned by desegregation.

Deadline for Transmittal of Applications: November 4, 1988.

Deadline for Intergovernmental Review: January 4, 1989.

Applications Available: September 16, 1988.

Available Funds: The Department has requested $23,456,000 for the Desegregation of Public Education Program in FY 1989, of which $15,256,000 would be for grants to SEAs. However, the level of funding is contingent upon final Congressional action.

Estimated Range of Awards: $100,000 to $750,000.

Estimated Average Size of Awards: $287,849.

Estimated Number of Awards: 53.

Project Period: 12 Months.

Applicable Regulations: (a) The Desegregation of Public Education Regulations, 34 CFR Parts 270 and 271, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 75, 77, 78, 79, and Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), except that 34 CFR 75.200 through 75.217 (relating to the evaluation and competitive review of grants) do not apply to grants awarded under 34 CFR Part 271.

For Applications or Information, Contact: Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue SW., Room 2059, Washington, DC 20202–6438. Telephone: (202) 732–4342.

Program Authority: U.S.C. 2000c–2000c–2; 2000c–5.

Dated: August 31, 1988.

Beryl Dorsett,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 88–20772 Filed 9–12–88; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ES88–56–000, et al.]

Interstate Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

September 8, 1988.

Take notice that the following filings have been made with the Commission:

1. Interstate Power Company

[Docket No. ES88–56–000]

Take notice that on August 31, 1988, Interstate Power Company filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking authority to issue $50,000,000 principal amount of short-term notes on or before December 31, 1989, with a final maturity date no later than December 31, 1990.

Comment date: September 29, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. The Union Light, Heat and Power Company

[Docket No. ES88–55–000]

Take notice that on August 30, 1988, The Union Light, Heat and Power Company (Applicant) of Covington, Kentucky, filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured promissory notes to commercial banks, and to a commercial paper dealer in amounts not exceeding in the aggregate $25,000,000 to be issued on or before December 31, 1990, with a final maturity no later than December 31, 1991.

Comment date: September 29, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determing 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. 88–20841 Filed 9–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI88–94–001, et al.]

Amoco Production Co., et al.; Applications for Blanket Certificates With Pregranted Abandonment or for Amendment of Blanket Certificates With Pregranted Abandonment [1]

September 9, 1988.

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for a blanket certificate with pregranted abandonment authorization or for amendment of a blanket certificate with pregranted abandonment authorization for the term listed herein, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to protest with reference to said application should on or before

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

September 23, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

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

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Requested term of authorization
CI88-94-001, 4-18-88 [1]	Amoco Production Co. P.O. Box 50879, New Orleans, LA 70150	Dec. 31, 1990.
CI88-329-000, 2-26-88	Mobil Oil Corp, Mobil Oil Exploration & Producing Southeast Inc., Mobile Producing Texas & New Mexico Inc., and Mobil Exploration and Producing North America Inc., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	Unlimited.
CI88-424-000, 4-18-88 [3] [4]	Amoco Production Co.	Do.
CI88-425-000, 4-18-88 [5]	Exxon Corp.; P.O. Box 2180—Room 3229, Houston, TX 77242-2180	3 years.
CI88-546-000, 7-25-88 [6]	Hunt Oil Co., 2900 Interfirst One Building, 1401 Elm Street, Dallas, TX 75202	Do.

Footnotes:

[1] Application to amend a three-yearf blanket limited-term certificate with pregranted abandonment issued December 31, 1987, in Docket No. CI88-94-000 to include that portion of the Section 28 Dome Field, St. Martin Parish, Louisiana, which was previously covered under Amoco's FERC Gas Rate Schedule No. 560 and for which permanent abandonment was granted by order issued August 7, 1987, in Docket No. CI87-479-000.

[2] Application for a permanent blanket certificate with pregranted abandonment to authorize sales of gas which was abandoned by Commission order and gas for which Mobil has an abandonment application pending before the Commission.

[3] Amended application filed June 30, 1988.

[4] Application for permanent blanket certificate with pregranted abandonment to authorize sales of that portion of the gas produced from Eugene Island Blocks 301 and 322, Offshore Louisiana previously covered under Amoco's FERC Gas Rate Schedule No. 829 and for which permanent abandonment was granted by order issued March 10, 1988, in Docket No. CI88-171-000.

[5] Application for three-year blanket limited-term certificate with pregranted abandonment to authorize sales of gas which has been permanently abandoned or which has been released from a gas sales contract by the purchaser.

[6] Application for a three-year blanket limited-term certificate with pregranted abandonment to authorize sales of "committed or dedicated" natural gas for which Hunt has received abandonment authorization.

[FR Doc. 88-20843 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-718-000, et al.]

Tennessee Gas Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Company

[Docket No. CP88-718-000]

September 2, 1988.

Take notice that on August 25, 1988, Tennessee Gas Pipeline Company (Applicant), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-718-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223), under the Applicant's blanket certificate issued in Docket No. CP87-115-000 pursuant to section 7 of the Natural Gas Act, to provide a transportation service for Enron Gas Marketing, Inc. (Enron), a marketer, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement dated June 22, 1988, and an amendment of the same date, it proposes to transport natural gas for Enron from various receipt points located offshore Louisiana and in the States of Louisiana, Texas, and Mississippi, to various delivery points located in multiple states. Applicant avers that the peak day quantities would be 100,000 dekatherms, average daily quantities 1,296 dekatherms, and that the annual quantities would be 473,040 dekatherms. Applicant further states that service under § 284.223(a) commenced July 7, 1988, as reported in Docket No. ST88-5176 filed August 12, 1988. No facilities would be constructed to provide the transportation service, it is stated.

Comment date: October 17, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP88-717-000]

September 2, 1988.

Take notice that on August 25, 1988, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP88-717-000 a request for authorization pursuant to §§ 157.205 and 284.223(2)(b) of the Commission's Regulations under the Natural Gas Act, and Natural's blanket certificate issued in Docket No. CP86-582-000, for authorization to transport, on an interruptible basis, up to a maximum of 30,000 MMBtu/d (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS) for Tejas Power Corporation (Tejas), a marketer of natural gas, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that Natural commenced the transportation of natural gas for Tejas on July 1, 1988, as reported in Docket No. ST88-5377 for a 120 day period ending October 29, 1988. Natural proposes to transport an average daily quantity of 10,000 MMBtu, and 3,650,000 MMBtu on an annual basis.

Comment date: October 17, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. Great Lakes Gas Transmission Company

[Docket No. CP87-164-003]

September 2, 1988.

Take notice that on August 26, 1988, Great Lakes Gas Transmission Company (Petitioner) 2100 Buhl Building, Detroit, Michigan, 48226, filed in Docket No. CP87-164-003 a petition to amend the order issued December 10, 1987, in Docket No. CP87-164-000 pursuant to section 7(c) of the Natural Gas Act to authorize the continued transportation of natural gas for Southeastern Michigan Gas Company (Southeastern), a natural gas distribution company, for an additional year to December 10, 1989, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the December 10, 1987, order authorized it to transport up to 20,000 Mcf of natural gas per day, on an interruptible basis, for Southeastern

for a term limited to the earlier of one year from the date of the order or the date on which Great Lakes accepted a blanket certificate pursuant to § 284.221 of the Commission's Regulations. Petitioner further states that Southeastern has requested that the transportation service be continued for an additional year, to December 10, 1989, as was originally contemplated by the parties. Southeastern and Great Lakes have entered into a letter agreement dated August 12, 1988, which would provide for the continuation of the transportation service to December 10, 1989, it is stated. Great Lakes asserts that no other change in the current authorization is being requested.

Comment date: September 23, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. East Tennessee Natural Gas Company

[Docket No. CP88–724–000]

September 7, 1988.

Take notice that on August 26, 1988, East Tennesee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37939–0245, filed in Docket No. CP88–724–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant be allowed to establish, construct, and operate new delivery points for the Knoxville Utilities Board (KUB) and the United Cities Gas Company (United Cities), under Applicant's blanket certificate issued in Docket No. CP82–412–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant proposes to establish a new delivery point for KUB, in southern Knox County, Tennessee, near the crossing of Highway 33 and Applicant's 3300 Line and a new delivery point to United Cities at the site of the Kingsport Regional Service Park in Sullivan County, Tennessee on East Tennessee's Kingsport Lateral near the intersection of Interstate 181 and State Road 93.

The quantities of natural gas to be delivered to KUB and United Cities at each of the new delivery points will be:

	KUB	United Cities
Maximum Hour	36 Mcf	20 Mcf.

Applicant states that additional delivery points to KUB and United Cities will enable these distributors to serve growing portion of their existing service areas which do not presently have gas service and which are some distance from existing distribution mains.

It is stated that the total volumes to be delivered to KUB or United Cities after the new delivery points are established will not exceed the total volumes currently authorized for delivery to KUB and United Cities by the Applicant. Further, Applicant states that no existing tariff of Applicant prohibits the activity proposed herein.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

5. Midwestern Gas Transmission Company

[Docket No. CP88–723–000]

September 7, 1988.

Take notice that on August 26, 1988, Midwestern Gas Transmission Company (Midwestern), 1010 Milam, Houston, Texas 77002, filed in Docket No. CP88–723–000 an application pursuant to section 7(c) of the Natural Gas Act for authorization to transport natural gas for 21 shippers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Midwestern proposes to transport, on an interruptible basis, up to 2,772,450 Dt per day for the account of 21 shippers as follows:

Shipper	Volume (Dt/day)
1. Cibola Corporation	100,000
2. Peoples Natural Gas Company	100,000
3. TexPar Energy, Inc	100,000
4. Western Methane Company	400,000
5. Wisconsin Power & Light Company	100,000
6. TXG Gas Marketing Company	100,000
7. Spot Market Corporation	100,000
8. Standard Gas Marketing Company	100,000
9. ANR Gathering Company	385,000
10. Amoco Energy Trading Corporation	150,000
11. J. R. Simplot Company	3,000
12. Tenngasco Corporation	400,000
13. The Procter & Gamble Paper Products Company	50,350
14. Canadian Occidental Marketing Inc	100,000
15. Mobil Oil Canada Ltd	100,000
16. CU Energy Marketing Inc	100,000
17. Alenco Resources Inc	68,000
18. Esso Resources Canada Liited	50,000
19. Northern Minnesota Utilities	48,800
20. Suncor, Inc	100,000
21. Northern States Power Company	117,300

It is stated that the proposed service involves Midwestern's northern system, Midwestern states that gas would be received and delivered at various points as set forth in the Precedent Agreements with each shipper contained in Exhibit I of the application. Midwestern proposes to charge each shipper the rate set forth in Midwestern's Rate Schedule IT–2.

Midwestern states that the proposed transportation services are necessary to meet the shipper's existing as well as future requirements and that the services would also provide access to alternate sources of supply and markets.

Comment date: September 28, 1988, in accordance with Standard Paragraph F at the end of this notice.

6. Southern Natural Gas Company

[Docket No. CP88–690–000]

September 7, 1988.

Take notice that on August 17, 1988, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP88–690–000, as supplemented August 30, 1988, a request for authorization pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act and Southern's blanket certificate issued at Docket No. CP82–406–000, to abandon certain regulating and measurement facilities and thereby to change the operation of three existing delivery points by altering the Contract Delivery Pressure at those points, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that it is currently authorized to sell and deliver natural gas to Alabama Gas Corporation (Alagasco) at the Opelika No. 1 point of delivery (Opelika No. 1) the Opelika No. 2 point of delivery (Opelika No. 2) and its Fairfax-Shawmut Area Station No. 1, also known as the Shawmut-Langdale point of delivery (Shawmut-Landgale) under the currently effective Exhibit A to the Service Agreement between Southern and Alagasco dated September, 19, 1969.

It is also stated that Southern currently delivers gas supplies to Alagasco at Opelika No. 1 at a current delivery pressure of 150 psig, at Opelika No. 2 at a contract delivery pressure of 150 psig and at Shawmut-Langdate at a Contract delivery presusre of 150 psig. It is maintained that Alagasco has requested, and Southern has agreed to delivery mainline pressure at Opelike No. 1, Opelika No. 2 and Shawmut-Langdale. It is further maintained that as a result of the increased delivery pressure, Southern proposes to abandon one 2-inch and one 2.5-inch regulator and appurtenant facilities at Opelika No. 1, two 2-inch regulators and appurtenant facilities at Opelika No. 2, and one 2-inch and one 1-inch regulator and appurtenant facilities at Shawmut-Langdale which allow for delivery of the current contract delivery pressure at those points of delivery and would no

longer be necessary upon delivery of mainline pressure. In addition, Southern proposes to abandon two 6-inch orifice meter runs and replace them with two 4-inch orifice meter runs at Opelika No. 1 in order to operate Opelika No. 1 at an effective capacity in conformance with Alagasco's contract demand at that station.

Southern states that the abandonment and increase in delivery pressure proposed in this application would not result in any termination of service, and that said changes would not result in a change to the contract demand of Alagasco at the Opelika Area Delivery Point or the Fairfax-Shawmut Area Delivery Point. Further, Southern states that (1) it has sufficient capacity to accomplish deliveries at the revised delivery pressure without detriment or disadvantage to its other customers; (2) deliveries at the increased delivery pressure would have no significant impact on Southern's peak day and annual deliveries; and (3) the abandonment and change are not prohibited by any existing tariff of Southern.

Comment date: October 24, 1988, in accordance with Standard Paragraph G 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 Capital 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 no serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–20737 Filed 9–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP88–685–000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

September 7, 1988.

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No. CP88–685–000]

Take notice that on August 16, 1988, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP88–685–000, a request for authorization pursuant to §§ 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act, and United's blanket certificate issued in Docket No. CP82–430–000, for authorization to (a) abandon the sales service, (b) abandon 0.36 mile of 2-inch pipeline, and (c) to remove the metering station and appurtenant facilities being used to deliver natural gas on its system to Cavenham Forest Industries, Inc. (Cavenham), a direct industrial sales customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Cavenham serviced its Gulfport Creosoting Plant located in Harrison County, Mississippi with this gas. Further, the service was authorized at Docket No. CP87–260–000 and the contract expiration date was January 1, 1988.

United also states that, by letter dated April 13, 1988, Cavenham has consented to the abandonment proposed herein and that the removal of the metering facilities and the abandonment of United's 2-inch pipeline would be accomplished without detriment or disadvantage to its other existing customers.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Company

[Docket No. CP88–749–000]

Take notice that on August 31, 1988, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP88–749–000 a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas on an interruptible basis on behalf of International Paper Company (International), an end user of natural gas, under its blanket certificate issued in Docket No. CP88–6–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it proposes to transport on an interruptible basis pursuant to a gas transportation agreement dated February 17, 1988, a maximum daily quantity of 2,060 MMBtu of natural gas. United further states that service commenced July 21, 1988, as reported in Docket No. ST88–5344, pursuant to § 284.223(a) of the Commission's Regulations. United further states that the average day and annual quantities would be 2,060 MMBtu and 247,200 MMBtu, respectively.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. Tennessee Gas Pipeline Company

[Docket No. CP88–750–000]

Take notice that on August 31, 1988, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88–750–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for The Polaris Pipeline Corporation (Polaris), a marketer, under the certificate issued in

Docket No. CP87–115–000 on June 18, 1987, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated July 21, 1988, and three amendments, all dated July 29, 1988, it proposes to transport up to 50,000 dekatherms (dt) per day equivalent of natural gas on an interruptible basis for Polaris from points of receipt listed in Exhibit "A" of the agreement which accompanies the application to delivery points also listed in Exhibit "A", which transportation service involves interconnections between Tennessee and various transporters. Tennessee states that it would receive the gas at various existing points offshore Louisiana and in the states of Louisiana, Texas and Alabama, and that it would transport and redeliver the gas to Polaris in multiple states.

Tennessee advises that service under § 284.223(a) commenced August 1, 1988, as reported in Docket No. ST88–5254 (filed August 16, 1988). Tennessee further advises that it would transport 6,918 dt on an average day and 2,525,070 dt annually.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

4. Tennessee Gas Pipeline Company

[Docket No. CP88–751–000]

Take notice that on August 31, 1988, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88–751–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for Energy Marketing Exchange, Inc., (Energy), a marketer, under the certificate issued in Docket No. CP87–115–000 on June 18, 1987, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated July 22, 1988, it proposes to transport up to 20,500 dekatherms (dt) per day equivalent of natural gas on an interruptible basis for Energy from points of receipt listed in Exhibit "A" of the agreement which accompanies the application to delivery points also listed in Exhibit "A", which transportation service involves interconnections between Tennessee and various transporters. Tennessee states that it would receive the gas at various existing points offshore Louisiana and in the State of Louisiana, and that it would transport and redeliver the gas at an interconnection between Tennessee and Varibus Corporation at Beckwith Creek in Calcasieu Parish, Louisiana.

Tennessee advises that service under § 284.223(a) commenced August 1, 1988, as reported in Docket No. ST88–5365 (filed August 24, 1988). Tennessee further advises that it would transport 4,955 dt on an average day and 1,808,575 dt annually.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

5. Tennessee Gas Pipeline Company

[Docket No. CP88–753–000]

Take notice that on August 31, 1988, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88–753–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for Access Energy Corporation (Access), a marketer, under the certificate issued in Docket No. CP87–115–000 on June 18, 1987, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated July 28, 1988, as amended August 4, 1988, it proposes to transport up to 30,000 dekatherms (dt) per day equivalent of natural gas on an interruptible basis for Access from points of receipt listed in Exhibit "A" of the agreement which accompanies the application to delivery points also listed in Exhibit "A", which transportation service involves interconnections between Tennessee and various transporters. Tennessee states that it would receive the gas at various existing points offshore Louisiana, offshore Texas, and in the states of Texas, New York and Pennsylvania, and that it would transport and ultimately redeliver the gas in Ohio.

Tennessee advises that service under § 284.223(a) commenced August 2, 1988, as reported in Docket No. ST88–5373 (filed August 24, 1988). Tennessee further advises that it would transport 2,937 dt on an average day and 1,072,005 dt annually.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

6. Tennessee Gas Pipeline Company

[Docket No. CP–88–754–000]

Take notice that on August 31, 1988, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88–754–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for Superior Natural Gas Corporation (Superior), a marketer, acting on behalf of itself and as agent for Walter Oil & Gas Corporation, under the certificate issued in Docket No. CP87–115–000 on June 18, 1987, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated July 21, 1988, it proposes to transport up to 50,000 dekatherms (dt) per day equivalent of natural gas on an interruptible basis for Superior from points of receipt listed in Exhibit "A" of the agreement which accompanies the application to delivery points also listed in Exhibit "A", which transportation service involves interconnections between Tennessee and various transporters. Tennessee states that it would receive the gas at various existing points offshore Louisiana, offshore Texas, and in the states of Louisiana, Texas and Alabama, and that it would transport and redeliver the gas to Superior in multiple states.

Tennessee advises that service under Section 284.223(a) commenced August 4, 1988, as reported in Docket No. ST88–5375 (filed August 24, 1988). Tennessee further advises that it would transport 1,982 dt on an average day and 723,430 dt annually.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

7. Tennessee Gas Pipeline Company

[Docket No. CP88–752–000]

Take notice that on August 31, 1988, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88–752–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for Citizens Gas Supply Corporation (Citizens), a marketer, under the certificate issued in Docket No. CP87–115–000 on June 18, 1987, pursuant to section 7 of the Natural Gas Act, all as more fully set

forth in the application that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated July 28, 1988, as amended August 12, 1988, it proposes to transport up to 150,000 dekatherms (dt) per day equivalent of natural gas on an interruptible basis for Citizens from points of receipt listed in Exhibit "A" of the agreement which accompanies the application to delivery points also listed in Exhibit "A", which transportation service involves interconnections between Tennessee and various transporters. Tennessee states that it would receive the gas at various existing points offshore Louisiana and in the states of Louisiana, Texas, New Jersey, New York, Alabama, Kentucky, Pennsylvania and Massachusetts, and that it would transport and redeliver the gas at an interconnection between Tennessee and Columbia Gas Transmission Company located at North Ceredo, Wayne County, West Virginia.

Tennessee advises that service under § 284.223(a) commenced August 8, 1988, as reported in Docket No. ST88–5371 (filed August 24, 1988). Tennessee further advises that it would transport 9,117 dt on an average day and 3,327,705 dt annually.

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

8. Panhandle Eastern Pipe Line Company

[Docket No. CP–88–713–000]

Take notice that on August 24, 1988, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP88–713–000 a request pursuant to §§ 157.205(b) and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide a transportation service for Citizens Gas Supply Corporation (Citizens), a marketer, under its blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request with the Commission and open to public inspection

Panhandle states that it proposes to transport natural gas for Citizens from various receipt points located in Texas, Oklahoma, Kansas, Colorado, Wyoming, Illinois, Louisiana, offshore Texas, offshore Louisiana, and Canada. Panhandle proposes to transport the gas to a delivery point located in Clark County, Kansas pursuant to a transportation agreement with Citizens dated June 15, 1988. Panhandle states that Pacific Gas and Electric Company, and San Diego Gas and Electric Company are the purchasers of the gas. Panhandle further states that the maximum daily, average and annual quantities that it would transport for Citizens pursuant to the referenced agreement would be 120,000 dekatherms, 40,000 dekatherms and 14,600,000 dekatherms, respectively.

Panhandle indicates that in a filing made with the Commission in Docket ST88–4782, it reported that transportation service for Citizens commenced on June 17, 1988 under the 120-day automatic authorization provisions of § 284.233(a).

Comment date: October 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

9. Tarpon Transmission Company

[Docket No. CP88–721–000]

Take notice that on August 26, 1988, Tarpon Transmission Company, (Tarpon), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP88–721–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Transcontinental Gas Pipe Line Corporation (Transco), and interstate pipeline, under its blanket certificate issued in Docket No. CP88–89–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request with the Commission and open to public inspection.

Tarpon states that it proposes to transport natural gas from a point of receipt located in Eugene Island Area, Blocks 381, offshore Louisiana to a point of delivery located in Block 274 of the Ship Shoal Area, South Addition, offshore Louisiana.

Tarpon further states that the maximum daily, average and annual quantities that it would transport for Transco would be 31,050 MMBtu equivalent, 3,105 MMBtu equivalent and 1,133,325 MMBtu equivalent, respectively.

Tarpon indicates that in Docket No. ST88–5140, filed with the Commission on August 9, 1988, it reported that transportation service for Transco began on August 9, 1988 under the 120-day automatic authorization provisions of § 284.233(a).

Comment date: October 24, 1988, in accordance with Standard G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Louis D. Cashell,

Acting Secretary.

[FR Doc. 88–20726 Filed 9–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM89–1–61–000]

Bayou Interstate Pipeline System; Proposed Change in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Bayou Interstate Pipeline System (Bayou) tendered for filing Seventh Revised Sheet No. 4 to be a part of its FERC Gas Tariff.

Bayou states the proposed tariff sheet provides a mechanism for Bayou to recover from its customers annual charges assessed it by the Commission pursuant to Part 382 of the Commission's Regulations.

A copy of this filing was mailed to Bayou's jurisdictional customers and interested state regulatory agencies.

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 §§ 385.214 and 385.211. All such motions or protests must be filed on or before September 15, 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. 88–20698 Filed 9–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM89-1-63-000]

Carnegie Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 7, 1988.

Take notice that Carnegie Natural Gas Company ("Carnegie") on August 31, 1988, tendered for filing the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1:

Fourth Revised Sheet No. 15
Tenth Revised Sheet No. 47
Second Revised Sheet No. 47a
Tenth Revised Sheet No. 48

The proposed effective date is October 1, 1988.

Carnegie states that it is amending its sales and transporattion rate schedules to reflect its Commission-authorized Annual Charge Adjustment ("ACA") unit charge of $.0018. Carnegie states that this filing is submitted in compliance with § 154.38(d)(6)(iii) of the Commission's Regulations and section 24.3 of the General Terms and Conditions of Carnegie's FERC Gas Tariff, First Revised Volume No. 1.

Carnegie states that copies of the filing were served upon Carnegie's jurisdictional customers and interested state regulatory 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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20730 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-217-001 and TM89-1-22-000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that CNG Transmission Corporation ("CNG"), on August 30, 1988, pursuant to the Commission's August 12, 1988, suspension order in Docket No. RP88-217-000, and the Federal Energy Regulatory Commission Annual Charge Adjustment Provision, section 14 of the General Terms and Conditions of CNG's tariff, filed the following revised tariff sheets:

Volume No. 1:

Original Sheet Nos. 46, 47, 48, 160F and 160G
First Revised Sheet Nos. 40, 41, 42, 43, 44, 45, 160A, 160B, 160C, 160D, and 160E
Third Revised Sheet No. 31
Second Revised Sheet Nos. 32, 51, 52, 58, 60, 85 and 86

Volume No. 2:

First Revised Sheet Nos. 250 and 290

Volume No. 2A:

First Revised Sheet Nos. 18, 28, 35, 48 and 87.

CNG states that the proposed effective date for the tariff sheets filed in compliance with the August 12 order in Docket No. RP88-217-000 is August 1, 1988. Tariff sheets tendered to implement the new ACA charge are proposed to become effective on October 1, 1988. As fully explained in the filing, CNG's compliance filing includes rate adjustments, made in accordance with Ordering Paragraph (F) of the August 12 order, to reflect additional take-or-pay from pipeline suppliers.

CNG states that it has also supplied detailed support for the amount of take-or-pay claimed related to the pass through of amounts from Tennessee Gas Pipeline Company (Tennessee) approved in Tennessee's Docket No. RP85-178-000.

CNG states that Third Revised Sheet No. 31, Second Revised Sheet No. 32, and all of the proposed changes to Volume Nos. 2 and 2A of CNG's tariff are designed to reflect the new ACA unit charge for the year beginning October 1, 1988. This year's ACA unit charge is two one-hundredths of a cent lower than last year's.

Copies of the filing were served upon CNG's sales customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211). All motions or protests should be filed on or before September 15, 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. 88-20700 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-211-002]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that CNG Transmission Corporation ("CNG"), on August 31, 1988, filed the following revised tariff sheets pursuant to section 4 of the Natural Gas Act and in compliance with the Commission's August 1, 1988, suspension order in this proceeding, files six (6) copies of the following revised tariff sheets to be effective January 1, 1989, all to Original Volume No. 1 of its FERC Gas Tariff:

Substitute First Revised Sheet Nos. 31, 32 and 33.

CNG states that compared to the original filing, the compliance filing would increase the RQ and CD commodity rates by 2.83 cents per dekatherm and the D-2 demand rate by 0.01 cent per dekatherm. The firm transportation commodity rate would be decreased by 0.01 cent per dekatherm. The interruptible transportation rate would decrease by 1.66 cents per dekatherm from the original filing.

In addition to filing the requisite tariff sheets, CNG states that it also, under separate cover, filed data relative to take-or-pay in response to the Commission's request for such data. Because the data is commercially sensitive, CNG filed the data pursuant to 18 CFR 388.110 and is seeking protective conditions in a motion also filed today.

CNG also has sought a stay of the Suspension Order's requirement that standby sales service rates be eliminated.

Copies of the filing were served upon CNG's sales customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All motions or protests

should be filed on or before September 15, 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. 88-20702 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-70-000]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

September 7, 1988.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on August 30, 1988 tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1988:

Fifth Revised Sheet No. 5A

Fifth Revised Sheet No. 31.

Columbia Gulf states that the listed tariff sheets set forth the transportation rates and applicable tariff provisions required to place the rates into effect, applicable to the Annual Charge Adjustment, pursuant to the Commission's Regulations as set forth in Order No. 472 and 472-A issued May 29, 1987 and June 17, 1987, respectively.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commissions Rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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 Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20733 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-32-000]

Colorado Interstate Gas Co.; Filing

September 9, 1988.

Take note that on August 31, 1988, Colorado Interstate Gas Company ("CIG") submitted for filing tariff sheets reflecting a decrease of 0.03¢ per Mcf in the ACA adjustment charge as filed on August 22, 1988 resulting in a new ACA rate of .18¢ per Mcf based on CIG's 1988 ACA billing.

CIG states that on August 22, 1988, it filed to establish an ACA adjustment provision in its tariff and asked for an effective date of August 22, 1988. Pursuant to section 25 of CIG's FERC Original Volume No. 1 tariff and Article No. 20 of CIG's Volume No. 1-A tariff, which were filed in the August 22, 1988 filing, CIG will file at least thirty days prior to the proposed effective date to reflect any changes in the ACA billing charge. CIG has received its 1988 ACA billing, and is making this filing to reflect the 0.03¢ reduction to be effective October 1, 1988.

CIG submits for filing six copies of the following tariff sheets to reflect the reduction in the Annual ACA billing charge rate:

Original Volume No. 1 Tariff

Second Substitute Thirty-Fifth Revised Sheet No. 7
Second Substitute Thirty-Fifth Revised Sheet No. 8

Second Revised Volume No. 1-A Tariff

Second Revised Sheet No. 4

Original Volume No. 2 Tariff

Seventh Revised Sheet No. 187
Fifth Revised Sheet No. 212
Sixth Revised Sheet No. 463
Fourth Revised Sheet No. 517A
Sixth Revised Sheet No. 544
Fourth Revised Sheet No. 593A
Fifth Revised Sheet No. 625
Fifth Revised Sheet No. 662
Fifth Revised Sheet No. 674
Fourth Revised Sheet No. 697
Fourth Revised Sheet No. 774
Fourth Revised Sheet No. 801A
Fourth Revised Sheet No. 862
Third Revised Sheet No. 885
Third Revised Sheet No. 911
Third Revised Sheet No. 934
Third Revised Sheet No. 964
Third Revised Sheet No. 995
Third Revised Sheet No. 1021
Third Revised Sheet No. 1046
Third Revised Sheet No. 1101
Third Revised Sheet No. 1182
Third Revised Sheet No. 1216
Third Revised Sheet No. 1248
Third Revised Sheet No. 1264
Third Revised Sheet No. 1335
Third Revised Sheet No. 1347
Third Revised Sheet No. 1370
Second Revised Sheet No. 1450
Second Revised Sheet No. 1483

Copies of this filing are being 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 Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before September 16, 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 filed 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. 88-20829 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-21-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 9, 1988.

Take notice that Columbia Gas Transmission Corporation (Columbia) on August 31, 1988, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1988:

One hundred and twenty-ninth Revised Sheet No. 16
Seventeenth Revised Sheet No. 16A2

Columbia states that the listed tariff sheets set forth the adjustment to its sales and transportation rates applicable to the Annual Charge Adjustment, pursuant to the Commission's Regulations as set forth in Order No. 472, *et seq.*

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure All such motions or protests should be filed on or before

September 16, 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 persons wishing to become a party must filed a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20831 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-207-004 and RP87-55-009

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 9, 1988.

Take notice that Columbia Gas Transmission Corporation (Columbia) on September 1, 1988, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1:

Second Substitute Original Sheet No. 16B3

Second Substitute Original Sheet No. 16B4

Second Substitute Original Sheet No. 16B5

Columbia states that the foregoing tariff sheets relate to Columbia's July 1, 1988 and August 12, 1988 filings in Docket Nos. RP88-207-000, *et al.*, in which Columbia established procedures pursuant to Order No. 500 to recover from its customers the contract reformation costs paid by Columbia to reform certain of its gas purchase contracts with Southwest producers. Specifically, consistent with Ordering Paragraph (L) of the Commission's July 29, 1988 Order in this docket, the subject revised tariff sheets, which set forth each customer's Fixed Monthly Demand Surcharge, reflect an update to the July 1, 1988 and August 12, 1988 filings to credit all amounts collected from each customer in Docket No. RP87-55 attributable to contract reformation costs, including carrying charges calculated in accordance with 18 CFR 154.67 through July 31, 1988, against the principal amount underlying each such customer's Fixed Monthly Demand Surcharge. Specifically, the instant filing includes credits for actual collections through July 31, 1988 rather than collections through May 31, 1988 as used in the previous filings. As noted in Columbia's July 1, 1988 filing, in those instances in which a customer's credit exceeds its allocated share of the amounts to be recovered via the Fixed Monthly Demand Surcharges, Columbia will refund such excess, plus appropriate interest.

Copies of the filing were served upon Columbia's jurisdictional customers and interested state commissions and to each person designated on the official service list compiled by the Commission's Secretary in Docket No. RP88-207, *et al.*

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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 16, 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20832 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ89-1-2-000 and TM89-1-2-000]

East Tennessee Natural Gas Co.; Rating Filing Pursuant to Tariff Rate Adjustment Provisions

September 8, 1988.

Take notice that on August 31, 1988, East Tennessee Natural Gas Company (East Tennessee) hereby files ten copies of the following revised tariff sheet to Original Volume No. 1 its FERC gas Tariff to be effective October 1, 1988:

Forty-Third Revised Sheet No. 4

East Tennessee states that the purpose of these revisions is to reflect PGA Rate Adjustments pursuant to section 22.2 of the General Terms and Conditions of East Tennessee's Tariff. Forty-Third Revised Sheet No. 4 reflects a current adjustment for the quarterly period October–December 1988. East Tennessee is also reflecting on Forty-Third Revised Sheet No. 4 the current Annual Charge Rate Adjustment of $0.0017 per dekatherm to be effective October 1, 1988 pursuant to section 28 of the General Terms and Conditions.

East Tennessee states the Current Purchased Gas Cost Rate Adjustments reflected on Forty-Third Revised Sheet No. 4 consist of a 47.49 cent per dekatherm adjustment applicable to the gas rates, a 27.98 cent per dekatherm adjustment applicable to Rate Schedule SWS, a (6.0) cent per dekatherm adjustment applicable to the D_1 component of the demand rate, and a 1.58 cent per dekatherm adjustment applicable to the D_2 component of the demand rate.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20707 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-23-000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 9, 1988.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on September 1, 1988 certain revised tariff sheets included in Appendix A attached to the filing. Such sheets are proposed to be effective November 1, 1988.

ESNG states the filing is its annual PGA filing pursuant to § 154.305 of the Commission's regulations. The effect of the filing is to increase commodity rates by 90.27 cents per dekatherm (dt), increase D-1 demand rates by 17.78 cents per dt, and increase D-2 demand rates by .58 cents per dt over the rates filed by ESNG in its Interim PGA filing, effective August 1, 1988, as revised to reflect rates approved by the Commission's order issued April 20, 1988 in ESNG's most recent major rate

proceeding, Docket No. RP87-61-000, et.al. Other rates are changed accordingly.

ESNG states such increases specified above are the result of (1) an increase in the current purchased gas cost adjustment (60.62 cents per dt, 33.56 cents per dt, and 0.58 cents per dt in the commodity, D-1 demand, and D-2 demand rates, respectively), (2) the termination of ESNG's Deferred Adjustment which became effective November 1, 1987 ((29.67) cents per dt and 15.48 cents per dt in the commodity and D-1 demand rates, respectively), (3) the continuation of ESNG's Deferred Adjustment which became effective May 1, 1988 ((28.03) cents per dt and 1.38 cents per dt in the commodity and D-1 demand rates, respectively) and (4) a decrease of .02 cents per dt in FERC's Annual Charges Assessment (ACA) to the commodity rates only, all as explained in additional detail in the subject filing.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State commissions.

ESNG states that copies of the filing have been served upon its 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 Rule 211 and Rule 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 October 4, 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. 88-20833 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-89-005]

Eastern Shore Natural Gas Co.; Re-Notice of Petition To Amend

September 8, 1988.

Take notice that on August 4, 1988, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 615, Dover, Delaware 19903-0615, filed in Docket No. CP85-89-005 a petition to further amend the order issued July 23, 1985, in Docket No. CP85-89-000, *et al.*, pursuant to section 7(c) of the Natural Gas Act so as to not construct and operate certain pipeline facilities authorized under Docket Nos. CP85-89-000 and CP85-89-001, to modify certain auxiliary systems of Eastern Shore's Daleville compressor station, and to construct and operate a compressor station with the associated tie-in piping near Bridgeville, Delaware, in order to provide the current firm sales and storage service contracts to Eastern Shore's existing customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that in Docket No. CP85-89-000, *et al.*, Eastern Shore was authorized to provide additional firm contract demand service to several of its existing customers, to provide additional storage service under two rate schedules to several of its existing customers, to increase interruptible service to several of its existing customers, to reduce its authorized firm sales service to Stauffer Chemical Company from 3,600 dt to 2,800 dt per day and to construct and operate certain new pipeline and compressor facilities required to provide the additional firm sales and storage service.

Eastern Shore states that upon accepting the certificate in Docket No. CP85-89-000, *et al.*, it took steps to secure the rights-of-way from the property owners and the necessary zoning and environmental approvals from the local jurisdictions of which there were significant delays in gaining environmental approvals of various segments of the certified projects. In addition, it is stated, that in an effort to minimize construction costs, Eastern Shore continued to refine the flow studies utilized in determining the amount of pipeline necessary to meet its contractual commitments. Eastern Shore states that by utilizing the steady state analysis and the Fundamental Flow equation, Eastern Shore does not have to construct the facilities that it now requests to delete. However, when Eastern Shore switched to the transient analysis in April of 1988, the need for additional facilities, which it now requests to construct, became evident.

Eastern Shore states that modifications to the Daleville compressor station are proposed so that higher inlet pressures from both of its suppliers on its Parkesburg line can be utilized, thus allowing Eastern Shore to forego construction of 7.9 miles of 12-inch pipeline looping in Chester County, Pennsylvania.

In addition, Eastern Shore requests authorization to construct and operate a compressor station near Bridgeville, Delaware, which will consist of two compressor units having 635 horsepower each, of which will be a back-up. Eastern Shore states that the construction and operation of the proposed compressor station will allow it to meet its existing contracts and eliminate the need to construct the previously authorizd 3.9 miles of pipeline looping in Sussex County, Delaware.

Eastern Shore also requests an extension of the previous authorization to construct and operate 0.8 mile of 12-inch pipeline in Chester County, Pennsylvania, in order to facilitate its continuing efforts to gain the environmental authorization and secure the rights-of-way to construct the facilities.

Eastern Shore estimates that the total cost of the additional pipeline and compressor facilities to be $2,544,614. Eastern Shore states that it is in the process of arranging for long-term debt of approximately five million dollars to be used to pay off short-term debt and finance current and future capital expenditures.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 22, 1988, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) 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. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20837Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-620-000]

El Paso Natural Gas Co.; Re-Notice of Request Under Blanket Authorization

September 8, 1988.

Take notice that on July 22, 1988, El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Texas, 79978, filed a request for authorization at Docket No. CP88-620-000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act, to reactivate and operate the P.C. Getzwiller Sales Tap located in Cochise County, Arizona, in order to permit the delivery of natural gas to Southwest Gas Corporation (Southwest), an existing resale customer, under its authorization issued in Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

El Paso states that by order issued May 31, 1946 at Docket No. G-655, the Commission granted El paso certificate authorization for, *inter alia*, the construction and operation of certain facilities and the delivery and sale of natural gas to Southwest for resale to consumers situated in various communities and environs in the State of Arizona. It is also stated that El Paso presently provides natural gas service to Southwest in accordance with the terms and conditions of the currently effective Service Agreement between El Paso and Southwest dated August 15, 1970.

The request for authorization states that El Paso has received a written request dated May 11, 1988 from Southwest for natural gas service at an existing point, referred to as the "Mescal Lakes Sales Tap," on El Paso's 26" O.D. California Line and 30" O.D. California First loop Line. It is further stated that El Paso is advised by Southwest that the requested additional volumes of natural gas would be utilized to serve residential space heating natural gas requirements of consumers in the newly developed Mescal Lakes subdivision in Cochise County, Arizona. Initial deliveries of natural gas are requested to begin by August, 1988.

El Paso advises that the sales tap was originally installed for farm use in 1954 and was abandoned from natural gas service in 1986 because of disuse.[1] The reactivation of the sales tap would require no additional cost. Peak day and annual deliveries at the proposed delivery point are expected to be 7.4 Mcf and 7,241 Mcf respectively. El Paso states that Southwest advises that it would install other minor related facilities as needed, for ultimate distribution of the requested additional volumes of natural gas for residential use in the Mescal Lakes area near Benson, Arizona.

It is stated that the projected Priority 1 load growth which has precipitated Southwest's request for natural gas service herein would not alter Southwest's entitlements under El Paso's Permanent Allocation Plan. Finally, El Paso contends that the sale of natural gas proposed herein is permitted by and consistent with the high-priority load growth provisions set forth in § 11.5(b), *Growth Provision*, of the General Terms and Conditions contained in El Paso's FERC Gas Tariff, First Revised Volume No. 1 (Volume No. 1 Tariff).

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20840 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[1] El Paso originally installed the tap at such location (P.C. Getzwiller Tap) under § 2.55(c) of the Commission's statements of General Policy and interpretations under the Natural Gas Act. Subsequently, by order issued October 10, 1986 at Docket No. CP86-744-000, El Paso received permission and approval to abandon, *inter alia*, the P.C. Getzwiller tap and the service related thereto. To date, El Paso has not removed the facilities but has abandoned service.

[Docket Nos. TM89-1-34-000 and TQ89-1-34-000]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

September 9, 1988.

Take notice that on August 31, 1988, Florida Gas Transmission Company (FGT), P.O. Box 1180, Houston, Texas 77251-1188 tendered for filing the following tariff sheets to its FERC Gas tariff.

FERC Gas Tariff, First Revised Volume No. 1

32nd Revised Sheet No. 8

FERC Gas Tariff, Original Volume No. 2

54th Revised Sheet No. 128

Reason for Filing

FGT states that these tariff sheets contain revisions to FGT's Rate Schedules G and I and Rate Schedule T-3 respectively, to: (i) remove the existing surcharge adjustment in accordance with § 154.310(c)(2) of the Commission's regulations, (ii) adjust the Surcharge Adjustment to amortize over the period October 1, 1988 through April 30, 1989 the balance in the unrecovered purchased Gas Cost Account as of May 31, 1988, and (iii) revise the Annual Charge Adjustment (ACA) to .18¢/mcf (.018¢/therm), as authorized by the Commission for the 1989 fiscal year.

The proposed effective date of the above referenced tariff sheets is October 1, 1988.

FGT states the net effect of the adjustments being filed for Rate Schedules G and I and for Rate Schedule T-3 are summarized below:

	Rate schedules		
	Schedule G (¢/therm)	Schedule I (¢/therm)	T-3 (¢/MCF)
Currently effective rates [1]	24.758	22.000	38.46
Instant surcharge adjustment	(.736)	(.736)	(.09)
Removal of existing surcharge adjustment	.840	.840	.38
ACA unit charge revision	(.003)	(.003)	(.03)
	24.859	22.101	38.72

[1] Reflects proposed rates to be effective September 1, 1988 pursuant to Docket No. TF88-8-34-000.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, First Revised Volume No. 1, Original Volume No. 2, Original Volume No. 3, and interested State Commissions and is being posted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 16, 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. 88-20834 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ88-4-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

September 7, 1988.

Take notice that on August 31, 1988, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission Tenth Substitute Twenty-First Revised Sheet No. 7 in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates for effectiveness on September 1, 1988.

According to Granite State, the instant filing adjusts its projected purchase gas costs to reflect an unanticipated increases in the spot market supplies that it expects to purchase during the current quarter. Granite State further states that, absent the proposed adjustment, it is exposed to undercollections of its current gas costs. The instant filing, according to Granite State, reflects an increase of $0.10 per MMBtu in purchased gas costs compared to the projected gas costs in its most recent purchased gas cost adjustment filing, effective August 5, 1988 (Docket No. TQ88-3-4-000).

Granite State further states that copies of its filing were served upon its customers, Bay State Gas Company and Northern Utilities, Inc., and the regulatory commissions of the States of Maine, Massachusetts, and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 15, 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. 88-20734 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-71-000]

Michigan Consolidated Gas Co., Interstate Storage Division; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Michigan Consolidated Gas Company—Interstate Storage Division (ISD) tendered for filing proposed changes to the following tariff sheets in its FERC Gas Tariff, Original Volume No. 1, Original Volume No. 2 and Original Volume No. 3:

Original Volume No. 1

Second Revised Sheet No. 1B

Original Volume No. 2

Second Revised Sheet No. 1A

Original Volume No. 3

Fourth Revised Sheet No. 2

ISD states that the proposed changes reflect the revised Annual Charge Adjustment (ACA) unit charge of $.0018 in ISD's FERC Gas Tariffs. The proposed changes are pursuant to the Commission's regulations promulgated in Order No. 472.

ISD requests that these proposed tariff sheets become effective on October 1, 1988. ISD states that copies of its filing have been served upon its customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 15, 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. 88-20710 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-5-000]

Midwestern Gas Transmission Co.; Rate Change

September 8, 1988.

Take notice that on August 30, 1988, Midwestern Gas Transmission Company (Midwestern), tendered for filing Thirty-Second Revised Sheet No. 6 to Original Volume No. 1 of its FERC Gas Tariff, to be effective October 1, 1988.

Midwestern states that it is filing this tariff sheet in response to and in compliance with Order No. 472. Midwestern states that its filing reflects a $.0018 ACA charge to be effective October 1, 1988. Midwestern states that the purpose of this filing is to provide for customer funding of annual charges assessed Midwestern by the Federal Energy Regulatory Commission pursuant to Order No. 472.

Midwestern states that copies of the filing have been mailed to all its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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. 88-20723 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-47-000]

MIGC, Inc.; Filing

September 7, 1988.

Take notice that on August 31, 1988, MIGC, Inc. ("MIGC") tendered for filing

Forty-Ninth Revised Sheet No. 32, Fifth Revised Sheet Nos. 102 and 140, and Second Revised Sheet Nos. 165, 188, and 250, all to MIGC's FERC Gas Tariff, Original Volume No. 1. These tariff sheets are proposed to become effective October 1, 1988.

MIGC states that the instant filing is being submitted to reflect Annual Charge Adjustment unit charges applicable to sales and transportation services during the fiscal year commencing October 1, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before September 15, 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. 88-20719 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-25-000]

Mississippi River Transmission Co.; Proposed Changes in F.E.R.C. Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988 Mississippi River Transmission Corporation (MRT) tendered for filing Twenty-Sixth Revised Sheet No. 4 and Fourth Revised Sheet No. 4D to be a part of its FERC Gas Tariff, Second Revised Volume No. 1.

MRT states that the above referenced tariff sheets were submitted in accordance with Commission Order No. 472, issued May 29, 1987. The proposed changes provide MRT with the mechanism to recover from its jurisdictional sales and transportation customers the charges assessed it by the Commission by means of a surcharge of $.0018 per Mcf. MRT further states that at this time it elects to use the Annual Charge Adjustment (ACA) method of recovering those charges assessed.

MRT requests that these proposed tariff sheets become effective on October 1, 1988. MRT also states that copies of its filing have been served upon its customers and applicable 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 §§ 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 September 15, 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. 88-20718 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS71-707-001, et al.]

Robert Mosbacher, et al.; Applications for Small Producer Certificates[1]

September 7, 1988.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 22, 1988, filed with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

Lois D. Cashell,

Acting Secretary.

Docket No.	Date filed	Applicant
CS71-707-001	[1] 8-3-88	Robert Mosbacher, *et al.*[2] (Robert Mosbacher), 712 Main Street, Suite 2200, Houston, TX 77002-3290.
CS71-1074	[3] 5-3-88	Donna J. Calvin, Cynthia Calvin, Edward M. Calvin, John R. Calvin, David J. Ostling, Susan M. Ostling and Michael E. Osteling (Rodney P. Calvin) HC 12, Box 298, Rockford Bay, Coeur d'Alene, ID 83814.
CS74-147-003	[4] 6-16-88	Vernon E. Faulconer; Marwell Petroleum, Inc.; Vernon E. Faulconer, Inc.; Faulconer Energy Corp. and Faulconer Joint Venture-1988 (Vernon E. Faulconer and Marwell Petroleum, Inc.), P.O. Box 7995, Tyler, TX 75711.
CS76-1029-001	[5] 8-22-88	Brock Exploration Corp., Brock Oil & Gas Corp. and Brock Resources Inc. (Brock Exploration Corp.), 225 Baronne Street, Suite 700, New Orleans, LA 70112-1707.
CS77-420	[6] 5-3-88	El Sol Oil Company (Calvin Petroleum Corp.), HC 12, Box 298, Rockford Bay, Coeur d'Alene, ID 83814.

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

Docket No.	Date filed	Applicant
CS83-102-008	[2] 6-17-88	Graham Energy, Ltd., *et al.* P.O. Box 3134, Covington, LA 70434-3134.
CS88-83-000	[8] [9] 7-28-88	The Roy Reed Trust A f/b/o Jeanne Reed, The Roy Reed Trust B f/b/o C. Robert Reed and The Roy Reed Trust C f/b/o Christie Reed Williams, P.O. Box 687, Poteau, OK 74953.
CS88-84-000	7-22-88	Kim Petroleum Co., P.O. Box 380, Pampa, TX 79065.
CS88-85-000	7-25-88	Olsen Energy, Inc., 16414 San Pedro, Suite 470, San Antonio, TX 78232.
CS88-86-000	[10] 8-3-88	Southampton Mineral Corp., 1200 Smith, Suite 1750, Houston, TX 77002.
CS88-87-000	8-2-88	Isabel R. Sanditen, Trustee for Isabel R. Sanditen Revocable Trust, 3314 E. 51st Street, Suite 207K, Tulsa, OK 74135.
CS88-90-000	8-8-88	Santa Fe Exploration Co., P.O. Box 1136, Roswell, NM 88202.
CS88-91-000	[11] 8-9-88	Elk Energy Corp., 1625 Larimer Street, Suite 2403, Denver, CO 80202.
CS88-92-000	8-15-88	Peregrine Partners, Inc., 400 N. St. Paul, #1010, Dallas, TX 75201.

FOOTNOTES

[1] Applicant requests reinstatement of its small producer certificate in Docket No. CS71-707 and coverage of certain affiliates as certificate co-holders. Applicant states that on January 1, 1988, Robert Mosbacher assumed a position on the Board of Directors of Enron Corp., a jurisdictional Major natural gas pipeline company. Applicant now recognizes that this created an affiliation with Enron Corp. that caused the loss of Mr. Mosbacher's small producer status. Applicant states that effective June 6, 1988, Mr. Mosbacher resigned from the Board of Directors of Enron Corp., thereby severing any affiliation.

[2] Applicant requests amendment of its reinstated small producer certificate in Docket No. CS71-707 to reflect the addition of the following *et al.* parties as certificate co-holders: Mosbacher Energy Company; Buck Point, Inc.; Mosbacher Offshore, Inc.: Mosbacher Michigan 1984C Partnership; Mosbacher Gulf Coast 1984C Limited Partnership; Mosbacher 1985C Limited Partnership; Mosbacher 1987C Corp.; Mosbacher U.S.A., Inc.; Mosbacher Oil & Gas, Inc.; Mosbacher Properties, Inc.; Mosbacher Interests, Inc.; Mosbacher Resources, Inc.; Robert M, Inc.; Rob M, Inc.; Kathryn M, Inc.; Lisa M, Inc.; Diane M, Inc.; Barbara M, Inc.; Clint S, Inc.; Ben S, Inc.; The Emil Mosbacher 1978 Trust; The Emil Mosbacher Louisiana Trust for Barbara Susan Smullyan; The Emil Mosbacher Louisiana Trust for Robert Mosbacher, Jr.; The Emil Mosbacher Louisiana Trust for Kathryn Mosbacher; The Emil Mosbacher Louisiana Trust for Lisa Mosbacher Mears; The Emil Mosbacher Louisiana Trust for Diane Mosbacher; Robert Mosbacher, Jr.; Diane Mosbacher; Kathryn Mosbacher; Lisa Mosbacher Mears; The Robert Mosbacher, Jr. Trust; The Kathryn Mosbacher Trust; The Lisa Mosbacher Trust; The Diane Mosbacher Trust; The Jane P. Mosbacher Estate Trust; Barbara Mosbacher; Clinton I. Smullyan, Jr.; Bennett E. Smullyan; A. W. Downing Mears, Jr.; The Robert Brandt Smullyan 1981 Trust; The Dana Susan Smullyan 1983 Trust; The Robert Whitney Mears 1983 Trust; The Parker Upshur Mears 1983 Trust; The Peter Clark Mosbacher 1983 Trust; and The Jane Marion Mosbacher 1985 Trust.

[3] By letter dated April 27, 1988, as supplemented on July 5, and August 8, 1988, Applicant requests that the small producer certificate issued to Rodney P. Calvin in Docket No. CS71-1074 be redesignated under the names of Donna J. Calvin, Cynthia Calvin, Edward M. Calvin, John R. Calvin, David J. Ostling, Susan M. Ostling and Michael E. Ostling. Applicant states that Rodney P. Calvin died in March of 1987, and that his interests passed on to his above-named heirs.

[4] By letters dated June 6 and 13, 1988, as supplemented by letters received July 8, and August 19, 1988, Applicant requests that Vernon E. Faulconer, Inc., Faulconer Energy Corporation and Faulconer Joint Venture-1988 be added as co-holders of the small producer certificate in Docket No. CS74-147.

[5] By letter dated August 18, 1988, Applicant requests amendment of its small producer certificate to reflect the addition of its affiliates, Brock Oil & Gas Corporation and Brock Resources Inc., as certificate co-holders. Applicant states that all of the assets in oil and gas properties previously held by Brock Exploration Corporation are now being operated by Brock Oil & Gas Corporation. Applicant further states that Brock Exploration Corporation has recently acquired the assets of Argonaut Energy Corporation, small producer certificate holder in Docket No. CS73-93, through bankruptcy proceedings. Applicant states that these assets are now wholly operated by Brock Resources Inc. Applicant therefore requests that the small producer certificate issued to Argonaut Energy Corporation in Docket No. CS73-93 be terminated.

[6] By letter dated April 27, 1988, as supplemented on July 5, and August 8, 1988, Applicant requests that the small producer certificate issued to Calvin Petroleum Corporation in Docket No. CS77-420 be redesignated in the name of El Sol Oil Company.

[7] By letter dated June 16, 1988, as supplemented by letter received August 8, 1988, Applicant requested that the small producer certificate in Docket No. CS83-102-007, be amended to cover certain entities as certificate co-holders. Such request was noticed by publication in the FEDERAL REGISTER on July 11, 1988 (53 FR 26110). By letters received August 19, 24, and 26, 1988, Applicant indicates its desire to correct the names of two of the certificate co-holders requested to be covered by the above-dated letters. Applicant states that the names of Prudential-Bache Energy Income Production Partnership IVP-16 and Prudential-Bache Energy Income Production Partnership IVP-17 should instead read: Prudential-Bache Energy Income Limited Partnership IVP-16 and Prudential-Bache Energy Income Limited Partnership IVP-17.

[8] Application received July 19, 1988. Filing date is date of receipt of filing fee.

[9] Application initially received with the name of Applicant as ROY REED TRUSTS PARTNERSHIP. By letter dated August 25, 1988, received August 26, 1988, Applicant amended its application to reflect Applicant's name as The Roy Reed Trust A f/b/o Jeanne Reed, The Roy Reed Trust B f/b/o C. Robert Reed and The Roy Reed Trust C f/b/o Christie Reed Williams.

[10] Application received July 25, 1988. Filing date is date of receipt of filing fee.

[11] Additional material received August 22, 1988.

[FR Doc. 88-20785 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ89-1-16-000, TM89-1-16-000, and RP88-245-000]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 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 proposed to become effective October 1, 1988:

First Revised Volume No. 1

Sixteenth Revised Sheet No. 4
Fifth Revised Sheet No. 68

First Revised Volume No. 2

First Revised Sheet No. 67
Second Revised Sheet No. 273
Fourth Revised Sheet No. 281
Sixth Revised Sheet No. 302
Fourth Revised Sheet No. 321
Fourth Revised Sheet No. 341
Second Revised Sheet No. 447
Third Revised Sheet No. 538
First Revised Sheet No. 690

National states that the purpose of the proposed revisions to its FERC Gas Tariff, First Revised Volume No. 1 is to reflect the quarterly Purchased Gas Cost adjustments required under the Commission's Regulations. In addition, the proposed revisions reflect a reduction in National's Annual Charges Adjustment surcharge.

Further, National states that Sixteenth Revised Sheet No. 4 reflects an overall increase in rates of 64.20 cents per Dth. This increase results from an increase in current purchased gas costs, offset by a decrease in the ACA surcharge to reflect the latest Commission-approved rate.

National states that the proposed revisions to its FERC Gas Tariff, First Revised Volume No. 2, are designed to change the reference to National's ACA Clause on the proposed tariff sheets from section 20 to section 19 of National's General Terms and Conditions.

National states that copies of this filing were served upon the Company's jursidictional customers and the regulatory commissions of the states of New York, Ohio, Pennsylvania, Delaware and New Jersey.

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 Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such motions to intervene or protests should be filed on or before September 15, 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. 88-20716 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-244-000]

Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in section 32 of the General Terms and Conditions of its FERC Gas Tariff to become effective October 1, 1988.

Natural states that the purpose of the filing is to permit Natural's customers to request, and Natural to implement, conversions of firm sales to firm transportation in excess of that currently required by section 32 and the Commission's Regulations. Under the proposal, Natural may at any time permit its sales customer to convert up to 100%. Natural states that this additional flexibility is consistent with the Commission's Regulations at 18 CFR 284.10(c)(3)(iii). Natural's proposal also permits shortening of the 60-day period for conversions.

Any person desiring to be heard 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 §§ 385.214 and 385.211. All such motions or protests must be filed on or before September 15, 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. 88-20725 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-291-005 and CP87-484-002]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

September 7, 1988.

Take notice that on August 31, 1988, Natural Gas Pipeline Company of America (Natural) tendered for filing tariff sheets to be a part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective October 1, 1988 and April 1, 1989.

Natural states that the purpose of the filing is to implement the sales contract conversions, reductions and renomination of entitlements rights authorized in the Commission's Order issued July 29, 1988 at Docket Nos. CP88-291-000 and CP87-484-000. The submittal reflects the changes to implement Article III of the Stipulation and Agreement which was accepted by the Commission's order issued July 29, 1988 in Docket Nos. CP88-291-000 and CP87-484-000. The filing was submitted in the context of Natural's limited acceptance of the certificate issued in the previously mentioned dockets.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective on their indicated effective dates.

A copy of the filing was mailed to Natural's jurisdictional sales customers, interested state regulatory agencies and all parties set out on the official service lists at Docket Nos. CP88-291-000 and CP87-484-000.

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 §§ 385.214 and 385.211 of the commission's Rules and Regulations. All such motions or protests must be filed on or before September 15, 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 in the public reference room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20728 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-209-014 and TM89-1-26-000]

Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff

September 6, 1988.

Take notice that on August 19, 1988, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff tariff sheets to be effective October 1, 1988 and January 1, 1989.

Natural states that the purpose of the filing is to implement the Annual Charges Adjustment (ACA) charge necessary for Natural to recover from its customers annual charges assessed it by the Commission pursuant to Part 382 of the Commission's Regulations. The rate authroized by the Commission to be effective October 1, 1988 is .18¢ per Mcf. Under Natural's billing basis of 14.65 psia at 1000 Btu, this rate converts to .17¢ per Mcf. In addition, Natural further states that the tariff sheets to be effective January 1, 1989 are submitted in compliance with the Commission's Order issued July 29, 1988 at Docket No. RP88-209-000 (July 29th Order). As directed by the Commission in the July 29th Order, Substitute First Revised Sheet Nos. 3 and 5 set out the firm minimum and maximum commodity transportation rates for Texoma (the 39-mile interstate system, located in the States of Oklahoma and Texas).

Natural requested waiver of the Commission's Rgulations to the extent necessary to permit the tariff sheets to become effective on their indicated effective dates.

A copy of the filing is being mailed to Natural's jurisdictional customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. RP88-209-000. In addition, pursuant to an order issued August 8, 1988 at Docket No. RP88-209-000, two (2) copies of this filing (including the proposed tariff sheets) are being submitted to the Presiding Administrative Law Judge at Docket No. RP88-209-000.

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 §§ 385.214

and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 13, 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 in the public reference room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20708 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-1-37-000]

Northwest Pipeline Corp.; Proposed Change in Sales Rates Pursuant to Purchase Gas Cost Adjustment

September 8, 1988.

Take notice that on August 31, 1988, Northwest Pipeline Corporation ("Northwest") submitted for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGA"), of its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of reflecting changes in Northwest's estimated cost of purchased gas for the three months ending December 31, 19988

Northwest states that the current PGA adjustment, which notice is given herein, aggregates to an increase of 60.11¢ per MMBtu in the commodity rate for all rate schedules affected by and subject to the PGA. The proposed change in Northwest's commodity rates for the fourth quarter of 1988 would increase sales revenues by approximately $17,838,244. The instant filing also provides for a reduction in the demand components of Northwest's gas sales rates to reflect an estimate of the demand portion of the fourth quarter Canadian toll credits and requested conversions from firm sales to firm transportation by many of Northwest's sales customers. The proposed rate changes have been reflected on Forty-Third Revised Sheet No. 10 with a proposed effective date of October 1, 1988.

A copy of this filing is being served on Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or 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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 1988. Protets 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20705 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ88-2-27-000]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

September 7, 1988.

Take notice that North Penn Gas Company (North Penn) on August 31, 1988 tendered for filing Eighty-Ninth Revised Sheet No. PGA-1 to its FERC Gas Tariff First Revised Volume No. 1.

North Penn states the revised tariff sheet is filed pursuant to section 14 (PGA Clause) of the General Terms and Conditions of its FERC Gas Tariff to reflect changes in the cost of gas for the period September 1, 1988 through November 30, 1988 and is proposed to be effective September 1, 1988. The proposed change reflects a decrease in the average cost of gas for the P-1 Rate Schedule of 34.269¢ per Mcf.

North Penn states that it has eliminated from its rates the deferred surcharge in compliance with Federal Energy Regulatory Commission's (Commission) Order Nos. 483 and 483-A. Additionally, North Penn is requesting permission from the Commission to transfer to Account 191 a credit balance of approximately $26,000 related to take-or-pay amounts paid to Tennessee Gas Pipeline Company (Tennessee) as a result of Tennessee's Settlement Agreement in Docket No. RP83-8.

North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective September 1, 1988, as proposed.

Copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and State Commissions shown on the attached service list.

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 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motion or protests should be filed on or before September 15, 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. 88-20727 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-27-000]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

September 7, 1988.

Take notice the North Penn Gas Company (North Penn or Company) on August 31, 1988 tendered for filing Ninetieth Revised Sheet PGA-1 to its FERC Gas Tariff, First Revised Volume No. 1.

North Penn states that the filed tariff sheets reflect revision, pursuant to § 154l.38(d)(6) of the Commission's regulations, of North Penn's Annual Charge Adjustment surcharge to recover during the Commission's upcoming fiscal year the $32,408 North Penn payment of the Commission's annual charges billing. The new ACA surcharge rate is 0.18¢ per Mcf.

North Penn proposes an effective date of October 1, 1988.

North Penn states that copies of the filing have been served on the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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 North Penn's filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20729 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ89-1-59-000 and TM89-1-59-000]

Northern Natural Gas Co., Division of Enron Corp.; Proposed Changes in FERC Gas Tariff

September 7, 1988.

Take notice that Northern Natural Gas Company, Division of Enron Corp. (Northern), on August 31, 1988, tendered for filing changes in its F.E.R.C. Gas Tariff, Third Revised Volume No. 1 (Volume No. 1 Tariff) and Original Volume No. 2 (Volume No. 2 Tariff).

Northern states it filed the revised tariff sheets to adjust its Base Average Gas Purchase Cost in accordance with the Quarterly PGA filing requirements codified by the Commission's Order Nos. 483 and 483-A. The instant filing reflects a Base Average Gas Purchase Cost of $2.3483 to be effective October 1, 1988 through December 31, 1988. Northern further intends to use its flexible PGA, as necessary, to reflect actual market conditions throughout this time period.

Copies of the filing were served upon the company's jurisdictional sales 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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20732 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-73-000]

Ozark Gas Transmission System; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Ozark Gas Transmission System (Ozark) tendered for filing Fourth Revised Sheet No. 5 to be a part of its FERC Gas Tariff, Original Volume No. 1.

Ozark states that the tariff sheet was submitted in compliance with Commission Order No. 472, issued May 29, 1987. The proposed tariff sheet provides a mechanism for Ozark to recover from its customers annual charges assessed by the Commission pursuant to Part 382 of the Commission's Regulations. Ozark requests all necessary waivers to permit this filing to become effective October 1, 1988.

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene 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 motions or protests should be filed on or before September 15, 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 Cashell,

Acting Secretary.

[FR Doc. 88-20712 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-241-000]

Panhandle Eastern Pipe Line Co; Proposed Changes FERC Gas Tariff

September 8, 1988.

Take notice that on August 29, 1988 Panhandle Eastern Pipe Line Company (Panhandle) submitted the following tariff sheets to revise its FERC Gas Tariff, Original Volume No. 1:

Sixty-Sixth Revised Sheet No. 3-A
Forty-Third Revised Sheet No. 3-B
Original Sheet No. 3-C.4
Original Sheet No. 3-C.5
Original Sheet No. 3-C.6
Original Sheet No. 43-12
Original Sheet No. 43-13

The subject tariff sheets bear an issue date of August 29, 1988, and a proposed effective date of September 28, 1988.

Panhandle states that, as a holder of a blanket certificate issued pursuant to Parts 157 and 284 of the Commission's Regulations, it proposes to implement the recovery, via the procedures contained in Order No. 500, of a portion of the amounts which it has paid and which it reasonably expects to pay by the end of May 1989, (nine months after the instant filing) to settle take-or-pay exposure and to reform gas purchase contracts with various of its producer suppliers. Approval of this filing will eliminate from Panhandle's currently effective commodity rates all take-or-pay buyout and buydown costs, as that term is used in Order No. 500, which previously had been required to be included in the commodity component of Panhandle's rates by operation of the suspension order in Docket No. RP87-103.

Panhandle states it is electing, pursuant to Order No. 500, to absorb 50% of its take-or-pay buyout and buydown costs and related interest and to collect 50% of such costs through fixed demand surcharges. Panhandle proposes to recover 50% of approximately $411 million of unresolved take-or-pay buyout and buydown costs relating to gas purchase arrangements with producers, and related interest.

Panhandle states that the proposed tariff sheets reflect the adjustment to Panhandle's currently effective non-gas commodity sales rates necessary to eliminate therefrom approximately 2.5 cents per Dth included for take-or-pay settlement recoveries, which Panhandle has been collecting since March 1, 1988, pursuant to its filing in Docket No. RP87-103.

Panhandle requests that the Commission waive the filing requirements of § 154.63 of the Commission's Regulations to accent Panhandle's filings herein and the material incorporated by reference herein as the cost and revenue support for this filing, permitting the same to become effective on September 28, 1988.

Finally, Panhandle asks the Commission to grant all necessary waivers so as to place the instant tariff sheets and attendant rates into effect on September 28, 1988. Panhandle states that since the instant filing effectuates the cost sharing policies and allocation methodologies of Order No. 500, good cause exists to place such tariff sheets into effect on an expeditious basis.

Panhandle noted the instant filing contains certain take-or-pay settlement

and contract reformation information and data that is of such a commercially sensitive nature that its public disclosure would be harmful to Panhandle. Specifically, disclosure of the confidential material contained in "Confidential Submission A" could harm Panhandle's future efforts to reform its gas purchase contracts with other producers as well as future negotiations Panhandle may have with some of the producer suppliers whose contracts may have already been reformed. Therefore, pursuant to § 388.110 of the Commission's Regulations, Panhandle requests that the Commission treat the documents segregated in Confidential Submission A as confidential material to be placed in the non-public files of the Commission.

Due to the highly confidential and proprietary nature of the information contained in Confidential Submission A, and in recognition of the fact that settlement negotiations are continuing and that this material is extremely commercially sensitive, Panhandle submits that an appropriate Protective Order should be issued, limiting access to this confidential material solely to customers (and their respective state regulatory agencies) who may be required to pay amounts hereunder; not producers, royalty owners and other interstate pipelines or their representatives. Panhandle will maintain copies of Confidential Submission A at its Houston, Texas office, and in Washington, DC at the offices of its counsel, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue NW., for customers and representatives of their respective state regulatory agencies, subject to appropriate protective conditions.

Copies of this letter and enclosure were served upon Panhandle's jurisdictional sales customers, interested state commissions and all parties to the Docket No. RP87-103 proceeding.

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 protests should be filed on or before September 15, 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. 88-20701 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-28-000]

Panhandle Eastern Pipe Line Co.; Change in Tariff

September 8, 1988.

Take notice that on August 31, 1988 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing revised sheets to its FERC Gas Tariff, Original Volume No. 1, as reflected in Appendix No. 1, and to its FERC Gas Tariff, Original Volume No. 2, as reflected in Appendix No. 2.

The proposed effective date of these revised tariff sheets is October 1, 1988.

Panhandle states that on June 30, 1988 the Commission issued a revision to the unit rate of the Annual Charge Adjustment Clause (ACA) to be applied to rates for recovery of 1988 Annual Charges pursuant to Order No. 472 in Docket No. RM87-3-000. This revision will permit Panhandle to collect 1.8 mills per Mcf (0.18¢ per Dt) of natural gas sold or transported for the 1988 Annual Charges assessed Panhandle by the Commission under Part 382 of the Commission's Regulations.

To the extent required, if any, Panhandle requests that the Commission grant such waivers as may be necessary for acceptance of the tariff sheets submitted herewith, to become effective October 1, 1988, as previously described.

Copies of this letter and enclosures are being served on all customers subject to the tariff sheets and applicable state regulatory agencies.

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 §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20721 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-72-000

Pelican Interstate Gas System; Proposed Change in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Pelican Interstate Gas System (Pelican) tendered for filing First Revised Sheet No. 2A to be a part of its FERC Gas Tariff.

Pelican states that the proposed tariff sheet provides a mechanism for it to recover from its customers annual charges assessed it by the Commission pursuant to Part 382 of the Commission's Regulations.

A copy of this filing was mailed to Pelican's jurisdictional customers and interested state regulatory agencies.

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 §§ 385.214 and 385.211. All such motions or protests must be filed on or before September 15, 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. 88-20699 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-66-000]

Superior Offshore Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 29, 1988, Superior Offshore Pipeline Company (SOPCO) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1.

FERC Gas Tariff, Original Volume No. 1

Third Revised Sheet No. 5

SOPCO states that this revised tariff sheet is filed to amend its initial FERC Annual Charge Adjustment (ACA) related tariff sheet to reflect the change

in the FERC ACA Unit Charge. SOPCO has received an Annual Charges Billing from the Commission for the fiscal year 1988 and has already remitted to the Commission, SOPCO's portion of the Commission deficit. For the purpose of recovering this payment SOPCO has elected, pursuant to the authority outlined in Order No. 472, to institute the ACA Unit Charge. As set forth by the Commission on SOPCO's Annual Charges Bill, SOPCO's ACA Unit Charge will change from $.0020 per MMBtu to $.0017 per MMBtu. SOPCO proposes that this change be made effective October 1, 1988.

Any person desiring to be heard or 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 the rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). All such motions or protests should be filed on or before September 15, 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20717 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ89-1-9-000 and TM89-1-9-000]

Tennessee Gas Pipeline Co.; Rate Change Under Tariff Rate Adjustment Provisions

September 8, 1988.

Take notice that on August 31, 1988, Tennessee Gas Pipeline Company (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective October 1, 1988:

Second Revised Volume No. 1

Item A:

Substitute Eighth Revised Sheet No. 20
Substitute Fifth Revised Sheet No. 20A
Substitute Eighth Revised Sheet No. 21
Substitute Fifth Revised Sheet No. 22
Substitute Second Revised Sheet No. 22A
Substitute Fifth Revised Sheet No. 23
Substitute Fifth Revised Sheet No. 24

Original Volume No. 2

Item B:

Substitute Ninth Revised Sheet No. 5
Substitute Eighth Revised Sheet No. 6
Substitute Fifth Revised Sheet No. 10

Tennessee states the purpose of the revisions listed as Item A is to reflect PGA current rate adjustments pursuant to section 2 of Article XXIII of the General Terms and Conditions of Tennessee's Tariff.

Tennessee states the purpose of the revisions listed as Item B is to adjust transportation rate schedules to reflect changes in the cost of gas used for fuel pursuant to section 5 of Article XXIII of the General Terms and Conditions.

Tennessee is also implementing with this filing a new Annual Charge Adjustment of 0.18 cents pursuant to Article XVIII of the General Terms and Conditions of its tariff and the Order 472 series of regulations.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions. Any persons 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, Washington, DC 20426, in accordance with Rules 208 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20704 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR88-249-000]

Tennessee Gas Pipeline Co.; Filing

September 9, 1988.

Take notice that on September 1, 1988, Tennessee Gas Pipeline Company (Tennessee) tendered for filing the following revised tariff sheets in Second Revised Volume No. 1 of its FERC Gas Tariff to be effective October 1, 1988:

Second Revised Sheet No. 108
Original Sheet No. 108A
Second Revised Sheet No. 205
Third Revised Sheet Nos. 206 and 207
First Revised Sheet No. 209
Second Revised Sheet Nos. 334 and 342

Tennessee states that the overall purpose of this filing is to allow Tennessee to make certain procedural changes that will result in a reduction of paperwork and ease the burden in administering contracts for transportation services, without prejudicing the rights of Tennessee's customers. Tennessee states that it proposes many of these changes at the request of its customers.

Tennessee states that copies of its filing are available for inspection at its principal place of business in the Tenneco Building, Houston, Texas and have been mailed to all affected customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 16, 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. 88-20830 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 9, 1988.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on September 2, 1988 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies each of the following tariff sheets, to become effective October 1, 1988:

Seventh Revised Sheet No. 50
Seventh Revised Sheet No. 51

Texas Eastern states the listed tariff sheets reflect the elimination of the mileage rate for transportation within Zone A under various Rate Schedules as reflected in Texas Eastern's July 25, 1988 filing in Docket No. RP88-222. In the event the Commission elects not to accept the tariff sheets listed above, Texas Eastern submits for filing

Alternative Seventh Revised Sheet Nos. 50 and 51, which reflect mileage rates for transportation within Texas Eastern's Zone A.

Texas Eastern states the purpose of this filing is to track, pursuant to section 29 of Texas Eastern's General Terms and Conditions, Fifth Revised Volume No. 1, the fiscal year 1988 Annual Charge Adjustment (ACA) in Texas Eastern's rates, including the revised ACA charge in CNG Transmission Corporation's (CNG) Rate Schedule GSS.

Copies of the filing were served on Texas Eastern's jurisdictional customers, interested state commissions and all current Rate Schedule IT-1 shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 16, 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. 88-20835 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-67-008]

Texas Eastern Transmission Corp.; Motion Filing by Texas Eastern

September 9, 1988.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on August 31, 1988, tendered for filing six copies of a Motion to place into effect revised tariff sheets in Docket No. RP88-67 as part of its FERC Gas Tariff, Fifth Revised Volume No. 1 and Original Volume No. 2.

As noted in Texas Eastern's Motion, Texas Eastern is moving to place into effect pursuant to section 4(e) of the Natural Gas Act, § 154.67 of the Commission's Regulations and Rule 212 of the Commission's Rules of Practice and Procedure, revised tariff sheets which reflect changes made in accordance with the Commission's orders in this proceeding and tariff changes approved by the Commission during the suspension period including, *inter alia*, Texas Eastern's PGA and EPC tracking filings, effective June 1 and August 1, 1988.

In the event the Commission does not approve Texas Eastern's July 25, 1988 filing in Docket No. RP88-222, Texas Eastern also included in its Motion filing revised tariff sheets designated under Attachment B which reflect mileage rates for transportation within Zone A.

The tariff sheets being filed herewith are to be effective September 1, 1988.

Copies of the filing were served on Texas Eastern's jurisdictional customers, interested state commissions, shippers and all parties of record in Docket No. RP88-67, *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before September 16, 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. 88-20642 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-18-000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1 and FERC Gas Tariff, Original Volume No. 3:

FERC Gas Tariff, Original Volume No. 1

Fourth Substitute Eleventh Revised Sheet No. 10
Fourth Substitute Eleventh Revised Sheet No. 10A
Eighth Revised Sheet No. 11
Ninth Revised Sheet No. 12
Sixth Revised Sheet No. 12A

FERC Gas Tariff, Original Volume No. 3

Substitute Second Revised Sheet No. 21
Substitute Third Revised Sheet No. 22

Texas Gas states that the revised tariff sheets are filed pursuant to Section 25 of the General Terms and Conditions of Texas Gas's FERC Gas Tariff, Original Volume No. 1 which affords Texas Gas the right to recover the costs billed to Texas Gas by the Federal Energy Regulatory Commission via the FERC ACA Unit Charge method. That unit charge, as determined by the Commission, is $.0018/Mcf ($.0018/MMBtu converted), as set forth on Texas Gas's Annual Charges Bill for fiscal year 1988, to be effective October 1, 1988.

Copies of the revised tariff sheets are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20709 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-114-001]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1.

Substitute Second Revised Sheet No. 111
Substitute Third Revised Sheet No. 112

Texas Gas states that these tariff sheets, to be effective June 1, 1988, are being filed to reflect changes in Texas Gas's PGA clause to be in compliance with Commission Orders 483 and 483-A, pursuant to Commission Letter Order dated August 3, 1988, in Docket No. RP88-114.

Copies of the revised tariff sheets are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–20713 Filed 9–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM89–1–29–000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on August 31, 1988 certain revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date of the tariff sheets is October 1, 1988.

Transco states that the purpose of the instant filing is to reflect a decrease of .02¢ per dt in the Annual Charge Adjustment (ACA) Charge in the commodity portion of Transco's sales and transportation rates. Pursuant to Order 472, the Commission has assessed Transco its annual ACA charges based on 0.18¢/Mcf for the annual period commencing October 1, 1988. In accordance with Section 27 of the General Terms and Conditions of Transco's Volume No. 1 Tariff, Transco's proposed tariff sheets track the Commission approved ACA unit rate of 0.18¢/Mcf (0.18/dt on Transco's system) commencing October 1, 1988.

Transco states that copies of the filing are being mailed to each of its 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 NW., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–20714 Filed 9–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM89–1–30–000]

Trunkline Gas Co; Change in Tariff

September 8, 1988.

Take notice that on August 31, 1988 Trunkline Gas Company (Trunkline) tendered for filing revised sheets to its FERC Gas Tariff, Original Volume No. 1, as reflected in Appendix No. 1, and to its FERC Gas Tariff, Original Volume No. 2, as reflected in Appendix No. 2.

The proposed effective date of these revised tariff sheets is October 1, 1988.

Trunkline states that on June 30, 1988, the Commission issued a revision to the unit rate of the Annual Charge Adjustment Clause (ACA) to be applied to rates for recovery of 1988 Annual Charges pursuant to Order No. 472 in Docket No. RM87–3–000. This revision will permit Trunkline to collect 1.8 mills per Mcf (0.17¢ per Dt) of natural gas sold or transported for the Annual Charges assessed Trunkline by the Commission under Part 382 of the Commission's Regulations.

To the extent required, if any, Trunkline requests that the Commission grant such waivers as may be necessary for acceptance of the tariff sheets submitted herewith, to become effective October 1, 1988, as previously described.

Copies of this letter and enclosures are being served on all customers subject to the tariff sheets and applicable state regulatory agencies.

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 §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–20706 Filed 9–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM89–1–75–000]

Transco Gas Supply Co.; Proposed Changes in FERC Gas Tariff

September 7, 1988.

Take notice that Transco Gas Supply Company (Gasco) tendered for filing on August 31, 1988, Eighth Revised Sheet No. 106 to Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date of this tariff sheet is October 1, 1988.

Gasco states that the purpose of the instant filing is to reflect a decrease of .03¢ per Mcf in the Annual Charge Adjustment (ACA) Charge included in the cost of gas which Transcontinental Gas Pipe Line Corporation (Transco) purchases from Gasco. Pursuant to Order 472, the Commission has assessed Gasco its annual ACA charges based on 0.18¢/Mcf for the annual period commencing October 1, 1988. Therefore, in accordance with Section 1.A of Appendix A to Rate Schecule X–1, Gasco submits herewith for filing Eighth Revised Sheet No. 106 which tracks the Commisssion approved ACA unit rate of 0.18¢/Mcf commencing October 1, 1988.

Gasco states that copies of the filing are being mailed to each of its 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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20731 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ89-1-42-000 and TM89-1-42-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that on August 31, 1988, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

45th Revised Sheet No. 5
32nd Revised Sheet No. 6

Transwestern states that 45th Revised Sheet No. 5 is being filed pursuant to Transwestern's Purchased Gas Adjustment provision set forth in Article 19 of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The Current Adjustment reflected herein represents an increase of $0.3032/dth as measured against Transwestern's annual PGA filing in Docket No. TA88-5-42 (PGA 88-5), which became effective on July 1, 1988. In accordance with § 154.310 of the Commission's Orders Nos. 483 and 483-A, Transwestern's Surcharge Adjustment reflects an increase of $0.0603/dth as measured semi-annual filing in Docket No. TA88-4-42 (PGA 88-4), which became effective on April 1, 1988. Transwestern is proposing to amortize the Surcharge Adjustment increase of $0.0603/dth over a nine-month period beginning October 1, 1988 to recover the balance in the FERC Account No. 191 for the two-months ended February 29, 1988. By implementing this procedure, Transwestern respectfully requests a waiver of the Commissions transition rules, § 154.310 and any other applicable regulations as may be necessary. The granted waiver will allow Transwestern to accelerate its transition from a six-month deferral and amortization cycle to a twelve-month cycle in its next scheduled annual PGA filing, effective July 1, 1989, a year earlier than called for by the Transition Rules.

Transwestern states that these tariff sheets reflect a decrease in the Annual Charge Adjustment (ACA) of $0.0003/dth. The Commission notified all applicable pipelines, on June 30, 1988, that the new ACA Unit Surcharge effective October 1, 1988 is $0.0018/mcf. Transwestern's ACA Surcharge rate, to be effective October 1, 1988, converted to a dekatherm basis, is $0.0017/dth.

The proposed effective date for the tariff sheets listed above is October 1, 1988.

Copies of the filing were served on Transwestern's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protest should be filed on or before Sept. 15, 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 available for public inspection in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20703 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-239-000]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that Trunkline Gas Company (Trunkline) on August 29, 1988, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective September 28, 1988:

Sixty-Fourth Revised Sheet No. 3-A
Original Sheet No. 3-A.5
Original Sheet No. 3-A.6
Second Revised Sheet No. 21-O
Second Revised Sheet No. 21-P
Second Revised Sheet No. 21-Q

Trunkline states that by this filing, Trunkline which is a holder of a blanket certificate issue pursuant to Parts 157 and 284 of the Commission's Regulations, proposes to implement the recovery, via the procedures contained in Order No. 500, of a portion of the amounts which it has paid and which it reasonably expects to pay by the end of May, 1989 (nine months after the instant filing) to settle take-or-pay exposure and to buy out and to buy down and to reform gas purchase contracts with various producer suppliers.

Specifically, Trunkline states that it is electing, pursuant to Order No. 500, to absorb 50 percent of its take-or-pay settlement and contact buy out and buydown costs and related interest and to collect 50% of such costs through fixed demand surcharges. Trunkline proposed to recover 50% of approximately $409 million of unresolved take-or-pay buy out and buy downs relating to gas purchase arrangements with producers, and related interest.

Trunkline further states that the proposed tariff sheets also reflect the adjustment to its currently effective non-gas commodity sales rates to eliminate therefrom 17.44 cents per Dth included for take-or-pay settlement recoveries, which it has been collecting since May 1, 1987, pursuant to its filings in Docket Nos. RP87-15 and RP87-67.

Trunkline requests that the Commission grant all necessary waivers, including waiver of the filing requirements of Section 154.63 of the Commission's Regulations and the provisions of Section 154.66, in order to accept, without delay, Trunkline's tariff filings and the material incorporated by reference, as the cost and revenue support for this filing to become effective on September 28, 1988.

Trunkline also expressly requests such waivers of the Commission's Regulations, including but not limited to § 154.66, to permit Trunkline to amend its rate filing in Docket No. RP88-180-000 to remove take-or-pay settlement costs and carrying costs from the commodity component of the rates at such time as it makes other compliance filings therein prior to the effective date of those rates, December 1, 1988.

Trunkline states that it will maintain copies of Confidential Submission A at its Houston, Texas office, and in Washington, DC at the offices of its counsel, LeBoeuf, Lamb, Lieby and MacRae, 1333 New Hampshire Avenue, NW. for customers and representatives at their respective state regulatory agencies, subject to appropriate protective conditions, established by Commission protective order.

Copies of the filing were served upon Trunkline's jurisdictional customers, interested state commissions, and all parties to the Docket No. RP88-180 proceeding.

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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Trunkline's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20724 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-74-000]

U-T Offshore System; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that U-T Offshore System (U-TOS) tendered for filing on August 31, 1988 Tenth Revised Sheet No. 4 to Original Volume No. 1 of its FERC Gas Tariff. The proposed effective date of this tariff sheet is October 1, 1988.

U-TOS states that the purpose of the instant filing is to reflect a decrease of .03¢ per Mcf in the Annual Charge Adjustment (ACA) Charge in the commodity portion of U-TOS' transportation rates. Pursuant to Order 472, the Commission has assessed U-TOS its annual ACA charges based on 0.18¢/Mcf for the period commencing October 1, 1988. In accordance with Article 8 of Rate Schedules T-1 through T-10 contained in Original Volume No. 2 of U-TOS' FERC Gas Tariff, U-TOS is submitting herewith for filing Tenth Revised Sheet No. 4 which tracks the Commission approved ACA unit rate of 0.18¢/Mcf commencing October 1,1 988.

U-TOS states that copies of the filing are being mailed to each of its Shippers for whom transportation service is being provided.

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 §§ 385.14 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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 in the Public Reference Room.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20711 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-27-008, and RP85-209-019]

United Gas Pipe Line Co.; Tariff Filing

September 8, 1988.

Take notice that on August 31, 1988 United Gas Pipe Line Company (United) tendered for filing revised tariff sheets, and work papers and schedules related thereto, as follows:

Second Revised Substitute Revised Original Sheet No. 4-Gl
Second Revised Substitute Revised Original Sheet No. 4-H
Second Revised Substitute Revised Original Sheet No. 4-I
Second Revised Substitute Revised Original Sheet No. 4-J
Second Revised Substitute Revised Original Sheet No. 4-K

United states that this filing is made pursuant to Ordering Paragraph (B)(2) of the Order of the Federal Energy Regulatory Commission (Commission) issud in Docket Nos. RP88-27 and RP88-209 on December 31, 1987.

United states that this filing revises its April 29, 1988 filing to reflect the balance of take-or-pay costs allocated to each customer based on only those costs which have actually been paid or for which there has been incurred a written obligation to pay as of July 31, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before September 15, 1988, and in accordance with Rules 211 and 214 of Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Such motion will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must petition 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. 88-20720 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-56-000]

Valero Interstate Transmission Co.; Proposed Changes in Rates

September 8, 1988.

Take notice that on August 31, 1988, Valero Interstate Transmission Company ("Vitco") tendered the following tariff sheets for filing containing changes to the ACA unit rate in each applicable rate schedule:

Original Volume No. 1
15th Revised Sheet No. 14
9th Revised Sheet No. 14.2
2nd Revised Sheet No. 21.12
1st Revised Sheet No. 29.9

Original Volume No. 2
14th Revised Sheet No. 6
2nd Revised Sheet No. 7
1st Revised Sheet No. 12.50

The proposed effective date for the above filings is October 1, 1988. Vitco requests a waiver of any Commission regulations or orders which would prohibit implementation by October 1, 1988.

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 Sept. 15, 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. 88-20722 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-50-000]

Valley Gas Transmission, Inc.; Change In Rates Pursuant to Purchased Gas Adjustment

September 8, 1988.

Take notice that on August 31, 1988, Valley Gas Transmission, Inc. ("Valley") tendered for filing and acceptance the following tariff sheets as part of its FERC Gas Tariff:

Thirty-Eighth Revised Sheet No. 2A to Original Volume No. 1

Eleventh Revised Sheet No. 10 to Original Volume No. 2

Valley states that these tariff sheets, which are proposed to become effective on November 1, 1988 are being filed pursuant to the purchased gas cost adjustment provisions of its tariff. Valley further states that these proposed changes reflect adjustments to its current surcharge adjustment and current gas cost adjustment, and that its filing has been served on all jurisdictional customers.

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 N. Capitol Street, NE., Washington, DC 20426 in accordance with §§ 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 September 28, 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. 88-20697 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-43-000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 8, 1988.

Take notice that Williams Natural Gas Company (WNG) on Aug. 31, 1988, tendered for filing Seventh Revised Sheet No. 6 and Sixth Revised Sheet No. 7 to its FERC Gas Tariff, Original Volune No. 1. WNG states that pursuant to Article 24 of the General Terms and Conditions of such Tariff, it proposes to decrease its rates effective October 1, 1988 to reflect a decrease in the FERC Annual Charge Adjustment from $.0021 to $.0018 for the fiscal year beginning October 1, 1988 per the Commission's Annual Charges Billing issued June 30, 1988.

WNG states that copies of its filing were 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 §§ 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 September 15, 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. 88-20715 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-700-000]

Windward Energy & Marketing Co. and ARCO Oil and Gas Co.; Petition for Declaratory Order

September 7, 1988.

Take notice that on August 19, 1988, Windward Energy & Marketing Company, 7633 E. 63rd Place, Redman Plaza, Suite 240, Tulsa, Oklahoma 74133, and ARCO Oil and Gas Company (Petitioners) 1601 Bryan Street, Dallas, Texas 75201, filed in Docket No. CP88-700-000 a petition under Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order to resolve uncertainties about an agreement among El Paso Natural Gas Company (El Paso), Tenneco Oil Company (Tenneco), and Conoco, Inc. (Conoco) in Docket No. CP74-314-014 *et al.*, 31 FERC ¶ 61,370 (1985).

Petitioners state that the Gas Plant Straddle and Processing Agreement (Agreement) in Docket No. CP74-314-014, *et al.* among El Paso, Tenneco and Conoco generally give Tenneco and Conoco the right to construct a new cryogenic processing plant in the San Juan Basin called the New Blanco Plant; and that the new plant would be the base load plant of El Paso's system supplies in the basin for the next 20 years. Specifically, Petitioners indicate, El Paso's obligations are stated in section 6.05 of the Agreement:

> Commencing on the Plant Completion Date and so long as available gas deliverability exists in the San Juan Basin as to wells the Gas from which is being sold to El Paso, El Paso shall nominate from the San Juan Basin to meet its total interstate market demand not less than the lesser of (a) the volume of Gas necessary to assure 500 MMcf per day throughput to the Plant; or (b) a volume of Gas equal to thirty three percent (33%) of its total interstate market demand.

Petitioners further state that El Paso is currently supplying the New Blanco Plant with both sales and transportation gas; and that El Paso has closed its existing Chaco Plant in the San Juan Basin in order to meet its baseload requirements for the New Blanco Plant.

Petitioners state that the question that they request the Commission to address in a Declaratory Order is whether El Paso is required under the Agreement to meet its baseload requirements for the New Blanco Plant with both sales and transportation gas. In particular the Petitioners seek the Commission's interpretation of the words, "total interstate market demand" as used in section 6.05 of the Agreement.

Petitioners state that El Paso's has interpreted the words "total interstate market demand" to include its transportation market; and that this interpretation, which petitioners state makes third-party transportation-gas subject to the Agreement, is inaccurate. Petitioners state that for several reasons it is clear that the parties to the Agreement intended that El Paso's sales-gas baseload the Blanco Plant.

Petitioners allege that El Paso's interpretation of the Agreement creates severe economic hardship for Petitioners, other shippers, and industrial customers in California, and California's residential consumers. Petitioners state that fewer liquids were extracted from the gas when processed in El Paso's Chaco Plant than are extracted from gas processed by the New Blanco Plant. Petitioners indicate that the New Blanco Plant converts approximately 25 percent of the natural gas by volume into liquids, and that Tenneco and Conoco have the right to retain 39 percent of the liquids from El Paso's gas processed through the New Blanco Plant.

Petitioners allege that when the value of liquids is less than the value of natural gas, it is not economically efficient to process the gas, unless it is necessary to avoid damage to a pipeline. However, it is stated, under El Paso's interpretation of the Agreement, the New Blanco facility is used irrespective of both the relative economics of liquids versus natural gas, and irrespective of whether there is any need to process the gas in the first place. Petitioners state that customers suffer because the value of their gas is diluted by the extraction of currently less valuable liquids. Also Petitioners state that by forcing shippers' gas through the New Blanco facility, a shippers' gas volumes are reduced substantially more than if they were processed in El Paso's Chaco Plant or if they were processed only if the gas

failed to meet pipeline quality specifications.

Consequently, Petitioners request the Commission to declare that the Agreement between El Paso, Conoco, and Tenneco, as approved by the Commission, does not apply to third party transportation shippers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1988, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211). 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-20786 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-76-000]

Wyoming Interstate Co., Ltd., Proposed Changes in FERC Gas Tariff

September 9, 1988.

TAKE NOTICE that Wyoming Interstate Company, Ltd. (WIC), on Augut 31, 1988, tendered for filing Seventh Revised Sheet No. 5 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet is being filed to comply with § 20.3 of WIC's Original Volume No. 1 Tariff, which states that any changes in the assessment charge will be filed 30 days prior to the proposed effective date which will be October 1 of each year.

WIC states Seventh Revised Sheet No. 5 to its FERC Gas Tariff, Original Volume No. 1 reflects a decrease of 0.03¢ per Mcf in the Currently Effective 0.21¢/Mcf ACA adjustment charge resulting in a new ACA rate of .18¢/Mcf based on WIC's 1988 ACA Billing.

WIC states that copies of this filing were served on all jurisdictional customers.

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 §§ 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 September 16, 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. 88-20836 Filed 9-12-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-34454]

Financial Assistance Program Eligible for Review and Subject to Demonstration Cities and Metropolitan Development Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability for review; applications for Nonpoint Source Implementation Financial Assistance.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of financial assistance authorized by sections 319, 205(j)(5), and 201(g)(1)(B) of the Clean Water Act (CWA) 33 U.S.C. 1251 *et seq. to implement* EPA-approved State Nonpoint Source (NPS) Management Programs required by section 319(h) of the CWA as amended by the Water Quality Act of 1987 (WQA), Pub. L. 100-4. The Catalog of Federal Domestic Assistance number and title are 66.460, Nonpoint Source Implementation.

This Notice is different from FR Doc. 87-25902 (52 FR 43108-43109) published November 9, 1987, which announced the availability of funds under CWA section 205(j)(5) *to develop* State NPS Management Programs (CFDA 66.459, Nonpoint Source Reservation).

Award of funds is subject to EPA approval of the applicant's Nonpoint Source Assessment Reports and Management Programs. Section 319(c)(2) of the CWA requires the States to prepare the NPS Assessment Reports and Management Programs no later than August 4, 1988.

Financial assistance is available during FY 1988 *to implement* Nonpoint Source Management Programs from funds reserved under section 205(j)(5) and, at the Governor's discretion, under section 201(g)(1)(B). Section 205(j)(5) and 201(g)(1)(B) funds are authorized through FY 1990. FY 1990 funds can also be awarded in FY 1991.

Section 201(g)(1)(B) authorizes financial assistance for any purpose for which awards may be made under section 319 which provides for grants for implementation of nonpoint source management programs and for protecting groundwater quality from nonpoint sources of pollution. Any amount up to 20% of the State's allotment under section 205, as determined by the Governor, may be used for these purposes. The State's intention to use 201(g)(1)(B) funds for 319(h) purposes *to implement* NPS Management Programs will be reflected in the State Management Program as required by section 319(b)(2)(E). The State's intention to use 201(g)(1)(B) funds for groundwater protection activities under 319(i) should be in accordance with 319(i) guidance when such guidance is available in final. The State must also indicate its intended use of 201(g)(1)(B) funds for 319 purposes in the State priority system in accordance with 40 CFR 35.2015.

Under CWA section 603(c)(2) the State may make *loans* or provide other assistance (but not grants) from its State Revolving Fund (SRF), when established, *to implement* an approved Nonpoint Source management program developed pursuant to section 319.

FOR FURTHER INFORMATION CONTACT: Jim Meek, Nonpoint Sources Branch (WH-585), ((202) 382-7100), U.S. EPA—Headquarters, 401 M Street SW., Washington, DC 20460.

For Regional Office Program and Pre-Application Assistance Contact:

Bart Hague, NPS Coordinator, U.S. EPA—Region I, JFK Federal Building, Room 813, Boston, MA 02203.

Rick Balla, NPS Coordinator, U.S. EPA—Region II, 26 Federal Plaza, New York, NY 10278.

Andrew Uricheck, NPS Coordinator, U.S. EPA—Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106.

Bo Crum, NPS Coordinator, U.S. EPA—Region IV, 345 Courtland Street, NE, Atlanta, GA 30365.

Tom Davenport, NPS Coordinator, U.S. EPA—Region V, 230 Dearborn Street, Chicago, IL 60604.

Russell Bowen, NPS Coordinator, U.S. EPA—Region VI, 1445 Ross Avenue, Dallas, TX 75202.

Bob Steiert, NPS Coordinator, U.S. EPA—Region VII, 726 Minnesota Avenue, Kansas City, KS 06101.

Roger Dean, NPS Coordinator, U.S. EPA—Region VIII, One Denver Place, 999 18th Street, Denver, CO 80202–2413.

Wendell Smith, NPS Coordinator, U.S. EPA—Region IX, 215 Fremont Street, San Francisco, CA 94105.

Elbert Moore, NPS Coordinator, U.S. EPA—Region X, 1200 6th Avenue, Seattle, WA 98101.

SUPPLEMENTARY INFORMATION: Section 319(h) authorizes grants "* * * for the purpose of assisting the State in *implementing* management programs", using funds reserved under section 205(j)(5) of the CWA, funds available under section 205(g)(1)(B), or funds appropriated under section 319. The 205(j)(5) reserve is an annual set-aside of 1% of each State's construction grant allotment or $100,000, whichever is greater. As described in the previous **Federal Register** notice (52 FR 43108, November 9, 1987) announcing the availability of 205(j)(5) funds, *those funds may be used to develop and update a State's Nonpoint Source Assessment Report and Management Program. Once the State Nonpoint Source Management program has been approved by EPA, Section 205(j)(5) funds may be used to implement the Program.* Since 205(j)(5) funds may be used for both development and implementation, EPA will continue to award 319(h) grants for development. EPA will fund 319(h) implementation projects using funds reserved under section 205(j)(5) and/or funds authoriuzed by section 201(g)(1)(B). *States must submit separate development and implementation applications.*

All funds used *to implement* nonpoint source management programs require a State matching contribution (40 percent). In addition, the other restrictions and requirements outlined in section 319(h) apply regardless of the source of funds used to support *implementation* activities. Eligible activities related to implementation include regulatory or nonregulatory programs for enforcement, technical assistance financial assistance, education, training, technology transfer, and demonstration projects. Such activities must be included in the States's Management Program to be considered eligible implementation activities.

Eligible applicants for 319(h) implementation funds include a single State NPS lead agency, Indian tribes that have qualified to be treated as States, or State approved qualified local agencies where a State has elected not to sumbit a Management Program. Each eligible applicant must submit an application consistent with the State Management Program (section 319(b)) to the appropriate EPA Regional Assistance Administration Unit each fiscal year. Further information regarding application procedures is available from EPA's Regional Assistance Administration Units. Detailed program guidance and requirements are available from the Regional NPS contacts listed above.

Applications for the Nonpoint Source Implementation program (CFDA No. 66.460) are eligible for intergovernmental review under Executive Order 12372 and subject to the review requirements of section 204 of the Demonstration Cities and Metropolitan Development Act. States must notify the following office in writing within 30 days of this publication whether their State's official E.O. 12372 process will review applications in this program: Grants Policy and Procedures Branch, Grants Administration Division (PM–216F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Attn. Corinne Allison.

Applicants must contact their State's Single Point of Contact (SPOC) for intergovernmental review as early as possible to find out if Nonpoint Source Implementation (CFDA 66–460) applications are subject to the State's official E.O. 12372 review process and what material must be submitted to the SPOC for review. In addition, applications including projects within a metropolitan area must be sent to the areawide/regional/local planning agency designated to perform metropolitan or regional planning for the area for their review.

SPOC's and other reviewers should send their comments concerning applications to the appropriate EPA Regional Offices no later than sixty days after receipt of an application/other required material for review.

Dated: September 7, 1988.

William A. Whittington,

Acting Assistant Administrator, Office of Water.

[FR Doc. 88–20782 Filed 9–12–88; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180787; FRL–3445–6]

Receipt of Application for Emergency Exemption To Use Hydrogen Cyanamide; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use the active ingredient hydrogen cyanamide (Dormex™) to promote uniform bud-break in 18,800 acres of table grapes grown in the Coachella Valley in Riverside County, California. Dormex contains an unregistered active ingredient and, therefore, in accordance with 40 CFR 166.24, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before September 28, 1988.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP–180787," should be submitted by mail to:

Public Docket and Freedom of Information Section, Field Operations Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall # 2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Room 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Jim Tompkins, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 716, Crystal Mall # 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

(7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of an unregistered plant regulator, hydrogen cyanamide (CAS 420–04–2), manufactured as Dormex™, by SKW Trostberg Aktiengesellschaft, to promote uniform bud-break in table grapes grown in the Coachella Valley in Riverside County, California. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

Approximately 18,800 acres of table grapes, *Vitis* spp., are grown in the Coachella Valley. The Applicant indicates that California growers of early market table grapes are facing economic losses due to increasing competition from foreign imports, particularly from Mexico. The Applicant states that table grapes grown in the Coachella Valley may not experience adequate winter chilling to promote uniform bud-break and fruit ripening in the spring. As a result, cane growth can be delayed and uneven, causing the harvest to be late and allowing foreign competition to dominate the market. Currently there are no registered materials to promote uniform bud-break in grapes.

Dormex will be applied by ground at a maximum rate of 4 gallons (16 pounds active ingredient) per acre. Application will be made once in dormancy after pruning sometime between December 1 and February 15, 1988 to approximately 18,800 acres of table grapes in Riverside County.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingrediant not contained in any currently registered pesticide). Such notice provides for the opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Food and Agriculture.

Dated: August 31, 1988.

Edwin F. Tinsworth,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88–20783 Filed 9–12–88; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3445–3]

Clayton Ballfield Site; Proposed Settlement of Claims

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Clayton Ballfield Site, Clayton, North Carolina. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Rosalind Brown, Life Scientist, Investigation And Cost Recovery Unit, Site Investigation and Support Branch, Waste Management Division, U.S. EPA, Region IV, 345 Courtland Street NE., Atlanta, GA 30365, 404–347–5059

Written comments may be submitted to the person above by October 13, 1988.

Date: August 26, 1988.

Lee A. DeHihns, III,

Acting Regional Administrator.

[FR Doc. 88–20784 Filed 9–12–88; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3444–9]

Rock Road Drum Dump Site; Proposed Settlement of Claims

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Rock Road Drum Dump Site, Greenville, South Carolina with Mr. J. Harvey Cleveland, Jr. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Kay L. Crane, Environmental Scientist, Investigation and Cost Recovery Unit, Site Investigation and Support Branch, Waste Management Division, 345 Courtland Street NE., Atlanta, GA 30365, 404–347–5059.

Written comments may be submitted to the person above by October 13, 1988.

Date: September 1, 1988.

Lee A. DeHihns III,

Acting Regional Administrator.

[FR Doc. 88–20785 Filed 9–12–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. CL–88–156]

Common Carrier Public Mobile Services Information; Dates and Filing Requirements Announced For Acceptance of Applications For Block 1 Cellular RSAs

August 31, 1988.

During the months of November and December 1988, applications for Block 1 cellular RSAs will be accepted for filing. Specific filing dates and markets appear on pages 5 and 6 of this notice.

All applications for these markets must be filed in Pittsburgh, Pennsylvania. Applications sent via U.S. Postal Service must be addressed as follows: Federal Communications Commission, Cellular Telephone—Market No. (ENTER MARKET NUMBER), P.O. Box 371995M, Pittsburgh, PA 15250–7995.

Applications shipped via common carrier or hand carried must be brought to the following address between the hours of 8:30 a.m. and 5:00 p.m.: Federal Communications Commission, Cellular Telephone Filing, Strip Commerce Center, 28th and Liberty Avenue, Pittsburgh, PA 15222.

Directions to the Strip Commerce Center filing location appear on page 4 of the notice.

Note: If the number of applications filed in the previous block of RSAs is excessive, these dates may be modified. If this is necessary a new public notice will be issued.

Format of Applications

Applications must consist of: (1) A completed transmittal sheet, a copy of which is attached hereto (see also page 4); (2) a $200 fee; and (3) a sealed 5" x 7.5" envelope containing two microfiche copies of the application.

The two microfiche copies of each application shall be prepared in accordance with § 22.913(c) of the Commission's rules.

- Each fiche must be labeled at the top with the Applicant's Name, Market Number, Market Name, and Frequency Block. For Example: Jones, Robert, Market #336. California 1—Del Norte, Frequency Block A.
- One microfiche jacket must be labeled "Original" and the other jacket must be labeled "Copy".
- The fiche must be black & white (the purple or blue fiche are unacceptable as they do not produce readable paper copies), and the "original" microfiche copy must be archival quality.
- The information required by § 22.913(b)(2) must be placed on the 5" x 7.5" microfiche envelope. The 5" x 7.5" microfiche envelope, therefore, must be clearly labeled with the Applicant's Name, Market Number, Market Name, and Frequency Block.
- The information on the microfiche envelop must match the information on the transmittal sheet.
- The completed transmittal sheet, the $200 fee and the microfiche envelope must be placed in a 9" x 12" envelope. The market number of the market being applied for must be placed in the lower left hand corner of all envelopes delivered to the Strip Commerce Center facility.

The certification required under § 22.913(b)(3) is included on the transmittal sheet and will no longer be the first page in the application itself. The applicant chosen in each market will be required to submit its original application and two copies thereof within seven (7) days of the public notice announcing the winning applicant in each market.

Receipt Copies

Applicants wishing stamped receipts must provide an additional copy of the transmittal sheet for each application submitted.

- Such applications that are mailed or shipped via common carrier must contain a self-addressed business-sized (approximately 4.5" x 9.5") stamped envelope along with the extra copy of the transmittal sheet. Both the extra copy and the envelope must be attached to the application inside the 9" x 12" outer envelope.
- Applications that are hand delivered must not include the receipt copy of the transmittal sheet inside the outer envelope. The receipt copy shall be presented to the acceptance clerk with the 9" x 12" envelope containing the application and will be stamped at that time.

Points To Remember

1. Each application, with associated material (transmittal sheet, check or money order, and 5" x 7.5" microfiche envelope) must be separately packaged in a 9" x 12" outer envelope.
2. A separate $200 fee must be submitted with each application.
3. A separate completed transmittal sheet is required with each application.
4. The lable on the microfiche envelope must agree with the information on the transmittal sheet and the information on the top of each fiche.
5. The transmittal sheet must be signed in ink (preferably not black ink).
6. No extraneous material (such as transmittal letters) should be submitted; it will only serve to impede the processing of the application.
7. The market name and market number must match.
8. A single check or money order in the amount of $200 (made payable to the Federal Communications Commission) must be inlcuded. Cash is strongly discourage. No postdated checks will be accepted.
9. For applications sent via the U.S. Postal Service, the market number of the market being applied for must appear at the end of the second line in the address.
10. For applications delivered by any means other than the U.S. Postal Service, the market number must appear in the lower left hand corner of the 9" x 12" outer envelope.
11. The 9" x 12" outer envelope may be placed inside a shipping envelope when applications are shipped by couriers which use special shipping envelopes.
12. DO NOT submit FAA Form 7640-1 to the Federal Aviation Administration at the time of filing this application. *See Public Notice* (Report No. CL-88-33, Mimeo No. 726, released November 27, 1987).
13. The application must include a firm financial commitment, as required by § 22.917 of the Commission's Rules.
14. The reduced map, which should show the complete RSA and all CGSAs therein, may be on a scale of 1:500,000. This map must be included in the microfiche copies of the application.

Directions To Strip Commerce Center

From Greater Pittsburgh International Airport and Interstate 79:

Proceed east to Parkway (Interstate 279) towards downtown Pittsburgh. Go through the Fort Pitt tunnels and across the Fort Pitt bridge to Liberty Avenue. Take Liberty Avenue to 28th Street (28 blocks). Turn right on 28th Street and follow FCC signs to parking lot. Enter building at designated area and follow signs.

From Pennsylvania Turnpike:

Take Exit 6 (Monroeville) to Parkway (Interstate 376). Go west on Parkway to the Grant Street Exit (Exit 3). Proceed on Grant Street to Liberty Avenue (Approximately 6-7 blocks). Bear right on to Liberty Avenue. Take Liberty Avenue to 28th Street. Turn right on 28th Street and follow FCC signs to parking lot. Enter building at designated area and follow signs.

Transmittal Sheet

Attached is a copy of the transmittal sheet which must be filed with each cellular application. You may make copies of the attached form for your use. In accordance with Report No. CL-88-119 (released June 2, 1988) copies of the transmittal sheet should be two-sided, containing all the information found on the original. Only a limited number of transmittal sheets will be available to the public through the forms room located at 1919 M Street NW. in room B-10.

Notice

A copy of this Public Notice (excluding the transmittal sheet) will be placed in the **Federal Register.**

Acceptance of Applications for Cellular RSAs in Block 1

November 2-4, 1988

Alabama

307. Alabama 1—Franklin
308. Alabama 2—Jackson
309. Alabama 3—Lamar
310. Alabama 4—Bibb
311. Alabama 5—Cleburne
312. Alabama 6—Washington
313. Alabama 7—Butler
314. Alabama 8—Lee

Florida

360. Florida 1—Collier
361. Florida 2—Glades
362. Florida 3—Hardee
363. Florida 4—Citrus
364. Florida 5—Putnam
365. Florida 6—Dixie
366. Florida 7—Hamilton
367. Florida 8—Jefferson
368. Florida 9—Calhoun
369. Florida 10—Walton
370. Florida 11—Monroe

American Samoa

733. American Samoa 1—Eastern District

Guam

732. Guam 1—Island of Guam

Northern Marianas

734. Northern Marianas 1—Northern Islands

November 8–10, 1988 [1]

North Carolina

565. North Carolina 1—Cherokee
566. North Carolina 2—Yancey
567. North Carolina 3—Ashe
568. North Carolina 4—Henderson
569. North Carolina 5—Anson
570. North Carolina 6—Chatham
571. North Carolina 7—Rockingham
572. North Carolina 8—Northampton
573. North Carolina 9—Camden
574. North Carolina 10—Harnett
575. North Carolina 11—Hoke
576. North Carolina 12—Sampson
577. North Carolina 13—Greene
578. North Carolina 14—Pitt
579. North Carolina 15—Cabarrus

Puerto Rico

723. Puerto Rico 1—Rincon
724. Puerto Rico 2—Adjuntas
725. Puerto Rico 3—Ciales
726. Puerto Rico 4—Aibonito
727. Puerto Rico 5—Ceiba
728. Puerto Rico 6—Vieques
729. Puerto Rico 7—Culebra

November 16–18, 1988

Georgia

371. Georgia 1—Whitfield
372. Georgia 2—Dawson
373. Georgia 3—Chattooga
374. Georgia 4—Jasper
375. Georgia 5—Haralson
376. Georgia 6—Spalding
377. Georgia 7—Hancock
378. Georgia 8—Warren
379. Georgia 9—Marion
380. Georgia 10—Bleckley
381. Georgia 11—Toombs
382. Georgia 12—Liberty
383. Georgia 13—Early
384. Georgia 14—Worth

South Carolina

625. South Carolina 1—Oconee
626. South Carolina 2—Laurens
627. South Carolina 3—Cherokee
628. South Carolina 4—Chesterfield
629. South Carolina 5—Georgetown
630. South Carolina 6—Clarendon
631. South Carolina 7—Calhoun
632. South Carolina 8—Hampton
633. South Carolina 9—Lancaster

November 30–December 2, 1988

Mississippi

493. Mississippi 1—Tunica
494. Mississippi 2—Benton
495. Mississippi 3—Bolivar
496. Mississippi 4—Yalobusha
497. Mississippi 5—Washington
498. Mississippi 6—Montgomery
499. Mississippi 7—Leake
500. Mississippi 8—Claiborne
501. Mississippi 9—Copiah
502. Mississippi 10—Smith
503. Mississippi 11—Lamar

Tennessee

643. Tennessee 1—Lake
644. Tennessee 2—Cannon
645. Tennessee 3—Macon
646. Tennessee 4—Hamblen
647. Tennessee 5—Fayette
648. Tennessee 6—Giles
649. Tennessee 7—Bledsoe
650. Tennessee 8—Johnson
651. Tennessee 9—Maury

Virgin Islands

730. Virgin Islands 1—St. Thomas Island
731. Virgin Islands 2—St. Croix Island

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–20810 Filed 9–12–88; 8:45 am]

BILLING CODE 6712-01-M

[1] The markets below will be filed on Tuesday–Thursday, because Friday is a Federal Holiday.

Applications for Consolidated Hearing; David L. Robinson et al.

1. The Comission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MN Docket No.
A. David L. Robinson; Calhoun, TN.	BPH–870430NJ	33–361
B. Carroll, Carroll & Rowland; Calhoun, TN.	BPH–870430NK	
C. Glory FM Limited Partnership; Calhoun, TN.	BPH–870430NL	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Air Hazard, A
2. Comparative, A,B,C
3. Ultimate, A,B,C

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in a Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington DC the complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–20748 Filed 9–12–88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20537, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010795–001.

Title: West Coast/Western Australia Disucssion and Cooperative Working Agreement.

Parties:

EAC Lines Transpacific Service, Ltd.
Nedlloyd Lijnen

Synopsis: The proposed modification would conform the agreement to the Commission's requirements concerning Docket 86–16, service contract provisions.

Agreement No.: 203–011211.

Title: Transpacific Discussion Agreement.

Parties:

American President Lines, Ltd.
Kawasaki Kisen Kaisha, Ltd.

Mitsui O.S.K. Lines, Ltd. Nippon Yusen Kaisha Sea-Land Service, Inc.

Synopsis: The proposed agreement would permit the parties to establish a discussion forum to discuss economic and competitive conditions and other matters of mutual concern in the eastbound Far East/North American liner trades.

Agreement No.: 232-011212.
Title: North Europe/North American Pacific Coast Space Charter and Sailing Agreement.
Parties:

Hapag-Lloyd Aktiengesellschaft
Compagnie Generale Maritime
Incotrans BV
P&O Containers (TFL) Limited
Nedlloyd Lijnen B.V.
Sea-Land Service, Inc.

Synopsis: The proposed agreement would authorize the parties to charter space from and to each other and to agree upon scheduling of their vessels in the trade between the Pacific Coasts of the United States and Canada, and Northern Europe. The parties have requested a shortened review period.

Agreement No.: 212-011213.
Title: Spain-Italy/Puerto Rico Island Pool Agreement.
Parties:

Compania Trasatlantic Espanola, S.A.
Nordana Lines AS
Sea-Land Service, Inc.

Synopsis: The proposed agreement would authorized the parties to pool revenues in the trade from Italian and Spanish ports, and from points in Continental Europe via such ports, to ports and points in Puerto Rico.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

Dated: September 8, 1988.

[FR Doc. 88-20845 Filed 9-12-88; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies, Robert F. Brozman et al.

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 no later than September 30, 1988.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Robert F. Brozman,* Shawnee Mission, Kansas; to acquire 50.625 percent of the voting shares of Olathe Financial Services Corporation, Olathe, Kansas, and thereby indirectly acquire Heritage Bank of Olathe, Olathe, Kansas.

2. *Jack L. Brozman,* Prairie Village, Kansas; to acquire 13.50 percent of the voting shares of Olathe Financial Services Corporation, Olathe, Kansas, and thereby indirectly acquire Heritage Bank of Olathe, Olathe, Kansas.

3. *David A. Nichols,* Lake Quivire, Kansas; to acquire 3.375 percent of the voting shares of Olathe Financial Services Corporation, Olathe, Kansas, and thereby indirectly acquire Heritage Bank of Olathe, Olathe, Kansas.

4. *Robert L. Levenson,* Albuquerque, New Mexico; to acquire an additional 9.19 percent of the voting shares of Las Vegas Bancorporation, Albuquerque, New Mexico, and thereby indirectly acquire The Bank of Las Vegas, Las Vegas, New Mexico.

5. *Don C. McNeill,* Thomas, Oklahoma; to acquire an additional 14.3 percent of the voting shares of City National Bancshares of Weatherford, Inc., Weatherford, Oklahoma, parent of City National Bank of Weatherford, Weatherford, Oklahoma.

6. *Don C. McNeill,* Thomas, Oklahoma; to acquire an additional 20.1 percent of the voting shares of Thomas Bancshares, Inc., Thomas, Oklahoma, parent of The Bank of the West, Thomas, Oklahoma.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Don S. Levin,* Los Angeles, California; to acquire an additional 10.2 percent of the voting shares of Professional Bancorp, Santa Monica, California, and thereby indirectly acquire First Professional Bank, N.A., Santa Monica, California.

Board of Governors of the Federal Reserve System, September 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-20649 Filed 9-12-88; 8:45 am]
BILLING CODE 6210-01-M

SunTrust Banks, 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 office 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 October 3, 1988.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *SunTrust Banks, Inc.,* Atlanta, Georgia; to acquire an additional 21.8 percent of the voting shares of BHC

Holding, Inc., Philadelphia, Pennsylvania (solely organized to act as a holding company for BHC Securities, Inc.), and thereby engage in wholesale, discount securities brokerage activities, pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–20650 Filed 9–12–88; 8:45 am]

BILLING CODE 6210–01–M

Warren Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 3, 1988.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Warren Bancorp, Inc.*, Peabody, Massachusetts; to acquire up to 24.9 percent of the voting shares of Beverly National Corporation, Beverly, Massachusetts, and thereby indirectly acquire The Beverly National Bank, Beverly, Massachusetts.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Ogle County Bancshares, Inc.*, Rochelle, Illinois; to acquire 12 percent of the voting shares of Leland National Bancorp, Inc., Leland, Illinois, and thereby indirectly acquire Leland National Bank, Leland, Illinois.

C. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Waterloo Bancshares, Inc.*, Waterloo, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Commercial State Bank of Waterloo, Waterloo, Illinois.

D. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Edgeley Bancorporation, Inc.*, Edgeley, North Dakota; to become a bank holding company by acquiring 99.20 percent of the voting shares of The Security National Bank of Edgeley, Edgeley, North Dakota.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Sierra Petroleum Company, Inc.*, Wichita, Kansas; to merge with Graham-Michaelis Financial Corporation, Wichita, Kansas, parent of Wichita State Bank, Wichita, Kansas; and NBW Financial Corporation, Wichita, Kansas, parent of National Bank of Wichita, Wichita, Kansas.

Board of Governors of the Federal Reserve System, September 7, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–20651 Filed 9–12–88; 8:45 am]

BILLING CODE 6210–01–M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer will hold its Fall meeting October 12–14, 1988, at the Westpark Hotel, 1900 N. Forth Myer Drive, Arlington, Virginia 22209. Reservations: (703) 527–4814.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Anyone who wishes to attend should notify the Conference Manager, David H. Brown, U.S. Government Printing Office, 20401. Telephone: (202) 275–2255.

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chair.

Dated: September 2, 1988.

Ralph E. Kennickell, Jr.,

Public Printer.

[FR Doc. 88–20776 Filed 9–12–88; 8:45 am]

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88F–0194]

Disogrin Industries, Inc.; Filing of Food Additive Petition; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the notice that announced that Disogrin Industries, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a polyurethane resin (53 FR 23797; June 24, 1988). The title for Richard J. Ronk, the authorized official who signed the document, was stamped incompletely as "Acting Director, Center for Safety and Applied Nutrition." This document corrects that inadvertent error to add the word "Food" before "Safety" in the title.

FOR FURTHER INFORMATION CONTACT: T. Rada Proehl, Regulations Editorial Staff (HFC–222), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 88–14268, appearing at page 23797 in the **Federal Register** of Friday, June 24, 1988, the following correction should be made: On page 23797, third column, at the end of the document, Richard J. Ronk's title is corrected to read "Acting Director, Center for Food Safety and Applied Nutrition".

Dated: September 1, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88–20795 Filed 9–12–88; 8:45 am]

BILLING CODE 4160–01–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting:

Nashville District Office, chaired by Howard E. Mayfield, District

Director. The topic to be discussed is general information on FDA.

DATE: Thursday, September 22, 1988, 1 p.m. to 2:30 p.m.

ADDRESS: Senior Neighbors, 10th and Newby Center, Chattanooga, TN 37405.

FOR FURTHER INFORMATION CONTACT: Sandra S. Baxter, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615–736–2088.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 7, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–20796 Filed 9–8–88; 2:31 pm]

BILLING CODE 4160–01–M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting:

Orlando District Office, chaired by Douglas D. Tolen, District Director. The topic to be discussed is the drug approval process.

DATE: Tuesday, September 20, 1988, 1 p.m. to 3 p.m.

ADDRESS: Food and Drug Administration, 7200 Lake Ellenor Dr., Suite 120, Orlando, FL 32809.

FOR FURTHER INFORMATION CONTACT: Lynne C. Isaacs, Consumer Affairs Officer, Food and Drug Administration, 7200 Lake Ellenor Dr., Suite 120, Orlando, FL 32809, 407–855–0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 7, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–20695 Filed 9–8–88; 11:22 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

[BPO–073–GNC]

Medicare; Criteria and Standards for Evaluating Intermediary and Carrier Performance During Fiscal Year 1989

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice with comment period.

SUMMARY: This notice describes the criteria and standards to be used for evaluating the performance of fiscal intermediaries and carriers in the administrtion of the Medicare program for the fiscal year beginning October 1, 1988. The results of these evaluations are considered whenever we enter into, renew, or terminate an intermediary or carrier agreement or take other contract actions; assign or reassign providers of services to an intermediary; or designate regional or national intermediaries. In addition, this notice describes the methodology for identifying contractors with performance over a period of time in the lowest 20th percentile that HCFA may replace using competitive bidding.

This notice is published in accordance with sections 1816(f) and 1842(b)(2) of the Social Security Act, which require us to publish for public comment in the **Federal Register** those criteria and standards against which we evaluate intermediaries and carriers.

EFFECTIVE DATES: The criteria and standards are effective October 1, 1988. We will consider revising the criteria and standards based on public comments. To assure consideration, comments must be sent to the appropriate address and received by October 13, 1988.

ADDRESS: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPO–073–GNC, P.O. Box 26676, Baltimore, Md. 21207.

In commenting, please refer to file code BPO–073–GNC. If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection as they are received, geneally beginning approximately three weeks after publication, in Room 309–G of the Department's office at 200 Independence Avenue, SW., Washington, DC 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, we will consider any comments received by October 13, 1988, and revise the criteria and standards as necessary.

FOR FURTHER INFORMATION CONTACT: John Barton, (301) 966–7403.

SUPPLEMENTARY INFORMATION:

A. Background

Under section 1816 of the Social Security Act, public or private organizations and agencies participate in the administration of Part A (Hospital Insurance) of the Medicare program under agreements with the Secretary of Health and Human Services. These agencies or organizations are known as fiscal intermediaries, and they perform bill processing and benefit payment functions for the Medicare program. Most providers of services (such as hospitals, skilled nursing facilities (SNFs), and home health agencies (HHAs)) submit bills to these intermediaries, which determine whether the services are covered under Medicare and determine correct payment amounts. The intermediaries then make payments to the providers on behalf of the beneficiaries.

Under section 1842 of the Act, we are authorized to enter into contracts with carriers to fulfill various functions in the administration of Part B (Supplementary Medical Insurance) of the Medicare program. Beneficiaries, physicians and suppliers of services submit claims to these carriers. The carriers determine whether the services are covered under Medicare and the reimbursable amount (usually on the basis of reasonable charges) for the services or supplies and then make payment to the appropriate party.

Under section 1816(f) of the Act, we are required to develop criteria, standards, and procedures to evaluate an intermediary's performance of its functions under its agreement with us. We evaluate intermediary performance through the Contractor Performance Evaluation Program (CPEP). Our regulations at 42 CFR 421.120 provide for publication of **Federal Register** notices to announce criteria and standards applicable during each fiscal year.

Under section 1842(b)(2) of the Act, we are required to develop criteria, standards, and procedures to evaluate a carrier's performance of its functions under its agreement with us. Since 1981, we have evaluated carrier performance under CPEP using criteria and standards similar to those used for intermediaries.

Under section 1842(a) of the Act, the Secretary is authorized to enter into contracts with carriers, including carriers with which agreements under section 1816 are in effect, to perform some or all of the Medicare Part B functions.

As a result of section 2326(c) of Pub L. 98–369, the Deficit Reduction Act of 1984 (DEFRA), we publish in the **Federal Register** the criteria and standards used to evaluate both intermediaries' and carriers' performance in order to allow the public an opportunity to comment before implementing them. This notice announces the FY 1989 criteria and standards to be used to measure the effectiveness and efficiency of both intermediaries and carriers.

In addition, section 2326(a) of DEFRA established the Secretary's statutory authority to replace up to two Part A and up to two Part B contractors which, over a period of time, have been in the lowest 20th percentile of Medicare contractors, as measured by performance criteria and standards. The contractor community has played a significant role in developing the DEFRA methodology. By publishing the methodology for applying the DEFRA requirements in the **Federal Register**, it is HCFA's intention to afford this formal comment opportunity each year in the notice which conveys the performance criteria and standards. The ongoing exchange of ideas and comments which occurs through interaction between HCFA and its contractors will also continue, as in the past.

Section 9332(a) of Pub. L. 99–509, the Omnibus Budget Reconciliation Act of 1986 (OBRA'86), and section 4085(i)(2)(B) of Pub. L. 100–203, the Omnibus Budget Reconciliation Act of 1987 (OBRA'87), require that HCFA develop a system to measure a carrier's performance in increasing the proportion of participating physicians or total payments for services furnished by participating physicians and to provide for the payment of a bonus to carriers for success. This system is the subject of another notice being prepared for publication in the **Federal Register**. Also, we will notify all carriers of the system as soon as possible.

B. Fiscal Year (FY) 1989 Criteria and Standards—General

In FY 1988 we redesigned CPEP to focus on more results and output oriented measures in an effort to create a more enhanced measurement total. For FY 1989, we have retained that redesign and have made changes only where necessary to improve the standards already existing, or to comply with recent legislative mandates.

In maintaining the basic design of CPEP, we have retained the same functional criteria for both intermediaries and carriers. For intermediaries, there are eleven separate functional criteria, and for carriers, there are ten. Within each functional criterion we have identified the performance standards which, when measured, will evidence how well each contractor is performing. Each of these standards will fall into one of the three basic key indicators or categories (cost, quality (accuracy), or timeliness) and each will be assigned points ranging from zero to 160.

The major changes between the 1989 CPEP and the program for 1988 are the changes which were required as a result of OBRA'87. Essentially, these changes are the modification of existing standards or the creation of new standards to measure contractor adherence to requirements that (1) no claims payment is made before the fifteenth day after date of receipt (incorporated into all claims processing timeliness standards); (2) appeals are processed within the mandated timeframes; (3) the rate of reversals on appeal for intermediaries is appropriate; and (4) the participating physician program is carried out effectively.

Action Based on Performance Evaluations

We may, as in previous years, initiate administrative actions as a result of the evaluation of intermediary and carrier performance based on these performance criteria and standards. Under sections 1816 and 1842 of the Social Security Act, we consider the results of the evaluation in our determinations on:

1. Entering into, renewing, or terminating agreements with contractors; and

2. Decisions concerning other contract actions for intermediaries and carriers (such as deletion of an automatic renewal clause). These are made on a case-by-case basis and depend primarily on the nature and degree of performance. More specifically, they depend on:

a. Relative overall performance compared to other contractors;

b. Number of standards in which superior, average, or deficient performance occurs;

c. Extent of each failure; and

d. Relative significance of the standards for which superior or deficient performance occurs within the overall CPEP.

In addition, we consider the results of our evaluation of the intrermediary in determinations we make concerning assignment or reassignment of providers and designation of regional or national intermediaries for classes of providers.

We make individual contract action decisions after considering these factors in terms of their relative significance and impact on the efficient administration of the Medicare program.

Replacement of Contractors Through Competitive Bidding. Section 2326(a) of Pub L. 98–369 (DEFRA) allows HCFA to use competitive bidding to replace a contractor whose performance over a period of time has been in the lowest 20th percentile as measured by performance criteria and standards. In FY 1985 and FY 1986, section 2326(a) authorized HCFA to enter into two intermediary agreements and two carrier contracts based on competitive bidding, without regard to provider nomination rights, in order to replace low ranking intermediaries and carriers. The authority to replace poor performers under provisions of section 2326(a) was extended through the end of FY 1989 by section 9321(b) of Pub L. 99–509. Section F of this notice outlines the methodology for complying with section 2326(a) of DEFRA for FY 1989.

C. Scoring System

For both intermediaries and carriers, the maximum score attainable is 1000 points. Each of the CPEP's functional criteria is assigned a given portion of the 1000 available points. One of the requirements for passing CPEP is that 70 percent of the available points *for each criterion* must be attained.

In addition, within a functional criterion is one or more standards categorized as either a cost, quality, or timeliness measure. Each of the standards is assigned a portion of the total points for that functional criterion. Each standard has a method of evaluation that is used to calculate a rating based on a contractor's performance in that standard. The second requirement for passing CPEP is that 70 percent of the total points assigned to the cost standards, quality/accuracy standards, and timeliness standards must also be attained.

A contractor's performance is evaluated against each applicable standard. In general, if a contractor exactly meets the requirements for a standard, it achieves 70 percent of the points allocated to that standard, to which we refer as the threshold score. Any rating below that threshold (i.e., less than 70 percent) constitutes a deficiency. The contractor may be required to develop and implement a corrective action plan when performance problems are identified.

The contractor will be monitored to assure eeffective and efficient compliance with the corrective action plan and improved performance where criteria are not met.

D. Criteria and Standards for Intermediaries

As stated previously, we will use 11 criteria to evaluate the overall performance of an intermediary in FY 1989. They are: (1) Unit Cost; (2) Process Claims; (3) Audit; (4) Medical Review; (5) Medicare Secondary Payer; (6) Financial Management; (7) Beneficiary and Provider Services; (8) Reporting; (9) Fraud and Abuse; (10) Reimbursement; and (11) Management of Change. The eleven criteria contain a total of 62 standards. There are two for unit cost, nine for processing claims, seven for audit, three for medical review, one for Medicare secondary payer, five for financial management, five for beneficiary and provider services, 16 for reporting, three for fraud and abuse, six for reimbursement, and five for management of change.

1. Unit Cost Criterion (Total Points=95).

An intermediary must process all bills at an acceptable unit cost.

- Process bills at an acceptable unit cost (Standard 1=75 points) (Cost).
- Process appeals at an acceptable unit cost (Standard 2=20 points) (Cost).

2. Process Claims Criterion (Total Points=135).

An intermediary must properly control and process bills from providers, and transmit accurate bill information to HCFA. The intermediary is required to meet the following standards:

- Pay clean non-Periodic Interim Payment (PIP) bills within mandated time frames (Standard 1=35 points) (Timeliness).
- Process all bills within 60 days (Standard 2=15 points) (Timeliness).
- Process all bills within 90 days (Standard 3=15 points) (Timeliness).
- Control payment of interest on clean bills (Standard 4=10 points) (Cost).
- Process adjustment records timely, and return the adjusted records to the PRO (Standard 5=5 points) (Timeliness).
- Assure that all Part A bills pass HCFA consistency edits (Standard 6=10 points) (Quality).
- Process Returns to Intermediaries (RTIs) in a timely manner (Standard 7=7 points) (Timeliness).
- Process Returns to Intermediaries (RTIs) accurately (Standard 8=3 points) (Quality).
- Process bills accurately (Standard 9=35 points) (Quality).

3. Audit Criterion (Total Points=100).

An intermediary must administer the program in a manner that achieves maximun savings and cost avoidance for the Medicare trust funds. We will use the standards below to evaluate the criterion for FY 1989. The intermediary is required to:

- Administer a cost-effective provider audit program (Standard 1=36 points) (Cost).
- Perform properly when reviewing, auditing, adjusting, settling, and completing cost reports/statements (Standard 2=34 points) (Quality).
- Settle hospital cost reports timely (Standard 3=9 points) (Timeliness).
- Settle cost reports with malpractice adjustments timely (Standard 4=9 points) (Timeliness).
- Issue Notices of Program Reimbursement (NPRs) on freestanding HHA cost reports timely (Standard 5=3 points) (Timeliness).
- Issue Notices of Program Reimbursement (NPRs) on freestanding SNF cost reports timely (Standard 6=3 points) (Timeliness).
- Complete speical situations audits timely (Standard 7=6 points) (Timeliness).

4. Medical Review Criterion (Total Points=125).

An intermediary must perform necessary Medical Review (MR) activities as required by HCFA instructions in a timely, accurate, and cost effective manner. We will use the following standards to evaluate this criterion in FY 1989. The intermediary is required to:

- Make accurate coverage determinations (Standard 1=75 points) (Quality).
- Administer a cost effective Medical Review (MR) program (Standard 2=25 points) (Cost).
- Apply appropriate HCFA MR instructions for HHA, SNF, Hospice, and CORF bills. (Standard 3=25 point) (Quality).

5. Medicare Secondary Payer Criterion (Total Points=80).

An intermediary must administer the program in a manner which achieves maximum savings and cost avoidance to the Medicare trust funds. We will use the standard below to evaluate an intermediary's administration of the Medicare Secondary Payer provisions. The intermediary is required to:

- Achieve Medicare Secondary Payer (MSP) savings goal (Standard 1=80 points) (Cost).

6. Financial Management Criterion (Total Points=65).

An intermediary must take measures to protect the Medicare program and the public interest. It must manage Federal funds for both benefit payments and cost of administration in accordance with its agreement with the Secretary, the Federal Acquisition Regulations (Title 48 Chapter 1), the HHS Acquisition Regulations (Title 48, Chapter 3), and HCFA instructions. We will use the standards below to evaluate the criterion in FY 1989. The intermediary is required to:

- Ensure that costs are allowable, allocations are consistent (provide reasonable assurance that comparable transactions are treated alike), and chargeable to a particular cost objective in accordance with the relative benefits received on other equitable relationships (Standard 1=10 points) (Quality).
- Control administrative funds drawn to the quarterly limit on the Notice of Budget Approval (NOBA) and in line with actual expenditures (Standard 2=20 points) (Quality).
- Control actual expenditures on lines 1–12 to the latest approved budget (Standard 3=20 points) (Cost).
- Manage the benefit and time accounts properly and in accordance with the Medicare bank agreement (Standard 4=5 points) (Quality).
- Ensure proper expenditure of Payment Safeguard Funds (Standard 5=10 points) (Cost).

7. Beneficary and Provider Services Criterion (Total Points=100).

An intermediary must ensure that, in Medicare matters, beneficiaries and providers are treated according to law, regulations, and general instructions covering such areas as responding to correspondence and processing reconsiderations timely and accurately. We will use the standards below to evaluate beneficiary and provider services for FY 1989. The intermediary is required to:

- Process reconsiderations accurately (Standard 1=40 points) (Quality)
- Process reconsiderations timely (Standard 2=20 points) (Timeliness).
- Process correspondence accurately (Standard 3=25 Points) (Qualty).
- Process correspondence timely (Standard 4=15 points) (Timeliness).
- Assure reversal rate on appeals is appropriate (Standard 5=0 points) (Quality).

8. Reporting Criterion (Total Points)=60).

An intermediary must manage Fedeal Funds for both benefit payments and cost, of administration in accordance with its agreement with HHS and HCFA. We will use the Standards below to evaluate an intermediary's reporting function in FY 1989. The intermediary is required to:

• Submit accurate Plan of Expenditure Reports (POEs) (Standard 1=3 points) (Quality).

• Submit timely Plan of Expenditure Reports (POEs) (Standard 2=3 points) (Timeliness). Submit accurate Interim Expenditure Reports (IERs) and Variance Analyses (Standard 3=6 points) (Quality).

• Submit timely Interim Expenditure Reports (IERs) and Variance Analyses (Standard 4=6 points) (Timeliness).

• Submit the Final Administrative Cost Proposal (FACP) accurately (Standard 5=2 points) (Quality).

• Submit the preliminary Final Administrative Cost Proposal (FACP) and the FACP timely (Standard 6=2 points) (Timeliness).

• Submit an accurate budget request (Standard 7=3 points) (Quality).

• Submit the budget request timely (Standard 8=3 points) (Timeliness).

• Submit the Contractor Audit and Settlement Report (CASR) timely (Standard 9=6 points) (Timeliness).

• Submit an accurate Provider Overpayment Report (POR) (Standard 10=5 point) (Quality).

• Submit the Provider Overpayment Report (POR) timely (Standard 11=5 points) (Timeliness).

• Submit Intermediary Workload Report (HCFA–1566) and Quarterly Supplement (HCFA–1566A) timely (Standard 12=7 points) (Timeliness).

• Submit accurate Reports of Benefit Savings (Standard 13=2 points) (Quality).

• Submit Reports of Benefit Savings timely (Standard 14=1 point) (Timeliness).

• Enter appeals data timely (Standard 15=4 points) (Timeliensss).

• Submit provider specific payment data timely (Standard 16=2 points) (Timeliness).

9. Fraud and Abuse Criterion (Total Points=70).

An intermediary must administer the program in a manner that achieves maximum savings and cost avoidance for the Medicare trust funds. We will use the three standards below to evaluate an intermediary's efforts to identify and develop fraud and abuse situations. The intermediary is required to:

• Detect fraud and abuse situations (Standard 1=35 points) (Quality).

• Develop potential fraud and abuse cases (Standard 2=25 points) (Quality).

• Ensure that no payments are made to excluded providers and physicians (Standard 3=10 points) (Quality)

10. Reimbursement Criterion (Total Points=75).

An intermediary must administer the program in a manner that achieves maximum savings and cost avoidance for the Medicare trust funds. We will use the standards below to assess the intermediary's reimbursement activity. The intermediary is required to:

• Estabish interim payments for hospitals to approximate reimbursable costs (Standards 1=25 points) (Quality)

• Establish interim payments for freestanding SNFs to approximate reimbursable costs (Standards 2=5 points) (Quality).

• Establish interim payments for freestanding HHAs to approximate reimbursble costs (Standard 3=15 points) (Quality).

• Collect provider overpayments timely (Standard 4=20 points) (Timeliness).

• Submit timely cost report data for the Hospital Cost Report Information System (HCRIS) (Standard 5=5 points) (Timeliness).

• Submit accurate cost report data for the Hospital Cost Report Information System (HCRIS) (Standard 6=5 points) (Quality).

11. Management of Change Criterion (Total Points=95).

An intermediary must take measures to protect the Medicare program and the public interest. It must effectively manage Federal funds for both benefit payments and cost of administration in accordance with HCFA instructions. We will evaluate an intermediary's management of change with the following FY 1989 standards:

• Implement Priority I critial tasks accurately (Standard 1=25 points) (Quality).

• Implement Priority I critical tasks timely (Standard 2=35 points) (Timeliness).

• Implement "other tasks" from the HCFA Contractor Task Management Plan accurately (Standard 3=10 points) (Quality).

• Implement "other tasks" from the HCFA Contractor Task Management Plan timely (Standard 4=10 points) (Timeliness).

• Comply with RO requests and instructions timely (Standard 5=15 points) (Timeliness).

E. Criteria and Standards for Carriers

We will use ten criteria to evaluate overall carrier performance during FY 1989. They are: (1) Unit Cost; (2) Process Claims; (3) Medical Review; (4) Medicare Secondary Payer; (5) Pricing and Coding; (6) Financial Management; (7) Beneficiary and Provider Services; (8) Reporting; (9) Fraud and Abuse; and (10) Management of Change. The ten criteria contain a total of 67 standards. There are three for unit cost, 11 for processing claims, four for medical review, one for Medicare secondary payer, six for pricing and coding, five for financial management, 12 for beneficiary and provider services, 15 for reporting, five for fraud and abuse, and five for management of change.

1. United Cost Criterion (Total Points=95).

A carrier must process all claims at an acceptable unit cost.

• Process claims at an acceptable unit cost (Standard 1=75 points) (Cost).

• Process appeals at an acceptable unit cost (Standard 2=10 points) (Cost).

• Process inquiries at an acceptable unit cost (Standard 3=10 points) (Cost).

2. Process Claims Criterion (Total Points=160). A carrier must process Part B Medicare claims to determine allowance or disallowance in accordance with general instructions. For FY 1989 we will use the following 11 standards to assess carriers'claims processing performance. The carrier is required to:

• Process clean participating physician claims within mandated timeframes (Standard 1=25 points) (Timeliness).

• Process other clean claims within mandated timeframes (Standard 2=25 points) (Timeliness).

• Process all claims within 60 days (Standard 3=15 points) (Timeliness).

• Process all claims within 90 days (Standard 4=10 points) (Timeliness).

• Control payment interest on clean claims (Standard 5=10 points) (Cost).

• Maintain satisfactory underpayment deductible error rate (Standard 6=25 points) (Quality).

• Maintain satisfactory overpayment deductible error rate (Standard 7=25 points) (Quality).

• Prepare payment record tapes accurately (Standard 8=10 points) (Quality).

• Submit payment record in accordance with HCFA requirements (Standard 9=5 points) (Timeliness).

• Generate Explanations of Medicare Benefits (EOMBs) properly (Standard 10=5 points) (Quality).

• Ensure regional office (RO) approval of special messages (Standard 11=5 points) (Quality).

3. Medical Review Criterion (Total Points=125). A carrier must perform necessary Medical Review (MR) activities in accordance with HCFA instructions accurately, timely, and in a cost-effective manner. The carrier is required to:

• Make accurate coverage decisions based on Carriers' Guidelines (Standard 1=50 points) (Quality).

• Administer a cost effective Medical Review (MR) program (Standard 2=25 points) (Cost).

• Conduct an effective postpayment program (Standard 3=20 points) (Quality).

• Apply appropriate HCFA Medical Review (MR) policies (Standard 4=30 points) (Quality).

4. Medicare Secondary Payer Criterion (Total Points=80).

A carrier must administer the Medicare program in a manner which achieves maximum savings and cost avoidance to the Medicare trust funds. We will use the standard below to evaluate a carrier's administration of the Medicare Secondary Payer provisions. The carrier is required to:

• Achieve Medicare Secondary Payer (MSP) savings goal (Standard 1=80 points) (Cost).

5. Pricing and Coding Criterion (Total Points=100).

A carrier must accurately determine the amount of program payments allowed for covered services. For FY 1989 we will use the following six standards to assess a carrier's pricing and coding performance. The carrier is required to:

• Install and implement appropriate pricing accurately for Medicare covered new and cross referenced HCFA's Common Procedure Coding System (HCPCS) codes (Standard 1=20 points) (Quality).

• Implement HCFA's Common Procedure Coding System (HCPCS) annual update timely (Standard 2=10 points) (Timeliness).

• Perform reasonable charge determinations accurately (Standard 3=25 points) (Quality).

• Update reasonable charges and install by due date (Standard 4=20 points) (Timeliness).

• Install correction of reasonable charge screens by Regional Office (RO) due date (Standard 5=15 points) (Timeliness).

• Comply with manual requirements on inherent reasonableness accurately (Standard 6=10 points) (Quality).

6. Financial Management Criterion (Total Points=65).

A carrier must take measures to protect the Medicare program and the public interest. It must manage Federal funds for both benefit payments and the cost of administration in accordance with its agreement with the Secretary, the Federal Acquisition Regulations (Title 48, Chapter 1), the HHS Acquisition Regulations (Title 48, Chapter 3), and HCFA instructions. We will use the standards below to evaluate the criterion in FY 1989. The carrier is required to:

• Ensure that costs are allowable, allocations are consistent (provide reasonable assurance that comparable transactions are treated alike) and chargeable to a particular cost objective in accordance with the relative benefits received or other equivalent relationship (Standard 1=10 points) (Quality).

• Control administrative funds drawn to the quarterly limit on the Notice of Budget Approval (NOBA) and in line with actual expenditures (Standard 2=20 points) (Quality).

• Control actual expenditures on lines 1–11 to the latest approved budget (Standard 3=20 points) (Cost).

• Manage the benefit and time accounts properly and in accordance with the Medicare bank agreement (Standard 4=5 points) (Quality).

• Ensure proper expenditure of Payment Safeguard Funds (Standard 5=10 points) (Cost).

7. Beneficiary and Provider Services Criterion (Total Points=150).

A carrier must ensure that, in Medicare matters, beneficiaries and providers are treated according to law, regulations, and general instructions covering areas such as responding to correspondence, issuing notices of determinations, and providing impartial reviews. The carrier is responsible for meeting the following standards:

• Maintain proper level of beneficiary telephone service (Standard 1=20 points) (Timeliness).

• Respond timely to beneficiary telephone inquiries (Standard 2=5 points) (Timeliness).

• Complete reviews accurately (Standard 3=30 points) (Quality).

• Furnish readable notice to beneficiary of review determinations (Standard 4=10 points) (Quality).

• Complete reviews timely (Standard 5=20 points) (Timeliness).

• Respond accurately to correspondence (Standard 6=25 points) (Quality).

• Furnish readable response to beneficiary correspondence (Standard 7=10 points) (Quality).

• Respond timely to all correspondence (Standard 8=10 points) (Timeliness).

• Send out participation letters and reasonable charge/Maximum Allowable Actual Charge (MAAC) disclosure information timely to physicians and suppliers. (Standard 9=5 points) (Timeliness).

• Prepare MEDPARD timely (Standard 10=5 points) (Timeliness).

Determine liability and properly dispose of beneficiary overpayment cases (Standard 11=5 points) (Quality).

• Complete carrier hearings timely (Standard 12=5 points) (Timeliness).

8. Reporting Criterion (Total Points=60).

A carrier must manage Federal funds for both benefit payments and cost of administration in accordance with its agreement with HHS and HCFA. We will use the 15 standards below to assess a carrier's reporting function in FY 1989. The carrier is required to:

• Submit accurate Plan of Expenditure Reports (POEs) (Standard 1=3 points) (Quality).

• Submit timely Plan of Expenditure Reports (POEs) (Standard 2=3 points) (Timeliness).

• Submit accurate Interim Expenditure Reports (IERs) and Variance Analyses (Standard 3=6 points) (Quality).

• Submit timely Interim Expenditure Reports (IERs) and Variance Analyses (Standard 4=6 points) (Timeliness).

• Submit the Final Administrative Cost Proposal (FACP) accurately (Standard 5=2 points) (Quality).

• Submit the preliminary Final Administrative Cost Proposal (FACP) and the FACP timely (Standard 6=2 points) (Timeliness).

• Submit an accurate budget request (Standard 7=3 points) (Quality).

• Submit the budget request timely (Standard 8=3 points) (Timeliness).

• Submit Carrier Performance Report (HCFA–1565) and Quarterly Supplement (HCFA–1565A) timely (Standard 9=7 points) (Timeliness).

• Submit accurate Quarterly Medical Review Reports (Standard 10=2 points) (Quality).

• Submit Quarterly Medical Review Reports timely (Standard 11=1 points). (Timeliness).

• Submit Quality Assurance Program (QAP) Reports timely (Standard 12=6 points) (Timeliness).

• Submit timely physician/supplier overpayment data (Standard 13=4 points) (Timeliness).

• Submit Part B Medicare (BMAD) files timely (Standard 14=8 points) (Timeliness).

• Submit Carrier Appeals Report (HCFA–2590) timely (Standard 15=4 points) (Timeliness).

9. Fraud and Abuse Criterion (Total Points=70).

A carrier must administer the program in a manner that achieves maximum savings and cost avoidance for the Medicare trust funds. We will use the following standards to evaluate a carrier's efforts to identify and develop fraud and abuse situations. The carrier is required to:

• Detect fraud and abuse situations (Standard 1=25 points) (Quality).

• Develop potential fraud and abuse cases (Standard 2=25 points) (Quality).

• Ensure that no payments are made to excluded physicians/suppliers (Standard 3=10 points) (Quality).

• Comply with physician/supplier monitoring requirements (Standard 4=5 points) (Quality).

• Monitor nonparticipating physician Maximum Allowable Actual Charge (MAAC) violations (Standard 5=5 points) (Quality).

10. Management of Change Criterion (Total Points=95).

A carrier must take measures to protect the Medicare program and the public interest. It must effectively manage Federal funds for both program payments and cost of administration in accordance with HCFA instructions. We will evaluate a carrier's management of change with the following FY 1989 standards:

• Implement Priority I critical tasks accurately (Standard 1=25 points) (Quality).

• Implement Priority I critical tasks timely (Standard 2=35 points) (Timeliness).

• Implement "other tasks" from the HCFA Contractor Task Management Plan accurately (Standard 3=10 points) (Quality).

• Implement "other tasks" from the HCFA Contractor Task Management Plan timely (Standard 4=10 points) (Timeliness).

• Comply with RO requests and instructions timely (Standard 5=15 points) (Timeliness).

F. Contractor Replacement Methodology

For fisal year 1989, the methodology for separately identifying Part A and Part B contractors for potential replacement under Section 2326 of Pub. L. 99-369 will be as follows:

• Performance, as measured by the Secretary's criteria and standards, will be considered for the 3 fiscal years 1987, 1988, and 1989.

• Each year's overall performance will be captured in the form of an unweighted, base efficiency rating—points earned as a percentage of points available, as determined by the performance criteria and standards.

• Each year's efficiency rating will be weighted to provide extra emphasis for the most recent performance. The weights, to be multiplied by each year's efficiency rating, are:

Year and Weight	
1989	3
1988	2
1987	1

• Each year's weighted efficiency rating will be summed and the contractors ranked (Part A and Part B separately) from highest points to lowest points.

• Careful study of the bottom 20th percentile of contractors will be undertaken to fully assess considerations such as performance that is improving/deteriorating, factors beyond the contractor's control, and other factors pertinent to a particular territory.

G. Regulatory Impact Analysis

1. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any major rule. A major rule is defined as a rulemaking document, including a notice such as this one, that would result in: (1) An annual economic impact of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographical regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We do not expect this notice to meet any of these criteria. Preliminary analyses reveal that the FY 1989 CPEP may reduce the Federal resources required to administer these criteria and standards as more efficient evaluation methodologies are being used. We expect little, if any, impact on contractor costs since the criteria and standards measure functional responsibilities that the contractor must be performing anyway as a Medicare contractor.

We also expect the effects on both competition and productivity to be favorable, not adverse, and the effects, if any, on employment, inveatment, and innovation to be negligible. For these reasons, we have determined that a regulatory impact analysis is not required.

2. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a notice such as this would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, intermediaries and carriers are not small entities, although we treat all providers and suppliers as small entities.

The direct effect of this notice is on our intermediaries and carriers. Since they are not small entities, even though we expect this notice to have an effect on contractor operations, an analysis of that impact is not required. However, it is clear that many standards, such as those governing bill processing, beneficiary services, and provider services, will have indirect effects on a substantial number of providers and suppliers. Therefore, in order to verify that a regulatory flexibility analysis is not required, we assessed whether the indirect impact on those small entities will be significant.

Generally, the operations to which the standards of the intermediary and carrier performance criteria refer are required by law, other regulations, contract, or other program instructions. These criteria provide an evaluation process and do not in themselves require the performance of the operations they evaluate. The most important indirect effect on providers and suppliers is to ensure that they are paid timely and accurately. We do not expect these criteria and standards to have any indirect adverse effects on them. Therefore, we have determined that the evaluation process in and of itself will not have a significant impact on providers and suppliers. For these reasons, we have determined, and the Secretary certifies, that this notice will not have a significant economic impact on a substantial number of small entities, and we have, therefore, not prepared a regulatory flexibility analysis.

Furthermore, we have not prepared a rural impact statement because this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

3. Paperwork Reduction Act

This notice contains no information collection requirements subject to EOMB approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Authority: Sec. 1102, 1816, 1842, and 1971 of the Social Security Act (42 U.S.C. 1302, 1395h, 1395u, and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance and Program No. 13.774, Medicare-Supplementary Medical Insurance.)

Dated: June 22, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 88-20856 Filed 9-12-88; 8:45 am]

BILLING CODE 4120-01-M

Health Resources and Services Administration

Program Announcement and Proposed Funding Priorities for Grants for Faculty Development in Family Medicine

The Health Resources and Services Administration announces that applications for Fiscal Year 1989 Grants for Faculty Development in Family Medicine are being accepted under the authority of section 786(a), Title VII, of the Public Health Service Act, as amended by Pub. L. 99–129 and invites comments on the proposed funding priorities stated below.

Section 786(a) of the Public Health Service Act authorizes the award of grants to public or nonprofit private hospitals, schools of medicine or osteopathy, or other public or private nonprofit entities to assist in meeting the cost of planning, developing and operating programs for the training of physicians who plan to teach in family medicine training programs. In addition, section 786(a) authorizes assistance in meeting the cost of supporting physicians who are trainees in such programs and who plan to teach in a family medicine training program.

Legislative authorization for this program expires September 30, 1988. For FY 1989 the Administration is proposing to consolidate the various health professions categorical programs into a single, flexible grant authority. This announcement is being made in the event that the Faculty Development in Family Medicine Program is reauthorized and funds are made available in FY 1989. Publication of this notice is a contingency measure that will assure that grants can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year.

In addition, programmatic changes may result from currently pending legislative action. Should such changes be necessary, all applicants will be notified at a later date.

To receive support, programs must meet the requirements of regulations as set forth in 42 CFR Part 57, Subpart Q.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The degree to which the proposed project provides for the project requirements;

(2) The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner; and

(3) The potential of the project to continue on a self-sustaining basis.

Proposed Funding Priorities

In determining the order of funding of approved applications it is proposed to give a funding priority to the following:

(1) Projects which satisfactorily demonstrate a net increase in enrollment of underrepresented minorities in proportion or more to their numbers in the general population or can document extent to which applicant attracts, retains and assures program completion of underrepresented minorities (i.e. Black, Hispanic and American Indian/Alaskan Native Minority trainees). These population groups continue to be underrepresented in the medical profession and have insufficient access to primary medical care. Studies show that minority physicians provide a greater proportion of health care for medically underserved populations than other United States physicians. Therefore, increased representation will help promote equal access to health care. Accordingly, this funding priority is designed to promote faculty development initiatives that will encourage and support increased numbers of primary care underrepresented minority physicians.

(2) Applications proprosing to develop, expand or implement curricula concerning ambulatory and inpatient case management of those with HIV infection related diseases. Health professionals are increasingly required to provide a wide range of services to HIV-infected persons. However, widespread organized curricula offerings for these trainees are not in place. The proposed priority is designed to encourage new offerings.

(3) Applications which are innovative in their educational approaches to quality assurance/risk management activities, monitoring and evaluation of health care services and utilization of peer-developed guidelines and standards. Assuring quality in the health care system is increasingly becoming the responsibility of health care providers. The proposed funding priority is designed to encourage increased emphasis on the principles and methods of health care quality assurance risk management in the continuum of the health professions educational process.

(4) Applications designed to develop faculty competence for teaching geriatrics content and/or develop educational materials for teaching geriatric content to medical students, residents and practitioners. The population 65 years of age and over will increase about 2 percent a year between now and 2020 (compared to an increase of less than 1 percent for younger persons). The oldest old (85-plus) segment of the population will experience the most rapid growth before 2000. The youngest old (65-74) segment will increase fastest between 2000 and 2020. The older population will require expansion of a wide range of health services, including preventive, primary, long-term, hospice, and rehabilitation care. However, health providers lack adequate training needed to care for this aging population. The proposed funding priority is designed to provide increased emphasis on geriatrics training for all health professions trainees in the continuum of their training.

Interested persons are invited to comment on the proposed funding priorities. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the Fiscal Year 1989 award cycle, this comment period has been reduced to 30 days. All comments received on or before October 13, 1988, will be considered before the final funding priorities are established. No funds will be allocated or final selections made until a final notice is published stating whether the final funding priorities will be applied.

Written comments should be addressed to: Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

The deadline date for receipt of applications is November 21, 1988. Applications shall be considered as meeting the deadline if they are either:

(1) *Received* on or before the deadline date, or

(2) *Postmarked* on or before the deadline and received in time for submission to the independent

review group. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications received after the deadline date will be returned to the applicant.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D–15), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C–22, Rockville, Maryland 20857, Telephone (301) 443–6960.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

Should additional programmatic information be required please contact: Primary Care Medical Education, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C–16, Rockville, Maryland 20857, Telephone (301) 443–3614.

This program is listed at 13.895 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR Part 100).

Dated: July 26, 1988.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 88–20691 Filed 9–12–88; 8:45 am]

BILLING CODE 4160–15–M

Program Announcement and Proposed Funding Priorities for Grants for Residency Training in General Internal Medicine and General Pediatrics

The Health Resources and Services Administration announces that applications for Fiscal Year 1989 Grants for Residency Training in General Internal Medicine and/or General Pediatrics are being accepted under the authority of section 784, Title VII, of the Public Health Service Act, as amended by Pub. L. 99–129 and invites comments on the proposed funding priorities stated below.

Section 784 authorizes the award of grants for planning, developing and operating approved residency training programs which emphasize the training of residents for the practice of general internal medicine or general pediatrics. In addition, section 784 authorizes assistance in meeting the cost of supporting residents who are participants in any such program, and who plan to specialize or work in the practice of general internal medicine or general pediatrics.

Legislative authorization for this program expires September 30, 1988. For FY 1989 the Administration is proposing to consolidate the various health professions categorical programs into a single, flexible grant authority. This announcement is being made in the event that the Residency Training in General Internal Medicine and General Pediatrics Program is reauthorized and funds are made available in FY 1989. Publication of this notice is a contingency measure that will assure that grants can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year.

In addition, programmatic changes may result from currently pending legislative action. Should such changes be necessary, all applicants will be notified at a later date.

Eligible applicants are accredited schools of medicine and osteopathy, public and private nonprofit hospitals, or other public or private nonprofit entities.

To receive support, programs must meet the requirements of final regulations as specified in 42 CFR Part 74, Subpart FF.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The degree to which the proposed project adequately provides for the project requirements set forth in the regulations;

(2) The administrative and management capability of the applicant to carry out the proposed project in a cost-effective manner;

(3) The qualifications of the proposed staff and faculty; and

(4) The potential of the project to continue on a self-sustaining basis.

Proposed Funding Priorities

In determining the order of funding of approved applicants it is proposed to give a funding priority to the following:

(1) Projects which satisfactorily demonstrate a net increase in enrollment of underrepresented minorities in proportion or more to their numbers in the general population or can document extent of demonstrated net increase of underrepresented minorities (i.e., Black, Hispanic and American Indian/Alaskan Native) over average enrollment of the past three years in postgraduate year (PGY) trainees. These population groups continue to be underrepresented in the medical profession and have insufficient access to primary medical care. Studies show that minority physicians provide a greater proportion of health care for medically underserved populations than other United States physicians. Therefore, increased representation should help promote greater access to health care for these populations. Accordingly, this funding priority is designed to increase the number of primary care underrepresented minority physicians.

(2) Projects in which substantial training experience is in a PHS 332 health manpower shortage area and/or PHS 329 migrant health center, PHS 330 community health center, PHS 781 funded Area Health Education Center, or State designated clinic/center serving an underserved population. Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers. There are estimated 1,931 health manpower shortage areas with an estimated underserved population of 12,847,023. An estimated 4,139 primary medical practitioners are needed to remove these areas from the shortage designation. These designations include geographic areas, population groups and facilities. The proposed funding priority is designed to provide trainees with substantial training in health manpower shortage areas, community health centers, migrant health centers, and State facilities serving underserved populations. An applicant applying for this priority through a State or local designation must have written documentation from the appropriate State or local authority responsible for designating health personnel shortages for geographic areas, population groups and/or facilities. This documentation must indicate that the designated geographic areas, population groups, and/or facilities are part of a State or local plan to increase service access to underserved populations. These experiences are expected to have a positive influence on the selection

of practice locations of such trainees. The application of this funding priority is also to provide a more integrated Federal strategy to the implementation of health professions assistance and primary health service programs.

(3) Applications proposing to develop, expand or implement curricula concerning ambulatory and inpatient case management of those with HIV infection-related diseases. Health professionals are increasingly required to provide a wide range of services to HIV-infected persons. However, widespread organized formal curricula offerings for these trainees are not in place. The proposed priority is designed to encourage new offerings.

(4) Applications which are innovative in their educational approaches to quality assurance/risk management activities, monitoring and evaluation of health care services and utilization of peer-developed guidelines and standards. Assuring quality in the health care system is increasingly becoming the responsibility of health care providers. The proposed funding priority is designed to encourage increased emphasis on the principles and methods of health care quality assurance and risk management in the continuum of the health professions educational process.

Interested persons are invited to comment on the proposed funding priorities. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the Fiscal Year 1989 award cycle, this comment period has been reduced to 30 days. All comments received on or before October 13, 1988, will be considered before the final funding priorities are established. No funds will be allocated or final selections made until a final notice is published stating whether the final funding priorities will be applied.

Written comments should be addressed to: Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

Requests for grant application materials and questions regarding grants policy should be directed to: Grants Management Officer (D–28), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C–22, Rockville, Maryland 20857, Telephone (301) 443–6960.

Should additional programmatic information be required, please contact: Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C–04, Rockville, Maryland 20857, Telephone: (301) 443–6820.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The deadline date for receipt of applications is November 18, 1988.

Applications shall be considered as meeting the deadline if they are either:

1. *Received* on or before the deadline date, or
2. *Postmarked* on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications received after the deadline date will be returned to the applicant.

This program is listed at 13.884 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, (as implemented through 45 CFR Part 100).

Dated: July 29, 1988.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 88–20690 Filed 9–12–88; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Heart, Lung and Blood Institute, Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, National Heart, Lung and Blood Institute, October 26–27, 1988, Federal Building, Conference Room B119, 7550 Wisconsin Avenue, Bethesda, Maryland 20892.

The entire meeting will be open to the public from approximately 11:00 a.m. to 5:00 p.m. on Wednesday, October 26, and from 8:30 a.m. to adjournment on Thursday, October 27, to evaluate program support in arteriosclerosis, hypertension and lipid metabolism. Attendance by the public will be limited on a space available basis.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension and Lipid Metabolism Program, NHLBI, Room 4C12, Federal Building, National Institutes of Health, Bethesda, MD 20892, (301) 496–1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: September 7, 1988.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 88–20859 Filed 9–12–88; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Trinity River Fish and Wildlife Management Program, Trinity and Humboldt Counties, CA

AGENCY: Bureau of Reclamation (USBR) Department of the Interior.

ACTION: Meeting of the Trinity River Task Force.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463) and the Trinity River Basin, California Fish and Wildlife Act (Pub. L. 98–541) the USBR intends to hold a meeting of the Trinity River Fish and Wildlife Program Task Force. Topics of discussion will include a progress report of program accomplishment and future activities planned for the next three years.

DATE: The meeting will be held on September 19, 1988, at 1:00 p.m. in Weaverville, California.

ADDRESS: Superintendent of Schools Conference Room, Highway 299, Weaverville, California, North End of Town Next to Sheriff's Office.

FOR FURTHER INFORMATION CONTACT: Mr. David Gore, Planning Team Leader, Mid-Pacific Region (MP–720), 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–4966; or Mr. Ed Solbos, Project Manager, Mid-Pacific Region (TRB–100), P.O. Box 1450, Weaverville, California 96093, telephone (916) 623–2508.

SUPPLEMENTARY INFORMATION: The Trinity River Basin Fish and Wildlife Management Program is a 10-year program designed to restore the fishery and wildlife resources of the Trinity Basin. Subsequent to completion of the USBR Trinity River Division, Central Valley Project significant declines in the anadromous fishery of the Trinity River Basin occurred. This decline resulted primarily from the reduction in river flows resulting from construction of Trinity and Lewiston Dams as well as extensive watershed degradation resulting from past land use activities. From 1974 through 1980 extensive evaluations were made to define and develop solutions to the fish and wildlife problems in the basin. In 1984, Pub. L. 98–541 was passed, authorizing the implementation of the Trinity River Basin Fish and Wildlife Management Program. As directed by the Act, a 14 member Task Force composed of Federal, State, and County agencies was chartered under the Federal Advisory Committee Act to implement the program. The USBR was designated as the lead agency to implement the program. Activities planned for the next three years include construction of the Buckhorn Mountain Debris Dam, completion of the modernization of the Trinity River Fish Hatchery, watershed rehabilitation activities, sand dredging activities, tributary rehabilitation, and fish spawning and rearing habitat improvement projects.

Date: September 6, 1988.

C. Dale Duvall,

Commissioner.

[FR Doc. 88–20598 Filed 9–12–88; 8:45 am]

BILLING CODE 4310–09–M

Minerals Management Service

Cancellation of the Outer Continental Shelf Advisory Board Policy Committee; Meeting

This notice is issued to cancel the Outer Continental Shelf Advisory Board Policy Committee meeting scheduled for September 28–29, 1988, at the Princess Hotel in San Diego, California. The meeting had previously been announced in the **Federal Register** on August 24, 1988.

For more information, contact the Executive Secretary, Carolita Kallaur, at 202–243–3504.

Dated: September 9, 1988.

Bruce Weetman,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 88–20918 Filed 9–12–88; 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 September 3, 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 28, 1988.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Yuma County

Century Heights Conservancy Residential Historic District, Roughly bounded by 4th Ave., 8th St., 1st and Orange Aves., Yuma, 88001834

FLORIDA

Marion County

Townsend, James W., House, Main and Spring Sts., Orange Springs, 88001849

GEORGIA

Chattooga County

Penn Place, Penn Bridge Rd., Trion vicinity, 88001828

Whitfield County

Dalton Commercial Historic District, Roughly bounded by Hamilton, Pentz, Waugh and Morris Sts., Dalton, 88001831

MAINE

Cumberland County

Vallee Family House, 36 Monroe Ave., Westbrook, 88001840

Kennebec County

Cony High School, Cony Circle at Cony and Stone Sts., Augusta, 88001841

Knox County

High Street Historic District, Roughly High St. between Main St. and Sherman Point Rd., Camden, 88001843

Whitehead Lifesaving station, S side of Whitehead Island, Sprucehead vicinity, 88001839

Penobscot County

Bodwell Water Power Company Plant, E side of Penobscot River at Bridge St., Milford, 88001842

Whitney Park Historic District, Roughly bounded by 8th, Union, Pond and Hayford Sts., Bangor, 88001844

MICHIGAN

Calhoun County

Masonic Temple Building, 115 E. Green St., Marshall, 88001836

Marquette County

Big Bay Point Light Station, 3 Lighthouse Rd., Big Bay vicinity, 88001837

Washtenaw County

Fountain-Bessac House, 102 W. Main St., Manchester, 88001833

Wexford County

Elks Temple Building, 122 S. Mitchell St., Cadillac, 88001835

NEW YORK

Westchester County

Downtown Ossining Historic District, Roughly along US 9, Main St., and Croton Ave., Ossining, 88001827

PENNSYLVANIA

Philadelphia County

Haddington Historic District, 6000 blks. of Market, Ludlow and Chestnut, Philadelphia, 88001832

PUERTO RICO

Dorado Municipality

Antonia, Dona Antonia, Residencia, SR 693, Dorado vicinity, 88001847

Martinez, Jacinto Lopez, Grammar School, Calle Norte and Calle San Quintin, Dorado, 88001846

Uassallo, de Carlos, Hacienda, SR 693, Dorado vicinity, 88001848

SOUTH CAROLINA

Spartanburg County

Golightly-Dean House, SC 56, Spartanburg vicinity, 88001845

TEXAS

Harris County

Forum of Civics, 2503 Westheimer Rd., Houston, 88001830

Nueces County

Broadway Bluff Improvement, Roughly bounded by Upper and Lower Broadway, I–37, Mann and Mesquite Sts., Corpus Christi, 88001829

VERMONT

Chittenden County

Main Street-College Street Historic District, Roughly bounded by College, S. Williams and Main Sts., and S. Winooski Ave., Burlington, 88001850

Windham County

Saxtons River Village Historic District, Roughly bounded by Burk Hill and Belleview Rds., Oak St., Saxtons River, and Westminster West Rd., Saxtons River, 88001851

WISCONSIN

Fond Du Lac County

St. Matthias Mission, 1081 County Trunk S, New Fane vicinity, 88001838

[FR Doc. 88-20797 Filed 9-12-88; 8:45 am]

BILLING CODE 4310-70-M

Potential 1989 U.S. World Heritage Nomination

AGENCY: National Park Service, U.S. Department of the Interior.

ACTION: Notice and request for public comment.

SUMMARY: On March 7, 1988, the Department of the Interior, through the National Park Service, set forth in a public notice the process and schedule that will be used in calendar year 1988 to identify and prepare U.S. nominations to the World Heritage List (53 FR 7249). In addition, the March 7 notice identified the criteria and requirements that U.S. properties must satisfy before nomination for World Heritage status, and solicited public comments and suggestions regarding cultural and natural properties that should be considered as potential U.S. nominations this year. This notice announces and invites comment on the potential 1989 U.S. World Heritage Nomination as described below.

DATES: Written comments or recommendations regarding the property listed herein as a potential 1989 U.S. World Heritage Nomination must be received on or before October 13, 1988, to ensure full consideration. A decision on proposed 1989 nominations will be made based on public comment, and will be published in the **Federal Register.** A draft nomination document will be prepared for any property selected as a proposed nomination. In November 1988, the Federal Interagency Panel for World Heritage will review the accuracy, completeness, and suitability of the draft 1989 nominations' documentation and will make recommendations to the Assistant Secretary of the Interior for Fish and Wildlife and Parks. The Assistant Secretary will subsequently transmit any approved nomination on behalf of the United States to the World Heritage Committee Secretariat, through the Department of State, by December 15 for evaluation by the World Heritage Committee in a process that could lead to inscription on the World Heritage List by fall 1989. Notice of transmittal of U.S. nominations will be published in the **Federal Register.**

Decisions with regard to possible additions to the U.S. Indicative Inventory will be based upon comments received and upon further study and will be announced in the final **Federal Register** notice, as outlined above, of this year's procedure.

ADDRESS: Written comments or recommendations should be sent to the Director, National Park Service, U.S. Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127. Attention: World Heritage Convention-023.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Milne, Chief, Office of International Affairs, National Park Service, U.S. Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127, Telephone: (202) 343-7063.

SUPPLEMENTARY INFORMATION: The Convention Concerning Protection of the World Cultural and Natural Heritage, now ratified by the United States and 99 other countries, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 288 cultural and natural properties. The World Heritage Committee judges all nominations against established criteria.

Under the Convention, each participating Nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, and rehabilitation of World Heritage properties situated within its borders.

In the United States, the Department of the Interior is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments to 1980 (Pub. L. 96-515; 16 U.S.C. 470a-1, a-2). On May 27, 1982, the Interior Department published in the **Federal Register** the policies and procedures which it uses to carry out this legislative mandate (47 FR 23392). The rules contain additional information on the Convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status, i.e., the property must have previously been determined to be of national significance, its owner must concur in writing to its nomination, and its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.

The Federal Interagency Panel for World Heritage assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary for Fish and Wildlife and Parks, and includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; National Oceanic and Atmospheric Administration, Department of commerce; Forest Service; Department of Agriculture; the U.S. Information Agency; and the Department of State.

Potential 1989 U.S. World Heritage Nomination

The Department of the Interior, through the National Park Service, has identified the following property as a potential 1989 U.S. nomination to the World Heritage List. A brief description is provided for this potential nomination, along with the World Heritage criteria that it appears to satisfy. A decision on proposed 1989 U.S. nominations to the World Heritage List will be made based on the potential nomination listed herein. Identification of a property as a potential 1989 nomination does not confer World Heritage status on it. A draft nomination document will be prepared for any property that is ultimately selected as a proposed 1989 nomination. The Department encourages all interested parties to comment and make recommendations on the potential nomination, as these comments and additional evaluation will serve as the basis for identifying proposed 1989 nominations.

The following has been identified as a potential 1989 U.S. World Heritage nomination:

I. Cultural Property

Architecture: Wright School

Taliesin, Wisconsin (43 10 'N.90 10 'W.) The great center of Wright's activity, this combination of home, workship, laboratory, and retreat consists of several groupings of structures designed individually to suit their differenct uses. This architectural ensemble, especially valuable to the study of Wrights' work, is the summer home and studio of Taliesin. Fellowship, the architectural school founded by him.

Criteria: (i) Represents a unique artistic achievement a masterpice of the creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, or developments in architecture.

Possible Additions to U.S. Indicative Inventory

Of the sites suggested for consideration this year not presently included on the U.S. Indicative Inventory, the Federal Interagency Panel regarded Taliesin. West as a priority for further consideration. It was felt that its addition to the Inventorty would provide excellent opportunities for subsequent consideration of a theme nomination of the works of Frank Lloyd Wright. The significance of such an integrated nomination would be enhanced from an international heritage perspective.

On the Panel's recommendation, therefore, the Department announces this proposed action and invites comment and suggestions. The proposed addition to the Indicative Inventory would include the following section.

I. Cultural Properties

Architecture; Wright School

Taliesin West, Arizona (33 50 'N.11 90 'W). This desert complex, the winter quarters of the Taliesin Fellowship, operated as the complement to Taliesin, Wisconsin, during the last 20-odd years of Wright's life. Together with Taliesin, Wisconsin, this property expresses Wright's educational theories and vision of society, as well as his mature architectural concepts. *Criteria:* (i) Represents a unique artistic archievement, a masterpiece of the creative genius; and (ii) has exerted great influence over a span of time and within a cultural area of the World, on developments in architecture.

Dated: September 2, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-20857 Filed 9-12-88; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31280]

Norfolk and Western Railway Co.; Control Exemption; Des Moines Union Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343, the acquisition by Norfolk and Western Railway Company of control of Des Moines Union Railway Company, subject to standard labor protective conditions.

DATES: The exemption will be effective on September 16, 1988. Petitions for reconsideration must be filed by October 3, 1988.

ADDRESSES: Send pleadings referring to Finance Docket No. 31280 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Robert J. Cooney, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510-2191.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245, [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. The purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4359, (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: September 6, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 88-20778 Filed 9-12-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1; Sub-No. 210X]

Chicago and North Western Transportation Co.; Abandonment Exemption in Humboldt, Pocahontas, and Wright Counties, IA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption and interim trail use.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903 *et seq.*, the abandonment by Chicago and North Western Transportation Company of 33.53 miles of rail line in Humboldt, Pocahontas, and Wright Counties, IA. The exemptions is subject to standard labor protective conditions, a salvage condition, and a public use condition. In addition, a Notice of Interim Trail Use of Abandonment has been granted.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on October 13, 1988. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by September 23, 1988, petitions to stay must be filed by September 28, 1988, and petitions for reconsideration must be filed by October 10, 1988.

ADDRESSES: Send pleadings referring to Docket No. AB-1 (Sub-No. 210X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423,

and,

(2) Petitioner's representatives: James P. Daley, Robert T. Opal, and Stuart F. Glassner, Chicago and North Western Transportation Company, One North Western Center, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area) (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

[1] *See Exempt. of Rail Abandonment—Offers of Fin. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the **Federal Register**, on December 22, 1987 (52 48440-48446).

Decided: September 6, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley, and Phillips. Commissioner Lamboley concurred in the result with a commenting separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 88-20779 Filed 9-12-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Trade Adjustment Assistance; Oil and Gas Exploration and Drilling Workers; Petitions

Section 1421(a)(1)(A)(iii) of the Omnibus Trade and Competitiveness Act of 1988 amends section 222 of the Trade Act of 1974 (Pub. L. 93-618), expanding the scope of eligibility for Trade Adjustment Assistance (TAA) to workers employed with firms in the oil and natural gas industry engaged in exploration or drilling. Section 1421(a)(1)(B) of the OTCA gives such oil and gas workers who were separated after September 30, 1985, a one-time opportunity to file a petition for TAA, but such petitions must be filed with the Office of Trade Adjustment Assistance in the Department of Labor by November 18, 1988. Information on qualifying requirements and instructions to State Employment Security Agency officials is contained in General Administration Letter No. 6-88, published below.

Dated: September 2, 1988.

Roberts T. Jones,

Assistant Secretary of Labor.

U.S. Department of Labor, Employment and Training Administration, Washington, DC 20210

Classification: TAA
Correspondence Symbol: TET
Date: August 23, 1988
DIRECTIVE: General Administration Letter No. 6-88
TO: All State Employment Security Agencies
FROM: Donald J. Kulick, Administrator, for Regional Administration
SUBJECT: Trade Adjustment Assistance—Workers of Firms in the Oil and Gas Industry Engaged in Exploration or Drilling, Separated From Employment After September 30, 1985, May File Petitions Under New Eligibility Rules

1. *Purpose.* To inform State Employment Security Agency (SESA) officials that workers of firms in the oil and natural gas industry engaged in exploration or drilling, who were separated from such employment after September 30, 1985, may file petitions for Trade Adjustment Assistance (TAA) under eligibility rules in the Omnibus Trade and Competitiveness Act of 1988 (OTCA).

To qualify for retroactive TAA benefits, petitions must be received in the Office of Trade Adjustment Assistance, Employment and Training Administration, 601 D Street NW., Room 6434, Washington, DC 20213, by close of business on Friday, November 18, 1988.

2. *References.* Trade Act of 1974 (Pub. L. 93-618), as amended by the OTCA, sections 1421(a)(1)(A) and 1421(a)(1)(B) of the OTCA, enacted on August 23, 1988.

3. *Background.* This General Administration Letter addresses the amendment to section 222 of the Act by section 1421(a)(1)(A)(iii) which expands the scope of eligibility for TAA to workers employed with firms in the oil and natural gas industry engaged in exploration or drilling, and the special provision in section 1421(a)(1)(B) of the OTCA, which gives such workers a one-time opportunity to file a petition for TAA within 90 days of enactment.

Rescissions:
Distrubution:
Expiration Date: August 31, 1989

The amendment by section 1421(a)(1)(A) of OTCA adds a mew subsection (b) to section 222 of the Trade Act, providing—

"(b) For purpose of subsection (a)(3)—

"(1) The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(2)(A) Any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

"(B) Any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas".

The special provision of section 1421(a)(1)(B) of OTCA provides:

"(B) Notwithstanding section 223(b) of the Trade Act of 1974, or any other provision of law, any certification made under subchapter A of chapter 2 of title II of such Act which—

"(i) is made with respect to a petition filed before the date that is 90 days after the date of enactment of this Act, and

"(ii) would not have been made if the amendment made by subparagraph (A) had not been enacted into law,

"shall apply to any worker whose most recent total or partial separation from the firm, or appropriate subdivision of the firm, described in section 222(a) of such Act occurs after September 30, 1985."

Prior to the OTCA, workers employed by independent firms in the oil and natural gas industry engaged in exploration and drilling did not qualify for TAA because the employing firms provided a service and did not produce an article (i.e. oil or natural gas) as required by section 222(3) (now section 222(a)(3)) of the Trade Act for certification. The Conference Report stated that exploration, drilling, and production activities in the crude oil and natural gas industries are inextricably linked. Therefore, workers of firms engaged in exploration, drilling, or production of either crude oil or natural gas shall be considered as producing either product.

The amendment and special provision expands the scope of eligibility for TAA to workers in the oil and natural gas industry employed by independent firms engaged in exploration and drilling and provides retroactive TRA benefits (but not retroactive additional weeks of TRA under section 233(a)(3) of the Trade Act) to such workers who were separated from employment in such firms after September 30, 1985, provided that the other criteria for certification are met under the amended section 222(a) of the Trade Act. However, Conference Report states the conferees do not intend that certification of workers from independent firms engaged in exploration or drilling serve as a basis for certifying workers from producing firms to which such exploration or drilling workers provide services if such production workers have not petitioned for such certification.

For purposes of implementing the amendment, the Conference Report identifies firms engaged in exploration or drilling as including "for example, independent drillers, pumpers, seismic and geophysical crews, geological crews, and mud companies." Petitions from workers of firms that manufacture oil field machinery will continue to be processed and determinations issued based on imports of like or directly competitive articles. However, as the language of the amended section 222(b)(2)(B) makes clear, to satisfy the eligibility criterion of the amended section 222(a)(3), any such firm must be one that "*engages in exploration or drilling* for oil and natural gas, or otherwise produces oil or natural gas * * *." (Emphasis added.) Therefore, an independent mud company which merely supplies mud to a company which "engages in exploration or drilling for oil or natural gas * * *.", but does

not itself do so, does not meet the eligibility criterion of the amended section 222(a)(3), and its workers may not be certified on this basis.

A special provision in section 1421(a)(1)(B) is given retroactive effect by eliminating the one-year impact date in section 223(b), so that certification periods will cover separations back to October 1, 1985, and by setting aside the 60-day preclusion provision in section 231(a). This special provision applies *only* to workers of firms within the coverage of section 222(b) of the Trade Act as added by section 1421(a) of the OTCA, that is, workers of any firm that "engages in exploration or drilling for oil and natural gas, or otherwise produces oil or natural gas * * *."

Becausethe period for workers in the oil and gas industry to file an *original petition,* or *re-petition* if previously denied certification, ends on November 18, 1988, such workers should be properly informed of these statutory provisions and given an opportunity to file a petition. The full cooperation and participation of State agencies are needed to inform the workers, and assist them in filing petitions as required in section 222.

Other provisions in the OTCA affecting the TAA program, and operating instructions to States for implementing those provisions will be covered in separate communications.

4. *Actions Required.* SESAs should take the following actions:

(a) Inform staff of the amendments to section 222 of the Trade Act of 1974, and the special provision in section 1421(a)(1)(B), of OTCA, and the impact of the amendment and special provision on workers of firms in the oil and natural gas industry engaged in exploration or drilling.

(b) Inform oil and natural gas industry workers engaged in drilling or exploration, who were separated after September 30, 1985, through press releases to print and radio media in areas where workers reside, of the one-time opportunity to file by November 18, 1988, an original petition or to re-petition the Department for TAA benefits and services as authorized in section 1421(a)(1)(B).

(c) Seek out workers and worker groups with oil and natural gas exploration or drilling firms who previously filed petitions and denied TAA eligibility and provide them with information on the amendment and one-time filing provision. (The Regional Office will provide SESAs with a listing of worker groups previously denied eligibility by the Department and other information for use in initiating worker notices.)

(e) Assist workers totally or partially separated from oil and gas exploration and drilling firms after September 30, 1985, to file timely petitions for adjustment assistance.

(f) Workers should be instructed to mail petitions to the Office of Trade Adjustment Assistance, Employment and Training Administration, 601 D Street, NW., Room 6434, Washington, DC 20213. To qualify for retroactive benefits, petitions must be received in the Office of Trade Adjustment Assistance by COB November 18, 1988.

5. *Inquiries.* Inquiries should be directed to the appropriate Regional Office.

[FR Doc. 88-20814 Filed 9-12-88; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act Advisory Committee; Meetings

The Job Training Partnership Act (JTPA) Advisory Committee was established by Notice dated June 16, 1988, and published June 28, 1988, 53 FR 24379 to advise the Department of Labor on a comprehensive review of the JTPA Program. A review of experience to date of the JTPA program and request for comments on the issues to be addressed in the review were provided by Notice published August 12, 1988, 53 FR 30483. The first meeting of the Advisory Committee was held in Washington, DC, on July 27 and 28, 1988.

Notice is hereby given of subsequent meetings of the Advisory Committee as follows:

Time and Place: September 28–29, 1988 at the New Orleans Marriott Hotel, 55 Canal Street, New Orleans, Louisiana. The meeting will begin at 1 p.m. September 28 and adjourn at 5 p.m. September 29, 1988.

Time and Place: October 26–28, 1988 at the Gaithersburg Marriott Hotel, 620 Lake Forest Blvd., Gaithersburg, Maryland. The meeting will begin at 8:30 a.m. October 26 and adjourn at 12 noon October 28, 1988.

Time and Place: November 28–29, 1988 at the Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia. The meeting will begin at 8:30 a.m. on November 28 and adjourn at 5 p.m. November 29, 1988.

Time and Place: January 12–13, 1989 at the Hyatt Regency Baltimore on the Inner Harbor, 300 Light Street, Baltimore, Maryland. The meeting will begin at 8:30 a.m. January 12 and adjourn at 5 p.m. January 13, 1989.

For further information, contact Hugh Davies, Office of Job Training Programs, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, Room N–4709, Washington, DC 20210. Telephone: 202–535–0580.

Signed at Washington, DC, this 7th day of September 1988.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 88-20947 Filed 9-12-88; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Maryland State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of Subpart O to Part 1952 containing the decision.

The Maryland State plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated June 7, 1988, from Commission Henry Koellein, Jr., Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to: (1) CFR 1910.272, pertaining to Grain Handling Facilities as published in the **Federal Register** of December 31, 1987 (52 FR 49624); and (2) 29 CFR 1910.19, 1910.1000, 1910.1048, and 1926.55 pertaining to the Formaldehyde Standard as published in the **Federal Register** of December 4, 1987 (52 FR 46291). These standards are contained in COMAR 09.12.31. Maryland Occupational Safety and Health Standards were promulgated after public hearings on January 20, 1988 and March 2, 1988. These standards were effective on June 13, 1988.

2. Decision

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly are approved.

3. Location of the Supplements for Inspection and Copying

A copy of the standards supplements, along with the approved plan, may be inspected and copied at the following locations during normal business hours: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202; and the OSHA Office of State Programs, Room N–3700, Third Street and Constitution Avenue NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standards were adopted in accordance with the procedural requirements of State law and further participation would be necessary.

This decision is effective September 13, 1988.

Authority: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Philadelphia, Pennsylvania, this 21st day of June 1988.

Linda R. Anku,

Regional Administrator.

[FR Doc. 88–20811 Filed 9–12–88; 8:45 am]

BILLING CODE 4510–26–M

Virginia State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribed procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 28, 1976, notice was published in the **Federal Register** (FR 42655) of the approval of the Virginia State plan and the adoption of Subpart EE to Part 1952 containing the decision.

The Virginia State plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart EE sets forth the State's schedule for the adoption of Federal standards. By letter dated December 16, 1987, from Commissioner Carol Amato, Virginia Department of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to: (1) 29 CFR 1910.1001, 1910.1101 and 1926.58, pertaining to amendments to the Asbestos Standard for General Industry and Construction as published in the **Federal Register** of April 30, 1987 (52 FR 15722); and 29 CFR 1910.120, pertaining to amendments to the Hazardous Waste Operations and Emergency Response Standard as published in the **Federal Register** of May 4, 1987 (52 FR 16241). The Virginia Occupational Safety and Health Standards were promulgated after a public meeting on March 23, 1987, and were effective on September 21, 1987.

2. Decision

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and, accordingly, are approved.

3. Location of Supplements for Inspection and Copying

A copy of the standards supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 3535 Market Street, Suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 205 North Fourth Street, Richmond, Virginia 23241; and the OSHA Office of State Programs, U.S. Department of Labor, Room N–3700, Third Street and Constitution Avenue NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virginia State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 13, 1988.

Authority: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667. Signed at Philadelphia, Pennsylvania this 2nd day of February 1988.

Linda R. Anku,

Regional Administrator.

[FR Doc. 88–20812 Filed 9–12–88; 8:45 am]

BILLING CODE 4510–26–M

Wyoming State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Pat 1902. On May 3, 1974, notice was published in the **Federal Register** (39 FR 15394) of the approval of the Wyoming Plan and adoption of Subpart BB to Part 1952 containing the decision.

The Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee coordination.

2. Publication in newspapers of general/major circulation with a 45-day

waiting period for public comment and hearings.

3. Adoption by the Wyoming Health and Safety Commission.

4. Review and approval by the Governor.

5. Filing with Secretary of State and designation of an effective date.

OSHA regulations (29 CFR 1953.22 and 23) require that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the **Federal Register**, and within 30 days for emergency temporary standards. Although adopted State standards or revisions to standards must be submitted for OSHA review and approval under procedures set forth in Part 1953, they are enforceable by the state prior to federal review and approval. By letter dated June 6, 1988, from John T. Chambers, Assistant Administrator, Wyoming Occupational Health and Safety Division, to Byron R. Chadwick, OSHA Regional Administrator, the State submitted rules and regulations in response to Federal OSHA's Construction Standards (29 CFR 1926.550: Cranes and Derricks; 29 CFR 1926.552: Material Hoists, Personnel Hoists, and Elevators; and 29 CFR 1926.903: Underground Transportation of Explosives, 52 FR 36378, September 28, 1987).

The above adoptions of Federal standards have been incorporated in the State Plan, and are contained in the Wyoming Occupational Health and Safety Rules and Regulations for General Industry, as required by Wyoming Statute 1977, section 27–11–105(a)(viii).

State standards for 29 CFR 1926.550: Cranes and Derricks; 29 CFR 1926.552: Material Hoists, Personnel Hoists, and Elevators; and 29 CFR 1926.903: Underground Transportation of Explosives, were adopted by the Health and Safety Commission of Wyoming on February 5, 1988 (effective February 19, 1988) pursuant to Wyoming statute 1977, section 27–11–105. These State standards are substantially identical to the Federal standard actions, except for the following minor differences: (a) Paragraph numbering; (b) minor wordage appropriate to the Wyoming statutes.

2. Decision

The above State Standards have been reviewed and compared with the relevant Federal Standard. It has been determined that the State standards are substantially identical to the Federal standards, and are accordingly approved.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1576, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; the Occupational Health and Safety Deaprtment, 604 East 25th Street, Cheyenne, Wyoming 82002; and the Office of State Programs, Room N–3700, 200 Constitution Avenue NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Wyoming State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason(s):

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective September 13, 1988.

Authority: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Denver, Colorado, this 10th Day of June, 1988.

Byron R. Chadwick,

Regional Administrator.

[FR Doc. 88–20813 Filed 9–12–88; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 88–77]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, AD Hoc Review Team for Rotorcraft Powertrain and Propulsion.

Date and Time: September 26, 1988, 9 a.m. to 4:30 p.m. ADDRESS: National Aeronautics and Space Administration, Room 647, Federal Office Building 10B, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Reck, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–2847.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee (AAC) was established to provide overall guidance to the Office of Aeronautics and Space Technology (OAST) on aeronautics research and technology activities. Special ad hoc review teams are formed to address specific topics. The Ad Hoc Review Team for Rotorcraft Powertrain and Propulsion, chaired by Dr. F. Blake Wallace, is comprised of eight members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the team members and other participants).

Type of Meeting: Open.

Agenda:

September 26, 1988

9 a.m.—Working Group Review Sessions.

1 p.m.—Preparation of Draft Reports.

4:30 p.m.—Adjourn.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

September 6, 1988.

[FR Doc. 88–20755 Filed 9–12–88; 8:45 am]

BILLING CODE 7510–01–M

[Notice 88–75]

NASA Advisory Council (NAC), Aerospace Medicine Advisory Committee (AMAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aerospace Medicine Advisory Committee.

Date and Time: September 28, 1988, 1 p.m. to 5 p.m., and September 29, 1988, 8 a.m. to 5 p.m.

ADDRESS: Twin Bridges Marriott Hotel, 333 Jefferson Davis Highway, Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn D. Griffiths, Code EBF, National Aeronautics and Space Administration, Washington, DC 20546 (202/453–1545).

SUPPLEMENTARY INFORMATION: The Aerospace Medicine Advisory Committee consults with and advises the NASA Office of Space Science and Applications (OSSA) on long range planning of aerospace medicine research. The Committee will meet to formulate plans for the Committee, review the Life Sciences Division budget and program status, and review recommendations of previous committees of NAC. The Committee is chaired by Dr. Harry C. Holloway and is composed of 24 members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 people including members of the Subcommittee).

Type of Meeting: Open

Agenda:

Wednesday, September 28, 1988

1 p.m.—Introduction of Purpose and Charge to Committee.

2 p.m.—Reports of Life Sciences Study Committees.

3 p.m.—Life Sciences Budget Impacts.

4 p.m.—Life Sciences Program, Status, Accomplishments, Issues.

5 p.m.—Adjourn.

Thursday, September 29, 1988

8 a.m.—Review of Recommendations of Previous NAC Committees.

8:30 a.m.—Office of Exploration Status.

9:15 a.m.—Space Station Status.

10 a.m.—Pathfinder Status.

11 a.m.—Office of Space Science and Applications Status.

1 p.m.—Science Presentation, Advanced Life Support Physical-Chemical Bioregenerative.

2 p.m.—Committee Discussion.

5 p.m.—Adjourn.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

September 1, 1988.

[FR Doc. 88–20754 Filed 9–12–88; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Power Co., et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Duke Power Company, et al., (the licensee) for the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would more clearly specify in the Technical Specifications (TS) the Limiting Conditions for Operation, Applicability, required Actions and additional Surveillance Requirements for the Nuclear Service Water (RN) System at Catawba Nuclear Station, Units 1 and 2.

The current TS requirements will be expanded and clarified to more accurately reflect the design and operation of the system and to more specifically state remedial actions which are to be implemented in the event of system degradation or inoperability.

The proposed action is in response to the licensee's application for amendments dated October 16, 1987. Additional information was provided by letter dated February 18, 1988, in response to NRC staff's letter dated January 22, 1988. Further clarifications were also provided by letters dated May 12 and July 12, 1988.

The Need for the Proposed Action

The current RN System TS requirements are based on the Standard Technical Specifications which were set up for single unit plants (i.e., non-shared systems). The Catawba RN System is partially shared between the two units. The proposed amendments will more accurately reflect the design and operation of the RN System by more clearly specifying the requirements based on recognition of the shared portions of this system.

Better TS requirements will alleviate ambiguity concerning their applicability and will result in more clearly defined and easily understood actions concerning the operation of the RN System.

Environmental Impacts of the Proposed Action

The proposed TS changes will not reduce the restrictions on the operation of the RN System. The changes will not allow the RN System to be operated in any conditions other than those previously allowed. Therefore, the proposed changes will not have any effect or impact on the environment that has not been already reviewed and approved.

Because no previous accident analyses are affected by these amendments, the probability of an accident has not been increased and the post-accident radiological releases will not be greater than those previously determined. Therefore, plant radiological and non-radiological releases during normal operation or after an accident will not be increased by the proposed action. Accordingly, we conclude that this proposed action would result in no significant environmental impact.

Alternative to the Proposed Action

Since we have concluded that the environmental effects of the proposed action are negligible, any alternatives with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested amendments. That alternative, in effect, is the same as the "no action" alternative. Neither alternative would reduce environmental impacts of plant operation but would result in increased personnel radiation exposure during plant life.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Nuclear Regulatory Commission's Final Environmental Statement dated January 1983 (NUREG-0921) related to the facility.

Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request of October 16, 1987, as supplemented February 18, May 12, and July 12, 1988. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based upon this environmental assessment, we conclude that the proposed action will not have a significant adverse effect on the quality of the human environment.

For further details with respect to this action, see the request for the amendments dated October 16, 1987, and its supplements dated February 18, May 12, and July 12, 1988; and the Final Environmental Statement related to

operation of Catawba Nuclear Station, Units 1 and 2 (NUREG–0921) dated January 1983, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Rockville, Maryland, this 6th day of September 1988.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Acting Director, Project Directorate II–3, Division of Reactor Projects I/II.

[FR Doc. 88–20793 Filed 9–12–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–316]

Indiana Michigan Power Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Indiana Michigan Power Company (the licensee) to withdraw a portion of its January 11, 1988, application for proposed amendment to Facility Operating License No. DRP–74 for the Donald C. Cook Nuclear Plant, Unit No. 2, located in Berrien County, Michigan.

The amendment would have allowed certain tests normally designated as 18-month surveillances to be delayed until the end of the next refueling outage for Unit 2.

The Commission issued a Notice of Consideration of Issuance of Amendment which was published in the Federal Register on February 17, 1988 (53 FR 4796). By letter dated February 29, 1988, the Commission issued Amendment No. 99 to Facility Operating License No. DPR–74, which granted three of the six requested surveillance extensions. The outage occurred earlier than anticipated, and an extension for three of the six tests was no longer necessary. Thus, by letter dated May 2, 1988, the licensee withdrew the proposed change for the remaining three surveillance extensions. The January 11, 1988, application also proposed two minor editorial changes which were issued with Amendment No. 97.

For further details with respect to this action, see (1) the application for amendment dated January 11, 1988, (2) Amendments Nos. 97 and 99 to Facility Operating License No. DPR–74, and (3) the licensee's letter dated May 2, 1988, withdrawing parts of the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Local Public Document Room located at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 6th day of September 1988.

For the Nuclear Regulatory Commission.

John F. Stang,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III, IV, V Special Projects.

[FR Doc. 88–20792 Filed 9–12–88; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–26063; File No. SR–NASD–88–34]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Outside Business Activities of Associated Persons

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 27, 1988,[1] the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Proposed new section 43 to Article III of the NASD Rules of Fair Practice would prohibit all persons associated with a member in any registered capacity from accepting employment or compensation from any other person as a result of business activity outside the scope of their employment relationship with a member unless prompt written notice of such activities or compensation is provided to the member firm. The proposed rule would not apply to compensation from passive investments or to activities subject to the requirements of Article III, Section 40 of the Rules of Fair Practice.

[1] On August 15, 1988, the NASD filed Amendment No. 1 to the proposed rule change for the purpose of providing the results of the NASD membership vote approving the proposed the change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NASD Board of Governors has observed that the expansion of the financial services industry has provided increased business opportunities for persons associated with member firms, both within the scope of their employment with a member and otherwise. In recent disciplinary cases before the NASD, prior notice to a member firm of an associated person's outside business activities might have prevented harm to the investing public or the firm's entanglement in legal difficulties. The Board has further observed that the internal rules of many member firms already include limitations on outside business activities and notification requirements, and that both the New York Stock Exchange and the American Stock Exchange require associated persons of member firms to notify their firms of outside business activities. The Board believes that it would be appropriate for member firms to receive prompt notification of all outside business activities of their associated persons so that the member's objections, if any, to such activities could be raised at a meaningful time and so that appropriate supervision could be exercised as necessary under applicable law. The proposed new Article III, Section 43 of the NASD's Rules of Fair Practice was circulated for member comment in Notice to Members 88–5, dated January 14, 1988.

The proposed rule change in consistent with the provisions of sections 15A(b)(2) and 15A(b)(6) of the Act, as the proposed rule change will enable the NASD's member firms to supervise more effectively the business activities of registrants associated with them and is designed to promote just and equitable principles of trade and protect the public interest.

B Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

On January 14, 1988, the NASD issued Notice to Members 88–5, which solicited comments on a proposed NASD Rule of Fair Practice prohibiting any person associated with a member firm from being employed by, or accepting compensation from, any other person based on any business activity outside the scope of the employment relationship with a member firm, unless such person had provided prior written notice to the firm.

The NASD received 62 comments in response to Notice to Members 88–5. Of these, 13 generally supported the proposed rule, 17 supported the rule with modifications, and 29 opposed the rule on various grounds. Three commentators, while taking no position on the rule's adoption, suggested amendments.

Thirteen commentators suggested that the rule's scope be limited to cover only securities- or financial services-related outside business activities. Five commentators suggested that disclosure on Form U–4 be used either to satisfy the proposed rule's notification requirement or in lieu of the rule. Three commentators supported the establishment of a *de minimis* reporting threshold.

The NASD Board reviwed the comments and concluded that the proposed rule should be adopted with certain modifications limiting the rule's application to persons associated with a member in a registered capacity and exempting passive investments and activities subject to the requirements of Article III, section 40 of the NASD Rules of Fair Practice from the proposed rule's notice requirements.[2] The Board determined that prompt, rather than prior notice, should be required. The Board also concluded that the form of the written notice required under the proposed rule should be determined by the employer-member and could therefore include using the Form U–4. The NASD Board of Governors concluded, in publishing the proposed rule, as modified, for member vote, that the adoption of the proposed rule would serve to protect investors and the public interest by involving member firms in the review of the outside business activities of their registered personnel.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the Submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by October 4, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Jonathan G. Katz,

Secretary.

Dated: September 6, 1988.

[FR Doc. 88–20826 Filed 9–12–88; 8:45 am]

BILLING CODE 8010–01–M

[2] Article III, Section 40, Private Securities Transactions, contains its own notice provisions.

[Release No. 34–26061; File No. SR–NYSE–88–22]

Self-Regulatory Organizations; Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Coordinated Procedures to Limit Program Trading During Volatile Market Conditions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 75s(b)(1) ("Act"), notice is hereby given that on September 1, 1988, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change deletes current Exchange Rule 80A and adds the following new Rule 80A to be effective when each of the following three conditions is met: (i) The Commission approves the rule change, (ii) the Commodity Futures Trading Commission ("CFTC") approves a rule of the Chicago Mercantile Exchange ("CME") that provides that when the price of the primary [1] Standard and Poor's 500 Stock Price Index [2] futures contract traded on the CME reaches the "trigger value" referred to in paragraph (a) of proposed Rule 80A, the CME, for one-half hour, will not permit the price of any futures contract on the index to fall below the price of such contract at the time the trigger value is reached, and (iii) the Exchange provides notice to its members and members organizations of the effective date of the rule. The text of the rule change is as follows:

Limitations on Trading During Significant Market Declines

Rule 80A(a)(i) If, during any trading day, the price of the primary Standard and Poor's 500 Stock Price Index futures contract traded on the Chicago Mercantile Exchange ("S & P 500 futures") [2] reaches a value 12 points below the S & P 500 futures' closing value on the previous trading day (the "trigger value"), for the next five

[1] The "primary" futures contract is the futures contract with the largest trading volume, which is usually the lead month contract.

[2] "Standard and Poor's 500 Stock Price Index" and "S & P 500" are service marks of Standard and Poor's Corporation.

minutes market orders involving program trading in each of the stocks underlying the S & P 500 futures entered into the Exchange's automated order-routing facilities shall be routed to a separate file for each such stock. Buy and sell orders for each stock will be paired in the file to determine the extent of the order imbalance, if any.

(ii) Five minutes after the price of the S & P 500 futures reaches the trigger value, the orders in the program trading file for each stock, and the order imbalance, if any, shall be reported to the specialist in the stock and the orders shall be eligible for execution; *provided, however,* that trading in a stock on the Exchange shall halt if there is not sufficient trading interest on the Exchange to allow for an orderly execution of a transaction in the stock.

(b) Whenever the price of the S & P 500 futures reaches the trigger value, no member or member organization shall enter any stop order or stop limit order for the remainder of the trading day except that a member or member organization may enter a stop order or a stop limit order of 2,099 shares or less for the account of an individual investor pursuant to instructions received directly from the individual investor.

(c) For the purposes of this Rule 80A,

(i) "program trading" means either (A) index arbitrage or (B) any trading strategy involving the related purchase or sale of a "basket" or group of 15 or more stocks having a total market value of $1 million or more. Program trading includes the purchases or sales of stocks that are part of a coordinated trading strategy, even if the purchases or sales are neither entered or executed contemporaneously, nor part of a trading strategy involving options or futures contracts on an index stock group, or options on any such futures contracts, or otherwise relating to a stock market index;

(ii) "index arbitrage" means an arbitrage trading strategy involving the purchase or sale of a "basket" or group of stocks in conjunction with the purchase or sale, or intended purchase or sale, of one or more cash-settled options or futures contracts on index stock groups, or options on any such futures contracts (collectively, "derivative index products") in an attempt to profit by the price difference between the "basket" or group of stocks and the derivative index products. While the purchase or sale of the stocks must be in conjunction with the purchase or sale of derivative index products, the transactions need not be executed contemporaneously to be considered index arbitrage; and

(iii) "account of an individual investor" means an account covered section 11(a)(1)(E) of the Securities Exchange Act of 1934.

(d) This Rule 80A shall not apply during the last 35 minutes of a trading day.

Supplementary Material:

.10 When determining the priority of bids and offers pursuant to Rule 72, the orders in the program trading file reported to the specialist pursuant to paragraph (a)(i) shall be considered as entered on the Exchange at the time the orders are reported to the specialist.

.20 The reopening of trading following a trading halt under paragraph (a)(ii) shall be conducted pursuant to procedures adopted by the Exchange and communicated by notice to its members and member organizations.

.30 Nothing in this Rule 80A shall be construed to limit the ability of the Exchange to otherwise halt or suspend the trading in any stock or stocks pursuant to any other Exchange rule or policy.

.40 Once the trigger value is reached, paragraph (a) shall not be reapplied during the same trading day.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Over the last year, the securities markets have experienced unprecedented volatility. This volatility has been the subject of a number of market studies and reports, including a report by the Commission's Division of Market Regulation ("Market Regulation").[3] In its Report, Market Regulation stated that "[W]e believe that the increased concentration and velocity of futures related trading and resultant increases in stock market volatility can have long term, profound impacts on the participation of individual investors in the stock market."[4] The Report further stated that Market Regulation believes that "individual participation [in the stock market] remains important both for the additional liquidity it provides and for its contribution to consensus support for the U.S. economic system."[5]

The Exchange and the CME have been working together to address this increasing interaction between the equities and futures market, and the effect of such interaction on market volatility and investor confidence. This cooperative effort has led to agreement on a number of joint efforts, including the joint proposal of a new CME rule and this Rule 80A ("New Rule 80A") specifically addressing market volatility.[6]

Pursuant to the coordinated Exchange-CME procedures, certain restrictions will apply when the price of the primary Standard and Poor's 500 Stock Price Index Futures contract traded on the CME ("S & P 500 futures")[7] falls 12 points (the approximate equivalent of a fall of 96 points of the Dow Jones Industrial Average[8]). Specifically, at this trigger value the CME will not permit the price of any futures contract on the index to fall further for one-half hour; in effect, the CME will impose a 30 minute price limit. At the same trigger value the restrictions of New Rule 80A would apply.[9]

Under New Rule 80A, when the trigger value is reached, market orders involving "program trading" in each of the stocks underlying the S & P 500 futures entered into the Exchange's Designated Order Turnaround ("DOT") System will be routed into a separate file for each of the stocks. Buy and sell orders will be paired in the files and five minutes later the orders in each of the files, and the order imbalances (if any), will be reported to the specialists for the

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[3] *See, e.g.,* "The October 1987 Market Break—A Report by the Division of Market Regulation, U.S. Securities and Exchange Commission," February, 1988 ("Report").

[4] *Id.* at xiv.

[5] *Id.*

[6] New Rule 80A will replace current Rule 80A, which was approved by the Commission for a six month pilot in April, 1988 (Release No. 34-25599 (April 19, 1988) 53 FR 13371) and imposed certain restrictions on the use of automated Exchange order routing systems during times of market volatility. This filing would delete current Rule 80A.

[7] Standard and Poor's 500 Stock Price Index" and "S & P 500" are service marks of Standard and Poor's Corporation. The "primary" futures contract is the futures contract with the largest trading volume, which usually is the lead month contract; the CME will inform the Exchange when the primary futures contract changes.

[8] "Dow Jones Industrial Average" is a service marke of Dow Jones & Company, Inc.

[9] The effectiveness of New Rule 80A is expressly conditioned on CFTC approval of the CME's companion rule.

stocks. At that point the orders will be eligible for execution.[10] If the there is not sufficient trading interest to allow for an orderly execution of a transaction in a stock, trading in that stock will halt.[11]

New Rule 80A defines "program trading" to include "index arbitrage," as defined in current Rule 80A (regardless of the number of stocks or dollar value involved in the trading strategy), as well as any trading strategy involving the related purchase or sale of a "basket" of 15 or more stocks with a market value of $1 million or more. While program trading may involve a trading strategy such as index arbitrage that links equities and futures trading (for example, portfolio insurance), this portion of the definition does not inquire into the intent of the basket trade; rather, it applies to all such trades meeting the criteria of 15 stocks and market value of $1 million, even if the orders are not futures-related and are not entered or executed contemporaneously.[12]

The purpose of channelling program trades into a separate file, or "sidecar", at times of market volatility is to attempt to isolate one potential cause of market volatility, program trading, from other market activity. The proposed procedures also will help reduce volatility by adopting special procedures when there are large order imbalances. If a trading halt is necessary once the order imbalance is known, the Exchange will use procedures based on those currently in use (the "Expiration Friday" opening procedures) to reopen trading in a stock in an orderly manner.

When the trigger value is reached, New Rule 80A also will restrict the entry of new stop orders or stop limit orders for the remainder of the trading day. The Exchange believes that restricting stop and stop limit orders (collectively "stop orders") also will help to decrease market volatility.

The only allowable stop orders would be individual investor orders of 2,099 shares or less that the individual investor enters himself.[13] This will allow an individual to continue to use stop orders as part of his or her trading strategy, even if such orders are entered on the advice of a professional. The rule would not allow such orders, however, if entered by and pursuant to the instructions of professional managers, including investment advisors and account executives having discretion over an individual's account. The Exchange believes that such distinctions represent a reasonable balance between allowing individuals the convenience of stop orders, but limiting the professional use of such orders in a manner that could lead to further market volatility.

The provisions of New Rule 80A would not apply during the last 35 minutes of a trading day. In addition, paragraph (a) of the rule, providing for the separate file for program trades when the trigger value is reached, would apply only once a day. The Exchange is proposing additional "circuit breakers" to halt trading on the Exchange in general if there are significantly greater market declines during a trading day.[14]

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or approprite in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 4, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: September 6, 1988.

[FR Doc. 88-20827 Filed 9-12-88; 8:45 am]

BILLING CODE 8010-01-M

[10] Orders in the separate file will have execution priority under Rule 72 as of the time the orders are reported to the specialist.

[11] Trading will resume following such a halt pursuant to procedures similar to the procedures the Exchange uses in opening trading on "Expiration Fridays"—the days that stock options, stock index futures and options on such futures expire simultaneously. *See* Release No. 34-25804 (June 15, 1988) 53 F.R. 23474. These reopening procedures will be filed with the Commission and circulated to members and member organizations before this rule change is implemented.

[12] Index arbitrage is included separately as a form of program trading because the Exchange seeks to capture within the rule certain forms of index arbitrage that may involve less than 15 securities or $1 million in market value.

[13] "Individual investor" is defined to parallel the concept of "natural person" contained in Section 11(a)(1)(E) of the Act, including the Commission's interpretations pursuant to that section.

[14] *See* filing number SR-NYSE-88-23, filed concurrently with this filing.

[Release No. 34-26062; File No. SR-NYSE-88-23]

Self-Regulatory Organizations; Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Coordinated Trading Halts During Volatile Market Conditions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on September 1, 1988, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change (1) adds the following new Rule 80B, (2) amends Rule 717 and (3) amends Rule 750. (In Rules 717 and 750, *italics* indicate material proposed to be added.) The rule change shall be effective for a one-year pilot period ending on the last day of the month in which the first anniversary of its effective date falls, but will not be effective until the Exchange determines that the following two conditions have been met and notifies its members and member organizations of the effective date of the rule change:

(1) The Commission has approved proposed rule changes of the following self-regulatory organizations substantively identical to this proposed rule change with respect to the trading of stocks, stock options and stock index options in their markets and all have become effective:

American Stock Exchange
Boston Stock Exchange
Chicago Board Options Exchange
Cincinnati Stock Exchange
Midwest Stock Exchange
National Association of Securities Dealers
Pacific Stock Exchange
Philadelphia Stock Exchange; and

(2) Rules of the following organizations halting the trading of futures contracts on index stock groups, and options on such futures contracts, under circumstances substantively identical to those contained in this rule change have become effective:

Chicago Board of Trade
Chicago Mercantile Exchange
Kansas City Board of Trade
New York Futures Exchange

The text of the rule change is as follows:

Trading Halts Due to Extraordinary Market Volatility

Rule 80B. If the Dow Jones Industrial Average SM[1] reaches a value 250 or more points below its closing value on the previous trading day, trading in stocks shall halt on the Exchange and may not reopen for one hour. If, on the same day, the average subsequently reaches a value 400 or more points below that closing value, trading in stocks shall halt on the Exchange and may not reopen for two hours.

* * * *Supplementary Material:*

.10 The restrictions in this Rule 80B shall apply whenever the Dow Jones Industrial Average reaches the trigger values notwithstanding the fact that, at any given time, the calculation of the value of the average may be based on the prices of less than all of the stocks included in the average.

.20 The reopening of trading following a trading halt under this Rule 80B shall be conducted pursuant to procedures adopted by the Exchange and communicated by notice to its members and member organizations.

.30 If the 250-point trigger is reached within one hour of the scheduled close of trading for a day, or if the 400-point trigger is reached within two hours of the scheduled close of trading for a day, trading in stocks shall halt for the remainder of the day; *provided, however,* that if the 250-point trigger is reached between one hour and one-half hour before the scheduled closing, or the 400-point trigger is reached between two hours and one hour before the scheduled closings, the Exchange may use abbreviated reopening procedures either to permit trading to reopen before the scheduled closing or to establish closing prices.

.40 Nothing in this Rule 80B should be construed to limit the ability of the Exchange to otherwise halt or suspend the trading in any stock or stocks traded on the Exchange pursuant to any other Exchange rule or policy.

* * * * *

Trading Rotations, Halts and Suspensions

Rule 717. (a)–(c)—No change.

* * * Supplementary Material:

.10–.60 No change.

.70 See Rule 80B (Trading halts Due to Extraordinary Market Volatility) as applied to options transactions by paragraph (b) of Rule 750 (Rules of General Applicability) for additional provisions regarding the halting of options trading on the Exchange.

* * * * *

Rules of General Applicability

Rule 750. (a)—No change.

(b) The provisions of the Floor Rules listed below (within the group of Rules 45 through 298 excepted from applicability to option transactions by paragraph (a) of Rule 700 (Applicability, Definitions and References)) and the supplementary material thereto shall apply to Exchange transactions.

46–54—No change.

Auction Market—Bids and Offers

70–78—No change.

80B (Trading Halts Due to Extraordinary Market Volatility); see also Rule 717 (Trading Rotations, Halts and Suspensions)

90–138—No change.

(c)–(j)—No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Over the last year, the securities markets have experienced unprecedented volatility. This volatility has been the subject of a number of market studies and reports.[2] The most recent of these reports was the Interim Report of The Working Group on Financial Markets ("Working Group") issued by the Under Secretary for Finance of the Department of the Treasury and the Chairmen of the Commission, the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System in May, 1988. In its report, the Working Group recommends "coordinated trading halts and reopenings for large, rapid market

[1] "Dow Jones Industrial Average" is a service mark of Dow Jones & Company, Inc.

[2] *See, e.g.*, "The October 1987 Market Break—A Report by the Division of Market Regulation, U.S. Securities and Exchange Commission," February 1988.

declines that threaten to create panic conditions." The Working Group specifically recommended that all U.S. markets for equity and equity-related products—stocks, individual stock options, stock index options, futures and options on futures—halt trading for one hour if the Dow Jones Industrial Average ("DJIA") [3] declines 250 or more points from its previous day's closing level and for two hours if the DJIA declines 400 points from the previous close.

In light of the Working Group Report, as well as in keeping with its continued desire to decrease market volatility and increase investor confidence in the stock market, the Exchange has adopted proposed Rule 80B and corresponding amendments to Rules 717 and 750.[4] These rules will provide for temporary halts in the trading of all stocks, stock options, and stock index options on the Exchange when the DJIA reaches the trigger values discussed in the Working Group's report.[5] The halts will promote stability in the stock market by allowing market participants time to reestablish an equilibrium between buying and selling interest and to help ensure that all market participants have a reasonable opportunity to become aware of and respond to significant market prive movements. Trading will resume following a halt pursuant to procedures similar to the procedures the Exchange uses in opening trading on "Expiration Fridays"—the days that stock options, stock index futures and options on such futures expire simultaneously.[6] These reopening procedures will be filed with the Commission and circulated to members and member organizations before this rule change is implemented.

Rule 80B is proposed for a pilot period of one year. The Rule will not become effective until all other United States stock and option exchanges, as well as United States futures markets that trade futures on stock index groups (and options on such futures) adopt corresponding rules, and such rules receive all necessary regulatory approvals and become effective. The Exchange anticipates that all such rules will have coordinated effective dates. During the pilot period, the Exchange will analyze the experience under proposed Rule 80B, as well as its effects, and will determine in consultation with the Commission and the other market places whether to continue it in effect.

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 4, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 6, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-20828 Filed 9-12-88; 8:45 am]

BILLING CODE 8010-01-M

[3] "Dow Jones Industrial Average" is a service mark of Dow Jones & Company, Inc.

[4] This proposal represents an additional Exchange proposal to address the volatile market conditions. In February, 1988, the Exchange proposed a six-month pilot program to prohibit the use of the Exchange's automated order routing or trading systems for the purposes of "index arbitrage" after 50 point movement in the DJIA. The rule change was approved by the Commission in April, 1988. Release No. 34-25599 (April 19, 1988) 53 F.R. 13371.

[5] Proposed Rule 80B will apply solely to stocks. The rule will be made applicable to options by the proposed amendments to Rule 750. Paragraph (a) of Rule 750 provides that references to "stocks" in certain rules being applied to the options market "shall be deemed to include option contracts * * *."

[6] *See* Release No. 34-25804 (June 15, 1988) 53 FR 23474.

[Rel. No. IC-16549; (812-7098)]

Banco Bilbao Vizcaya, S.A.; Application

September 7, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Banco Bilbao Vizcaya, S.A. (to be formed) ("Applicant").

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) from all provisions.

Summary of Application: Applicant seeks an order to permit the issuance and sale of its equity securities in the United States.

Filing Date: The application was filed on behalf of Applicant by Davis Polk & Wardwell on August 15, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the requested exemption will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on September 29, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. Request notification of the

date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549; Applicant, c/o Jeffrey Small, Esq., Davis Polk & Wardwell, 1 Chase Manhattan Plaza, New York, NY 10005.

FOR FURTHER INFORMATION CONTACT: Thomas C. Mira, Staff Attorney (202) 272–3047, or Brion R. Thompson, Branch Chief (202) 272–3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1 Applicant proposes to issue and sell its equity securities in the United States. Applicant is a new bank which will be incorporated in Spain on or about October 1, 1988. Upon Applicant's incorportion it will assume all of the assets and liabilities of Banco de Bilbao, S.A. ("BB") and Banco de Vizcaya, S.A. ("BV"). At the same time, the shares of BB and BV will be exchanged for shares of Applicant and BB and BV will be dissolved. Both BB and BV have previously received orders exempting them from all provisions of the 1940 Act in connection with the offer and sale of their equity securities in the United States. *See Banco de Bilbao, S.A.*, Investment Company Act Rel. No. 15538 (Jan. 13, 1987); *Banco de Vizcaya, S.A.*, Investment Company Act Rel. No. 16249 (Feb. 3, 1988).

2. Upon assuming all of the assets and liabilities of BB and BV, Applicant will be a full-service commercial bank with 19 Spanish bank subsidiaries. Applicant's principal business, like that of BB, BV and United States banks, will be the receipt of deposits and the making of loans. Applicant and its Spanish bank subsidiaries will provide services to the public through approximately 3,200 branches in the Kingdom of Spain, and through more than 80 branches, representative offices and subsidiary banks abroad. Had Applicant been incorporated and assumed all assets and liabilities of BB and BV as of December 31, 1987, Applicant would have been the largest Spanish banking group in terms of total consolidated loans and advances ($26.1 billion) and total consolidated assets ($56.9 billion).

3. The Bank of Spain is the central bank of the Kingdom of Spain and exercises general supervision over all Spanish financial institutions in a manner similar to that of the central banks of most European countries and the United States. The Bank of Spain supervises the compliance of Spanish banks with liquidity, investment and guarantee ratios. Spanish banks are subject to inspection by auditors designated by the Bank of Spain. Applicant notes that it will be subject to precisely the same banking regulation in Spain as BB and BV, which entities have already been granted separate exemptive orders to permit them to sell their equity securities in the United States.

4. Applicant will conduct its United States operations through a branch in New York, agencies in Miami and San Francisco, and a subsidiary bank in Puerto Rico. These banking activities will subject Applicant to the supervisory authority of the Board of Governors of the Federal Reserve System ("FRB"), the banking departments of the States of New York, Florida and California, and the Commissioner of Financial Institutions of the government of Puerto Rico. Applicant will also be a registered bank holding company, and thus, be fully subject to the Bank Holding Company of Act of 1956. As a registered bank holding company, Applicant will be required to file an annual report with the FRB, together with a Confidential Report of Operations. In addition, as a foreign banking organization engaged in the business of banking in the United States, Applicant will also be subject to certain provisions of the International Banking Act of 1978 ("IBA"). Applicant states that under the IBA, branches and agencies of foreign banks are (1) required to maintain reserves with the local Federal Reserve Banks, (2) required to submit call reports to the FRB in the same manner as United States banks that are members of the Federal Reserve System, and (3) subject to examination by the FRB.

5. Applicant's New York branch will be subject to supervision and examination by the New York State Banking Department. Although Applicant's agencies in Miami and San Francisco will be smaller in terms of assets than its New York branch, the degree of supervision by the Florida and California banking authorities will be essentially similar to that in New York. Applicant's subsidiary bank in Puerto Rico will be regulated by the Puerto Rican government and will submit monthly reports to the Commissioner of Financial Institutions. The subsidiary bank will also be examined by the Commissioner of Financial Institutions at least once a year.

6. The board of directors of Applicant will adopt a resolution when Applicant is incorporated confirming Davis Polk & Wardwell's authority to make and file the application, affirming the accuracy of the information and representations contained in the application and agreeing to the undertakings set forth in the application. Davis Polk & Wardwell undertakes to supply the SEC with a copy of such resolution prior to the issuance of the requested order.

Applicant's Conditions

1. Applicant's equity securities sold in the United States will be issued either directly or in the form of American depositary shares represented by American depositary receipts ("ADRs"). Applicant undertakes that any public offering of its equity securities or of ADRs representing its equity securities in the United States will be duly registered under the Securities Act of 1933 ("1933 Act"). Applicant will not sell its equity securities in any such public offering until the appropriate registration statements pertaining thereto have been declared effective by the SEC. Further, Applicant will comply with the prospectus delivery requirements of the 1933 Act in connection with any such public offering.

2. Applicant undertakes that any private offering of its equity securities in the United States will be structured to comply with the exemption from registration afforded by section 4(2) of the 1933 Act or Regulation D thereunder. Such an offering would be made only to a limited number of sophisticated institutional investors or other investors as permitted by Regulation D, and would provide for the delivery to such investors of information concerning Applicant, its business and the securities being offered.

3. Applicant undertakes to submit to the jurisdiction of New York State and United States Federal courts sitting in The City of New York for the purpose of any suit, action or proceeding arising out of the offering of its equity securities, and, will appoint a corporation with an office in The City of New York engaged in providing corporate services for lawyers as agent to accept service of process in any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable for as long as any of Applicant's securities issued in reliance upon an order of the SEC are outstanding in the United States. Such submission to jurisdiction and appointment of agent for service of process will not affect the right of any holder of Applicant's securities to bring suit in any court which may have

jurisdiction over Applicant by virtue of the offer and sale of its equity securities or otherwise. The agent for service of process will not be a trustee for the holders of any securities issued by Applicant or have any responsibilities or duties to act for such holders as would a trustee.

4. Applicant undertakes that it will not make any offering of its equity securities in the United States in reliance upon the requested exemptive order if either (1) Applicant ceases to be regulated as a commercial bank in the Kingdom of Spain, or (2) Applicant ceases to be subject to banking regulation in the United States. Moreover, Applicant has (a) no present intention to curtail its banking operations in the United States to the extent that it would cease to be regulated as a foreign bank in the United States, and (b) no present intention to curtail its banking operations in Spain to the extent that it would cease to be regulated as a bank in Spain.

5. If Applicant's operations are curtailed in the future with the result that Applicant is no longer regulated as a foreign bank in the United States, Applicant agrees to continue to comply with its undertakings concerning submission to jurisdiction and appointment of an agent to accept service of process until such time as there are no holders in the United States of its equity securities issued in reliance on the requested order.

Applicant's Legal Analysis

1. Applicant asserts that the proposed exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicant submits that the exemption will advance the policies underlying the IBA of nondiscriminatory treatment of foreign banks in the United States. Applicant states that access to the United States investment market for its equity securities will provide it with a new source of capital which constitutes an important element of any bank's capital structure. Applicant also states that the proposed exemption will benefit the general public as well as institutional and other sophisticated investors in the United States by making the Applicant's equity securities available to such investors. Applicant submits that the exception from the 1940 Act's definition of investment company for domestic banks under section 3(c)(3) of the 1940 Act was provided because the comprehensive regulation and supervision of banks obviated the need for regulation under the 1940 Act. Applicant contends that these reasons also apply to Applicant because its operations will be controlled and overseen by Spanish banking authorities and its United States operations are subject to United States banking laws and various state banking laws. Hence, Applicant concludes that it is unnecessary and inappropriate to subject it to regulation under the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-20823 Filed 9-12-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16552; 811-577]

de Vegh Mutual Fund, Inc.; Application

September 7, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Order Declaring that de Vegh Mutual Fund, Inc. has ceased to be an Investment Company under the Investment Company Act of 1940 (the "1940 Act").

Applicant: de Vegh Mutual Fund, Inc. (the "Fund").

Relevant 1940 Act Sections: Relief requested pursuant to section 8(f) and Rule 8f-1 thereunder.

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company because it has transferred all of its assets and liabilities to the Growth Fund, a separately managed portfolio of the Winthrop Focus Fund.

Filing Date: The application on Form N-8F was filed on August 19, 1987 and amended on July 7, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on October 3, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 140 Broadway, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Cecilia C. Kalish, Staff Attorney (202) 272-3035 or Curtis R. Hilliard, Special Counsel (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is the summary of the Application; the complete Application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representation and Agreements

1. On April 5, 1950, the Fund registered under the Investment Company Act of 1940 as an open-end, diversified investment management company and has since continuously offered its shares of common stock to the public as a regulated investment company.

2. On May 1, 1987, the Fund transferred all of its assets and liabilities to the Growth Fund (the "Reorganization"), a separately managed portfolio of the Winthrop Focus Funds, a Massachusetts business trust ("Winthrop"), pursuant to an agreement and plan of reorganization (the "Plan"). The Fund took all necessary corporate action to approve the Reorganization, including approval by the board of directors on October 16, 1986 and March 12, 1987 and the approval of shareholders by a 67.233% vote on April 27, 1987. Winthrop was created on November 26, 1985 pursuant to an agreement and declaration of trust. Winthrop is a diversified, open-end investment company registered under the 1940 Act.

3. To accomplish the Reorganization pursuant to the Plan, the Fund transferred all of its assets and liabilities to Winthrop in exchange for shares of beneficial interest of the Growth Fund having the equivalent net asset value as the shares of common stock of the Fund then outstanding. The Fund's and Winthrop's assets were valued by the State Street Bank and Trust Company, the custodian for both the Fund and Winthrop. The valuation of their respective assets occurred in New York City as of 4:00 p.m. on May 1, 1987. The transfer of the assets and liabilities of the Fund to the Growth Fund and the issuance of shares of the Growth Fund occurred as of May 1, 1987.

4. As of April 30, 1987, the Fund has 30,902,402 shares of common stock

outstanding each with a net asset value of $14.05 per share. Following the transfer of assets and liabilities to the Growth Fund on May 1, 1987, the Fund distributed the appropriate number of shares of the Growth Fund to all of its shareholders in complete liquidation.

5. The Fund retained cash of $181,362.76 to cover expenses incurred up to May 1, 1987 in connection with its ongoing operations and the Reorganization. As of May 1, 1987, the Fund had liabilities of $181,362.76 outstanding, constituting payables, which were not assumed by Winthrop pursuant to the Reorganization. As of March 24, 1988, no cash remained in the Fund's custody.

6. Each of Winthrop and the Fund bore its own expenses in connection with the Reorganization with Wood, Struthers & Winthrop Management Corp., investment adviser to both, bearing all expenses over the applicable expense limitations of each of the Fund and Winthrop. The Fund incurred approximately $90,000 of expenses and Winthrop incurred $79,076 of expenses and Wood, Struthers & Winthrop Management Corp., incurred $110,334 of expenses in connection with the Reorganization.

7. No brokerage commissions were paid in connection with the transfer of the Fund's portfolio securities to the Growth Fund.

8. On April 19, 1987, the Fund declared a dividend to its shareholders of $0.10 per share in respect to income earned and $1.54 per share in respect of capital gains received which it paid on April 29, 1987. Such distribution was designed to realize previously unrealized capital appreciation in the Fund's portfolio.

9. The Fund filed Articles of Dissolution with the State of Maryland on May 26, 1988.

10. While the Fund was operating as an investment company it was in compliance with all requirements of the 1940 Act and represents that it has made all filings required by sections 30(a)(1) and 30(b)(1)–1 of the 1940 Act.

11. The Fund is not a party to any litigation or administrative proceeding.

12. The Fund believes that relief is justified because it no longer has any assets invested in securities, nor does it have any shareholders. In addition, the Fund will not engage in any activities other than those that are necessary for winding-up of its affairs. Consequently, the Fund is not primarily engaged in the business of "investing, reinvesting, owning, holding or trading in securities" within the meaning of section 3(a)(1) and 3(a)(3) of the 1940 Act. Even if the Fund were considered to be in such a business, it would be exempt from definition of investment company pursuant to section 3(c)(1) of the 1940 Act as an issuer with less than 100 beneficial owners of its securities.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–20824 Filed 9–12–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–16548; (812–7004)]

Princor Cash Management Fund, Inc., et al.; Application

September 6, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Princor Cash Management Fund, Inc., Principal Management, Inc., Eppler, Guerin and Turner, Inc., EGT Money Market Trust and EGT Research Limited Partnership.

Relevant Sections of the 1940 Act: Order requested pursuant to section 17(b) exempting a transaction from the provisions of section 17(a) and permitting a transaction pursuant to Rule 17d–1 adopted under section 17(d) of the 1940 Act.

Summary of Application: Applicants seek an order to permit Princor Cash Management Fund, Inc. ("Fund") to acquire all of the assets of EGT Money Market Trust ("Trust") in exchange for Fund shares to be distributed pro rata by the Trust to its shareholders in complete liquidation and termination of the Trust and for the Fund to assume all liabilities of the Trust.

Filing Date: The application was filed on March 11, 1988, and amended on August 8, 1988, and an amendment will be filed during the notice period to delete paragraph 12 of the application.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on September 30, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549; Princor Cash Management Fund, Inc. and Principal Management, Inc., 711 High Street, Des Moines, Iowa 50309. Eppler, Guerin and Turner, Inc., 2300 Bryan Tower, 2001 Bryan Street, P.O. Box 508, Dallas, Texas 75221. EGT Money Market Trust and EGT Research Limited Partnership, Federated Investors Corporation, Federated Investors Tower, Pittsburgh, Pennsylvania 15222–3779.

FOR FURTHER INFORMATION CONTACT: Special Counsel Richard Pfordte at (202) 272–2811 or Branch Chief Karen Skidmore at (202) 272–3023, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 253–4300).

Applicants' Representations

1. The Fund, a Maryland corporation, is registered under the 1940 Act as an open-end diversified management investment company. The Fund's principal investment objective is to maximize current income from short-term securities as is considered consistent with preservation of principal and maintenance of liquidity. The Fund's net assets are approximately $60 million.

2. Principal Management, Inc. ("Adviser") is an investment adviser incorporated under the laws of the State of Iowa. Adviser, an indirect wholly-owned subsidiary of Principal Mutual Life Insurance Company ("Principal Mutual") is the investment manager, dividend disbursing and transfer agent for the Fund. Adviser performs similar functions for other funds organized by Principal Mutual.

3. Princor Financial Services Corporation, an Iowa corporation and indirect wholly-owned subsidiary of Principal Mutual, is the Fund's underwriter, and is a registered broker-dealer under the Securities Exchange Act of 1934.

4. The Trust, a Massachusetts business trust, is registered under the 1940 Act as an open-end diversified management investment company. The Trust's principal investment objective is stability of principal and current income by investment in high quality money market instruments. The Trust's net assets amount to approximately $42 million.

5. Eppler, Guerin and Turner, Inc. ("Underwriter"), a Delaware corporation, is a regional investment banking and securities brokerage firm based in Dallas, Texas. Underwriter, an indirect wholly-owned subsidiary of Principal Mutual and underwriter of the Trust, is a member of the New York Stock Exchange and American Stock Exchange and is registered under the Securities Exchange Act of 1934. Approximately 57% of the shares of the Trust are owned by an Eppler, Guerin and Turner, Inc. executive stock ownership trust, established in connection with EGT Financial Corporation Account Executives' Stock Ownership Plan, an employee pension benefit plan qualified under section 401(a) of the Internal Revenue Code.

6. The Trust's adviser is EGT Research Limited Partnership ("EGT Research"), a Pennsylvania limited partnership formed on January 20, 1984 pursuant to an Agreement of Limited Partnership ("Agreement"). The Underwriter is the sole limited partner of EGT Research. The sole general partner of EGT Research is Cash Reserves Management Corporation ("Cash Management"), a wholly-owned subsidiary of Federated Investors, Inc., which is a wholly-owned subsidiary of Aetna Life and Casualty Company.

7. Principal Mutual is a mutual life insurance company incorporated under the laws of the state of Iowa in 1879. Principal Mutual controls the right to vote approximately 62% of the shares of the Fund.

8. At the present time, the Trust is not a member of any family of funds and therefore does not enjoy the benefits of an active marketing program normally associated with membership in a family of mutual funds. Trust net assets have steadily declined in recent years. On March 31, 1985, Trust net assets amounted to $75,658,413.00. On March 31, 1988, Trust net assets amounted to $46,212,549.00. Following the acquisition of the Underwriter by Principal Mutual, the Underwriter and Adviser proposed to EGT Research and the Trust that the Trust be combined with the Fund.

9. In the opinion of the Adviser and the Underwriter, a combination of the Fund and the Trust would prove beneficial to shareholders of the Trust in that the increased size of the Fund following the combination would allow for more efficient management that could minimize expenses and maximize yield. In addition, the Adviser and Underwriter concluded that Trust shareholders would benefit from inclusion in the family of funds organized by Principal Mutual and actively marketed by the Underwriter and the Fund's Underwriter. The Trust's Board of Trustees considered the Adviser's proposal and agreed to recommend to shareholders of the Trust the approval of an Agreement and Plan of Acquisition (the "Plan") whereby the Fund would acquire all of the assets of the Trust in exchange for Fund shares to be distributed *pro rata* by the Trust to its shareholders in complete liquidation and termination of the Trust, and for the assumption by the Fund of all the liabilities of the Trust. If the Trust shareholders approve the Plan, each shareholder of the Trust will become the owner of the Fund shares equal in value to his or her holdings in the Trust.

10. The Adviser will pay all expenses incurred in connection with the proposed transaction.

11. In the opinion of counsel to the Fund, the acquisition will be considered a tax-free "reorganization" under applicable provisions of the Internal Revenue Code so that no gain or loss will be recognized by either the Trust or the Fund or their shareholders. The tax cost basis of the Fund shares received by Trust shareholders will equal the tax cost basis of shares in the Trust.

12. Pursuant to the Agreement, the Underwriter will exercise its option to sell its entire interest in EGT Research to Cash Management. It is anticipated that EGT Research will then dissolve. The Underwriter will solicit, on behalf of Trust management, proxies from shareholders of the Trust for a vote in favor of the proposed transaction.

Applicants' Legal Conclusions

1. The proposed transaction meets the requirements of section 17(b) of the 1940 Act because the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned. The Fund will issue shares to the Trust, the aggregate value of which will equal the Trust's net asset value on the closing date. Both the Trust and the Fund are money market funds and each maintains the value of its shares at one dollar. Therefore, upon consummation of the transaction, Trust shareholders will own Fund shares equal in number and value to the Trust shares they owned prior to the consummation of the transaction.

2. The transaction is consistent with the general purposes of the 1940 Act. The shareholders of the Trust and the Fund will benefit from the greater flexibility with respect to portfolio transactions and savings derived by economies of scale.

3. Applicants believe that neither the Underwriter nor the affiliated persons of the Trust or the Fund nor any affiliated persons of such persons are, acting as principals, participating in or effecting any transaction in connection with any joint enterprise in which the Trust or the Fund is a participant so as to require exemptive relief. However, to avoid any question regarding the application of section 17(d) and Rule 17d-1 to the proposed transaction, Applicants request an order permitting the proposed transaction.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-20825 Filed 9-12-88; 8:45 am]

BILLING CODE 80-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0257]

Independence Financial Services, Inc.; Surrender of License

Notice is hereby given that Independence Financial Services, Inc. (IFS), Town Plaza Office Park, Batesville, Arkansas 72501, has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). IFS was licensed by the Small Business Administration on October 26, 1982.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the License was accepted on September 2, 1988, and accordingly, all rights, privileges, and franchises 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: September 8, 1988.

[FR Doc. 88-20848 Filed 9-12-88; 8:45 am]

BILLING CODE 8025-01-M

Region IX Executive Board; Public Meeting; California

The U.S. Small Business Administration Region IX Executive Board, located in the geographical area of San Francisco, will hold a public meeting at 10:00 a.m. on Friday, September 23, 1988, at the Federal Building, 450 Golden Gate Avenue.

Room 15018 (15th Floor), San Francisco, California, 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 Thomas Topuzes, Regional Administrator, U.S. Small Business Administration, 450 Golden Gate Avenue, Box 36044, San Francisco, California 94102—(415) 556–7487.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 6, 1988.

[FR Doc. 88–20849 Filed 9–12–88; 8:45 am]

BILLING CODE 8025–01–M

Region VIII Advisory Council; Public Meeting; North Dakota

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Fargo, will hold a public meeting at 8:30 a.m. on Wednesday, October 5, 1988, at the Holiday Inn, Bismarck, North Dakota, 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 James L. Stai, District Director, U.S. Small Business Administration, 657–2nd Avenue North, Room 218, Fargo, North Dakota 58102—(701) 239–5131.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 6, 1988.

[FR Doc. 88–20850 Filed 9–12–88; 8:45 am]

BILLING CODE 8025–01–M

Region III Advisory Council; Public Meeting; Pennsylvania

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Pittsburgh, will hold a public meeting at 11:00 a.m. on Wednesday, September 28, 1988 and Thursday, September 28, 1988, at Pikes Run Country Club, Jones Mills, Pittsburgh, Pennsylvania, 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 Joseph M. Kopp, District Director, U.S. Small Business Administration, 960 Penn Avenue, Convention Towers, 5th Floor, Pittsburgh, Pennsylvania 15222—(412) 644–4306.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 1, 1988.

[FR Doc. 88–20851 Filed 9–12–88; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council; Public Meeting; Tennessee

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Nashville, will hold a public meeting at 8:00 a.m. on Thursday, September 29, 1988, at Sovran Bank, One Commerce Place, Nashville, Tennessee, 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 Robert M. Hartman, District Director, U.S. Small Business Administration, Suite 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219—(615) 736–5850.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 1, 1988.

[FR Doc. 88–20853 Filed 9–12–88; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council; Public Meeting; Texas

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of San Antonio, will hold a public meeting at 9:00 a.m. on Thursday, September 29, 1988, at the North Star Executive Center, 7400 Blanco Road, Suite 200, San Antonio, Texas, 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 Julio G. Perez, District Director, U.S. Small Business Administration, North Star Executive Center, 7400 Blanco Road, Suite 200, San Antonio, Texas 78216—(512) 229–4501.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 6, 1988.

[FR Doc. 88–20854 Filed 9–12–88; 8:45 am]

BILLING CODE 8025–01–M

Region III Advisory Council; Public Meeting; Virginia

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Richmond, will hold a public meeting at 1:00 p.m. to 5:00 p.m. on Tuesday, October 25, 1988, and from 8:30 a.m. to 12:00 noon on Wednesday, October 26, 1988, at the Holiday Inn Conference Center, 1021 Koger Center Boulevard, Richmond, Virginia, 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 Catherine S. Marschall, District Director, U.S. Small Business Administration, P.O. Box 10126, Federal Building, Richmond, Virginia 23240—804 771–2741.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 1, 1988.

[FR Doc. 88–20855 Filed 9–12–88; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended September 2, 1988

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44608

Date Filed: August 29, 1988.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 26, 1988.

Description: Amendment No. 2 to the Application of The Flying Tiger Line Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations hereby amends its above-captioned application as follows: Paragraph 4 is amended as follows—"4. Flying Tigers hereby applies for a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of property and mail between the coterminal points Columbus, Ohio (to be served through Rickenbacker Airport) Rochester, New York, and Detroit and Flint, Michigan, on the one hand, and Toronto, Ontario, Canada, on the other hand, subject to such terms, conditions, and limitations as the Department may find to be

consistent with the public convenience and necessity."

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 88-20846 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[AC No. 121-24A]

Revised Advisory Circular on Passenger Safety Information Briefing and Briefing Cards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on proposed revised Advisory Circular (AC) 121-24A; Passenger Safety Information Briefing and Briefing Cards.

SUMMARY: Proposed AC 121/24A is intended to provide information regarding the items that are required to be, or should be, covered in oral passenger briefing and briefing cards. The AC provides specific information about air carrier operations conducted under Part 121 of the Federal Aviation Regulations (FAR) and provides suggestions about making this information interesting and meaningful. This AC cancels AC 121-24, Passenger Safety Information and Briefing and Briefing Cards, dated June 23, 1977.

Comments invited: Comments are invited on all aspects of the proposed AC. Commenters must identify file number AC 121-24A.

DATE: Comments must be received on or before October 27, 1988.

ADDRESS: Send all comments and request for copies of the proposed AC to: Federal Aviation Administration, Office of Flight Standards; Air Transportation Division (Attention: AFS-220): 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Donell Pollard, Air Transportation Division (Attention: AFS-220), Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-3735 (8:30 a.m. till 5:00 p.m. est.).

SUPPLEMENTARY INFORMATION: The guidance material contained in this AC reflects updated material to be covered in oral passenger briefings and on briefing cards on air carrier airplanes conducting operations under FAR Part 121.

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

David C. Gilliom,

Acting Director of Flight Standards.

[FR Doc. 88-20770 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-88-36]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before October 3, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 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 September 7, 1988.

Denise D. Hall,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 25670
Petitioner: Airways Training Institute, Inc.
Regulations Affected: 14 CFR 141.35 (c)(5)(i) and (d)(4)(i)
Description of Relief Sought: To allow petitioner to appoint Mr. James Sposito as Chief Flight Instructor without his having met the 100 hours of instrument flight instruction as a certified instrument flight instructor within the preceding year.

Docket No.: 23653
Petitioner: University of North Dakota
Regulations Affected: 14 CRR Part 141, Appendixes A, C, D, F, and H
Description of Relief Sought/ Disposition: To extend Exemption No. 3825, as amended, that allows aviation students of petitioner to graduate from the appropriate courses when they have been trained to specific performance standards rather than the minimum flight time requirements of Part 141, subject to certain conditions and limitations. Grant, August 31, 1988, Exemption No. 3825D

Docket No.: 24981
Petitioner: Pegasus Flight Center, Inc.
Sections of the FAR Affected: 14 CFR 141.65
Description of Relief Sought/ Disposition: To extend Exemption No. 4698, which allows petitioner to hold examining authority for flight instructor and airline transport pilot (ATP) written tests. Grant, August 31, 1988, Exemption No. 4698A

Docket No.: 24983
Petitioner: LOWA, Ltd.
Sections of the FAR Affected: 14 CFR 61.58(c)(1)
Description of Relief Sought/ Disposition: To extend Exemption No. 4702, which allows petitioner's pilots of Boeing 707 (B-707) aircraft to complete the entire 24-month pilot in command (PIC) check in an FAA-approved visual simulator provided that the pilot taking the flight check has completed three takeoffs and three landings within the preceding 90 days in a B-707. Grant, August 31, 1988, Exemption No. 4702A

[FR Doc. 88-20759 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 163—Unintentional or Simultaneous Transmissions that Adversely Affect Two-Way Radio Communication Meeting;

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given for the sixth meeting of RTCA Special Committee 163 on Unintentional or Simultaneous Transmissions that Adversely Affect Two-Way Radio Communication, to be held October 3-4, 1988, in the RTCA

Conference Room, One McPherson Square, 1425, K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's remarks, (2) approval of minutes of the sixth meeting, (3) review task assignments, (4) review the fourth draft of the MOPS, (5) assignment of tasks, (6) other business, and (7) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 7, 1988.

Wendie F. Chapman,

Acting Designated Officer.

[FR Doc. 88-20757 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 162—Aviation Systems Design Guidelines for Open Systems Interconnection (OSI); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given for the sixth meeting of RTCA Special Committee 162 on Aviation Systems Design Guidelines for Open Systems Interconnection (OSI) to be held October 5-7, 1988, in the RTCA Conference Room, One McPherson Square, 1425, K Street NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks, (2) approval of minutes of the fifth meeting, (3) working group activity reports, (4) reports of related activities, (5) prepare detailed list of committee report contents, (6) prepare partial draft of committee report, (7) review of working group assignments, (8) working groups meet in separate sessions, (9) assignment of tasks, (10) prepare outline of report to the RTCA Annual Assembly, (11) other business, and (12) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washingotn, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 7, 1988.

Wendie F. Chapman,

Acting Designated Officer.

[FR Doc. 88-20758 Filed 9-12-88; 8:45 am]

BILLING CODE 4910-13-M

UNITED STATES SENTENCING COMMISSION

Public Hearing on Organizational Sanctions

AGENCY: United States Sentencing Commission.

ACTION: Notice of public hearing.

SUMMARY: This notice announces a public hearing scheduled by the U.S. Sentencing Commission for October 11, 1988, in New York City to consider the development of guidelines and policy statements for sentencing organizations found guilty of federal criminal offenses.

DATE: Tuesday, October, 11, 1988, 10 a.m.-4 p.m. United States Courthouse, Foley Square (corner of Centre and Pearl Streets), New York, NY.

ADDRESS: Written statements, comments on the Commission's Discussion Materials on Organizational Sanctions, requests to testify, and other written communications may be sent to: United States Sentencing Commission, 1331 Pennsylvania Avenue NW., Suite 1400, Washington, DC 20004, Attention: Organizational Sanctions Comment.

FOR FURTHER INFORMATION CONTACT: Paul K. Martin, Communications Director for the Commission, telephone (202) 662-8800.

Authority: Section 217(a) of the Comprehensive Crime Control Act of 1984 (28 U.S.C. 994, 995).

William W. Wilkins, Jr.,

Chairman.

[FR Doc. 88-20756 Filed 9-12-88; 8:45 am]

BILLING CODE 2210-40-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 177
Tuesday, September 13, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (Eastern Time) Tuesday, September 20, 1988.

PLACE: Clarence M. Mitchell, Jr., Conference Room, No. 200–C on the Second Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Part of the Meeting will be Open to the Public and Part will be Closed to the Public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Vote(s).
2. Proposed Part 1614—New Federal Sector Processing Regulations.

Closed Session

1. Agency Adjudication and Determination on Federal Agency Discrimination Complaint Appeals.
2. Litigation Authorization: General Counsel Recommendations.

Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on the EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for further information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 634–6748.

Dated: September 8, 1988.

Frances M. Hart,
Executive Officer, Executive Secretariat.
[FR Doc. 88–20939 Filed 9–9–88; 4:01 pm]
BILLING CODE 6750–06–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Friday, September 16, 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. Federal Reserve Bank and Branch director appointments. (This item was originally announced for a closed meeting on September 6, 1988.)
2. Proposals regarding fees for directors of Federal Reserve Banks.
3. Review of the Board's compensation project and related personnel matters.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any item 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.

Dated: September 8, 1988.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 88–20852 Filed 9–8–88; 4:53 pm]
BILLING CODE 6210–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 12:00 noon, Monday, September 19, 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.

Dated: September 9, 1988.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 88–20935 Filed 9–9–88 4:00 pm]
BILLING CODE 6210–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of September 12, 19, 26, and October 3, 1988.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 12

Monday, September 12

2:00 p.m.
Briefing on Severe Accident Policy for Future Light Water Reactors (Public Meeting)

Friday, September 16

10:00 a.m.
Briefing on Status of Efforts To Develop a Below Regulatory Concern Policy (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Decisions on: (1) Rule Waiver Petition Seeking a Financial Qualifications Review in Seabrook and (2) Petition for Review of ALAB–895 (Tentative)
b. Final Rule on Emergency Planning and Preparedness Requirements for Nuclear Power Plant Fuel Loading and Initial Low Power Testing (Tentative)

Week of September 19—Tentative

There are no Commission meetings scheduled for the Week of September 19.

Week of September 26—Tentative

There are no Commission meetings scheduled for the Week of September 26.

Week of October 3—Tentative

Wednesday, October 5

10:00 a.m.
Briefing on Status of Policy Statement on Training and Qualifications (Public Meeting)

Friday, October 7

10:00 a.m.
Briefing on Status of Reactor Operator Requalification Program (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Briefing on Status of Peach Bottom (Public Meeting)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(301) 492–0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill, (301) 492–1661.

William M. Hill, Jr.,
Office of the Secretary.
September 8, 1988.

[FR Doc. 88–20916 Filed 9–9–88; 3:28 pm]
BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 53, No. 177
Tuesday, September 13, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-40

[FPMR Temp. Reg. G-51]

Use of Carrier Contractors for Express Small Package Transportation

Correction

In rule document 88-17301 beginning on page 29046 in the issue of Tuesday, August 2, 1988, make the following corrections:

1. On page 29048, in the first column, in the fourth line from the bottom, "invoicer" should read "invoice".

2. On the same page, in the second column, in the fourth complete paragraph, in the 10th line, "31 U.S.C. 390(5)" should read "31 U.S.C. 3903(5)".

3. On page 29049, in the second column, in the first paragraph, in the 22nd line, "contracting" should read "contacting".

4. On page 29050, in the second column, under *Oregon*, in the third line, the telephone number should read "(503) 257-3551".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Regional Administrator—Regional Housing Commissioner

[Docket No. D-88-885]

Acting Manager, Region IV (Atlanta); Designation for Nashville Office

Correction

In notice document 88-19578 beginning on page 32945 in the issue of Monday, August 29, 1988, make the following correction:

On page 32946, in the first column, the 10th line should read "1. Director, Housing Development Division.".

BILLING CODE 1505-01-D

federal register

Tuesday
September 13, 1988

Part II

Environmental Protection Agency

40 CFR Parts 261 and 302

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 302

[FRL-3434-2]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today amending its regulations under the Resource Conservation and Recovery Act (RCRA) by relisting as hazardous certain wastes generated from metal smelting operations. These wastes were previously listed as hazardous; however, the listings were suspended by the Agency in response to the enactment of the "Beville Amendment." The Agency is today removing the suspensions in direct response to a court order. Specifically, the Agency is adding six wastes to the list of hazardous wastes from specific sources (40 CFR 261.32). The Agency is also amending the regulations promulgated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at 40 CFR Part 302, which designates these wastes as CERCLA hazardous substances and establishes the reportable quantities applicable to these wastes.

The effect of removing the suspensions and thereby relisting these six wastes as hazardous is to subject them to the hazardous waste regulation requirements of Parts 262 through 266, 270, 271, and 124 of this chapter, and to the notification requirements of section 3010 of RCRA.

DATES: This final rule is effective March 13, 1989.

FOR FURTHER INFORMATION CONTACT: For further information on this listing action, contact the RCRA/Superfund hotline at (800) 424-9346 (toll free) or David Topping at (202) 382-7737.

ADDRESSES: Copies of materials relevant to this rule are located in the Docket at U.S. EPA, 401 M Street, SW., Washington, DC 20460. The docket number for this rulemaking is F-88-SWRF-FFFFF. The docket is located in the sub-basement; the public must make an appointment in order to review them by calling (202) 475-9327. The docket is available for inspection from 9:00 a.m. to 4:00 p.m., Monday through Friday. The public may copy materials in the docket at a cost of $0.15 per page.

SUPPLEMENTARY INFORMATION:

I. Background

A. History

On December 18, 1978 (43 FR 58946), EPA proposed its initial regulations for hazardous waste management under Subtitle C of RCRA. These proposed regulations, among other things, identified a universe of so-called "special wastes" that are generated in large volumes, were thought to pose less of a hazard than other hazardous wastes, and were thought to not be amenable to all of the control techniques proposed for other types of RCRA hazardous wastes. EPA identified waste materials from the "extraction, beneficiation, and processing of ores and minerals," *i.e.,* mining waste, as one such "special waste" under the proposed regulations.

Then, on May 19, 1980, EPA promulgated the final hazardous waste management regulations. In promulgating these regulations, the Agency did not finalize the "special waste" category. The Agency's basis for this was twofold: (1) The extraction procedure (EP) toxicity and corrosivity characteristics had been narrowed to exclude most "special wastes" from control and (2) the Agency was expecting to promulgate tailored standards for land disposal, as needed, in future regulations. However, at the same time and shortly thereafter, EPA listed as hazardous (as an interim final rule) eight wastes that are generated from primary metal smelters (45 FR 33112, May 19, 1980, and 45 FR 47832, July 16, 1980), including the six waste streams listed by today's notice.

On October 21, 1980, Congress enacted Pub. L. 96-482, which included various amendments to RCRA. Section 8002 was amended to include subsection (p), which required the Administrator to study the adverse effects on human health and the environment, if any, of waste from the disposal and utilization of "solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore," and submit a Report to Congress on its findings by October 21, 1983. Section 7 of these amendments (the "Bevill Amendment") amended section 3001 of RCRA to exclude these wastes from regulation as hazardous wastes under Subtitle C of RCRA pending completion of the studies called for in sections 8002 (f) and (p).

On November 19, 1980, EPA published an interim final amendment to its hazardous waste regulations to reflect the mining waste exclusion. In this notice, EPA explained that it interpreted the exclusion to include "solid waste from the exploration, mining, milling, smelting, and refining of ores and minerals" (45 FR 76619). EPA also indicated that it intended to reconsider its interpretation of the exclusion in the future, particularly as it applied to smelting and refining wastes. The notice also indicated that any subsequent action to narrow the scope of the exclusion would be through rulemaking.

To be consistent with its interpretation of the scope of the exclusion expressed in the November 19, 1980 notice, the Agency suspended the listings for five smelter wastes which it promulgated as final-final on November 12, 1980 (see 45 FR 76618); in addition, on January 16, 1981, the Agency suspended the other wastes which were promulgated as interim final on July 16, 1980. In suspending all of these listings, the Agency made it clear that although these wastes met the criteria for listing in 40 CFR 261.11, they appeared to come within the ambit of the "Bevill" exclusion.

In 1984, several environmental organizations challenged EPA's failure to complete the required studies under

sections 8002 (f) and (p) by the statutory deadline. *Concerned Citizens of Adamstown* v. *EPA*, Civ. No. 84–3041, (D.D.C.). As a result, the District Court ordered EPA to complete the studies and to take action on a planned proposed rulemaking reinterpreting the scope of the mining waste exclusion.

On October 2, 1985, under the court order in *Adamstown*, EPA proposed to narrow the scope of the mining waste exclusion (50 FR 40292). In preparing this proposed reinterpretation, EPA was unable to find any accepted standard definitions, *ie.*, plain meanings, for the terms of the mining waste exclusion, particularly the term "processing." Therefore, EPA next looked to the legislative history to aid in defining the intended scope of the mining waste exclusion. The Agency's review indicated that the exclusion was intended to cover the category of wastes that were designated as "special wastes" in the proposed hazardous waste regulations at 43 FR 58946 (December 18, 1978). These "special wastes" included "solid wastes from the extraction, beneficiation, and processing of ores and minerals." As mentioned earlier, EPA interpreted "special wastes" to be those that are generated in large volumes and pose less of a hazard than other hazardous wastes. EPA adopted this "high volume, low hazard" concept as the basis for the proposed reinterpretation. Specifically, EPA proposed to reinterpret the exclusion so that red and brown bauxite refining muds, phosphogypsum, slag from phosphorous reduction, and slag from primary metal smelters would be the only processing wastes covered by the mining waste exclusion because EPA believed these were the only processing wastes that met the "special waste" criteria. However, EPA requested that commenters identify any other processing wastes that met the "special waste" criteria and, therefore, should remain within the mining waste exclusion.

Under this proposed reinterpretation, the suspension of the six smelter waste listings would be removed since they would no longer be considered "special wastes". Therefore, the notice proposed to relist the six smelter wastes.[1]

Subsequently, on October 9, 1986, the Agency announced that it was withdrawing its proposed reinterpretation (51 FR 36233). The Agency explained that it was withdrawing the reinterpretation because the terms "high volume" and "low hazard" had not been quantified in the proposal and, therefore, the Agency was unable to determine the status of additional wastes nominated by commenters as "special wastes" (51 FR 36234). While it did not view the "high volume, low hazard" standard as inherently unsound, EPA pointed to various definitional problems it faced in determining how to group and classify these wastes. The Agency concluded that its proposal had to be withdrawn because it failed to set out "practically applicable criteria for distinguishing processing from non-processing wastes" and because there was insufficient time to repropose a rule in light of the *Adamstown* deadline. The withdrawal of the proposed reinterpretation effectively continued the suspension of the six smelter waste listings.

Subsequently, two suits were filed against EPA challenging the Agency's decision to withdraw its proposed reinterpretation of the mining waste exclusion. The cases, *Environmental Defense Fund* v. *EPA*, No. 86–1584 (D.C. Cir.) (*"EDF"*) and *Hazardous Waste Treatment Council* v. *EPA*, No. 86–1691 (D.C. Cir.) were decided on July 29, 1988.

B. Court Decision

The U.S. Court of Appeals for the D.C. Circuit ruled in *EDF* that EPA's decision to withdraw the proposed reinterpretation and failure to relist the six smelting and refining wastes was arbitrary and capricious. The Court found that EPA's inclusion of all smelting and refining wastes in the "Bevill" exclusion for ore processing wastes was "impermissibly overbroad" and contrary to Congressional intent. *EDF v. EPA*, No. 86–1584 (D.C. Cir. July 29, 1988), slip op. at 20. While the court conceded that the statutory term "processing" is ambiguous, the Court nonetheless found EPA's interpretation to be unreasonable in light of "clear" legislative history that suggested that Congress had intended the Bevill Amendment to be limited to those ore processing wastes which meet EPA's 1978 "special waste" concept, *i.e.*, those solid wastes which are high volume and low hazard. *Id.* at 22, 25–26.

The Court also rejected EPA's justification for withdrawal of the proposed reinterpretation. The Court noted that EPA could have asked the district court for additional time to refine its 1985 proposal. By withdrawing the proposed reinterpretation in its entirety, including the relisting of the six smelter wastes, EPA failed to meet its statutory obligation either to study smelting and refining wastes under 8002(p) or to reinterpret the scope of the exclusion. Slip op. at 28–29.

In its order for relief, the Court directed EPA to relist the six smelter wastes by August 31, 1988. The Court noted that, regardless of the status of any additional processing wastes, the six smelter wastes clearly would not fit any definition of "high volume, low hazard." Slip op. at 30. In summary, the Court found that the six wastes cannot, as a matter of law, be excluded from regulation under the Bevill amendment and must be regulated under Subtitle C if they meet the listing or identification criteria for hazardous wastes under 40 CFR 261.10 and 261.11.

In addition to relisting the six wastes, EPA must, by October 15th, propose which "high volume, low hazard" wastes from ore processing it will study under section 8002(p) of RCRA. EPA must finalize that proposal by February 15, 1989, and submit a Report to Congress on the large-volume processing wastes on the final February 15th list by July 31, 1989.[2] In a forthcoming **Federal Register** notice, EPA will propose new criteria for determining which ore processing wastes are "high volume, low hazard" and will designate those wastes which meet the criteria for study under section 8002(p).

II. Description of and Rationale for Today's Action

A. 1981 Suspensions are Lifted

As directed by court order, EPA is today reinstating the hazardous waste listing for six wastes associated with smelting operations (see Table 1).[3] These wastes were originally listed on May 19, 1980, and July 16, 1980, but were suspended from the listing regulations after the Bevill Amendment was enacted (see 45 FR 76618, November 19, 1980, 46 FR 4615, January 16, 1981, and 46 FR 27473, May 20, 1981). As a result of today's action, the six wastes are again

[1] The two other waste streams suspended in 1981 (K067 and K068), were not proposed for relisting in 1985 and are not relisted here today. As explained in 1985, these two waste streams do not meet EPA's current definition of solid waste (see 50 FR 40296–97).

[2] In its July 29 opinion, the Court initially mandated deadlines of August 31, 1988; December 31, 1988; and January 31, 1989, respectively. On August 23, the Court granted in part EPA's petition for rehearing and modified the schedule to the one listed above.

[3] In a letter dated August 26, 1988 from counsel for Phelps Dodge Corporation, they suggested that the Agency could meet the recent order of the United States Court of Appeal ordering EPA to regulate six mineral processing wastes as hazardous wastes under Subtitle C of RCRA by simply removing these wastes from the Bevill exclusion and not relisting the wastes. The Agency wishes to clarify that its decision to list these wastes today is based on its evaluation of the listing criteria (*i.e.*, these wastes are hazardous) as well as the court finding that these wastes are not Bevill wastes. For further discussion, see Section III of this preamble.

defined as hazardous wastes based upon the reasons set forth in the May 19 and July 16, 1980, listings (see 45 FR 33113, 45 FR 47834, and the associated Listing Background Documents for these waste streams).

TABLE 1.—SMELTER WASTES LISTED AS HAZARDOUS

Industry	EPA hazardous waste No.	Hazardous waste	Hazard code [1]
Primary copper	K064	Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
Primary lead	K065	Surface impoundment solids contained in and degraded from surface impoundments at primary lead smelting facilities.	(T)
Primary zinc	K066	Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.	(T)
Primary aluminum.	K088	Spent potliners from primary aluminum reduction.	(T)
Ferroalloys	K090	Emission control dust or sludge from ferrochromium-silicon production.	(T)
	K091	Emission control dust or sludge from ferrochromium production.	(T)

[1] Hazard code "T" indicates that the waste is listed due to its toxicity (see 40 CFR 261.3(b)).

In addition to listing the six wastes as hazardous at 40 CFR 261.32, EPA is amending the definition of the mining waste exclusion found at 40 CFR 261.4(b)(7) to further clarify that these six wastes do not meet the definition of "processing of ores and minerals." In response to the Court's order, EPA will, by October 15, 1988 propose additional amendments to this paragraph to specifically list only those processing wastes which do fall within the exclusion accordingly to the "high volume, low hazard" criteria which EPA is in the process of developing.

B. Primary Copper Smelting and Refining: EPA Hazardous Waste No. K064—Acid Plant Blowdown Slurry/Sludge Resulting from the Thickening of Blowdown Slurry (T)

Acid plant blowdown slurry/sludge, resulting from the thickening of blowdown slurry, is a waste stream generated at facilities where primary copper is smelted in a reverberatory furnace. The waste arises from the acid plant, which constitutes the principal controller for removal of sulfur dioxide from furnace and converter off-gases. The blowdown slurry from the acid plant is often thickened and the bulk of the solids content recycled to the reverberatory furnace. The overflow from the thickener contains both suspended and dissolved solids. The suspended solids are settled in surface impoundments and recycled to the smelter; the dissolved solids are discharged with the surface impoundment effluent, often to a tailings pond. It is the thickened slurry, the settled suspended solids from the thickener overflow, and the sludges that form from the dissolved solids in the thickener overflow that are the subject of this listing. The Agency's decision to subject these wastes to RCRA Subtitle C requirements includes consideration of the following factors:

1. Acid plant blowdown slurry contains high concentrations of the heavy metals lead and cadmium.

2. Lead and cadmium are toxic and are included in the list of hazardous constituents at Appendix VIII of 40 CFR Part 261.

3. A solubility study has indicated that lead and cadmium can be leached from these wastes by even a mild (distilled water) leaching medium. Therefore, even under mild conditions, the possibility of ground water contamination via leaching exists if these wastes are improperly disposed. Further, lead and cadmium do not degrade, so that contamination, and the potential for contaminant contact with living receptors will be long-term.

These and other factors considered by the Agency are explained in the Listing Background Document for Primary Copper Smelting and Refining.

C. Primary Lead Smelting: EPA Hazardous Waste No. K065—Surface Impoundment Solids Contained in and Dredged from Surface Impoundments at Primary Lead Smelting Facilities (T)

The smelting of primary lead produces a number of waste streams and slurries, including acid plant blowdown, slag granulation water, and plant washwater. These wastewaters and slurries are sent to treatment and storage or disposal impoundments to settle or precipitate out the solids. These solids may be left in the lagoons, or they may be periodically dredged and disposed of or recycled. The Agency's decision to subject these wastes to RCRA Subtitle C requirements includes consideration of the following factors:

1. These solids contain significant concentrations of the heavy metals lead and cadmium.

2. Lead and cadmium are toxic and are included in the list of hazardous constituents at Appendix VIII of 40 CFR Part 261.

3. Lead and cadmium have been shown to leach from samples of the waste that were subjected to an extraction procedure designed to predict the release of contaminants into the environment. If the wastes are not properly managed, leachate could migrate from the waste disposal site and contaminate underlying drinking water sources. Further, lead and cadmium do not degrade, so that contamination, and the potential for contaminant contact with living receptors, will be long-term.

These and other factors considered by the Agency are further explained in the Listing Background Document for Primary Lead Smelting.

There is a further question relating to relisting these surface impoundment solids—whether they can be classified as "solid wastes" when they are destined for recycling by being reclaimed to recover contained lead values. Based on information compiled in 1985, it appears that large percentages of these surface impoundment solids are eventually removed from surface impoundments and reclaimed, albeit the period between generation and reclamation often extended for years. (50 FR 40297, October 2, 1985.) The Agency also anticipated that the percentage of surface impoundment solids being reclaimed could decrease due to declining lead demand. Id.

In response to the court's opinion in *American Mining Congress* v. *EPA*, 824 F. 2d 1177 (D.C. Cir. 1987), EPA has tentatively interpreted its jurisdiction over hazardous secondary material recycling activities to exclude those materials that are reused within an industry's on-going production process. Recycling activities involving elements of discarding, on the other hand, can continue to involve solid wastes. (53 FR 519, January 8, 1988.) EPA also proposed that in evaluating whether sludges (such as the primary lead surface impoundment solids at issue here) and by-products being reclaimed can be considered to be solid wastes, it would evaluate the following factors bearing on whether the material was being discarded or was being used as part of a continuous on-going manufacturing process: (a) Whether the sludge or by-product is typically recycled on an industry-wide basis; (b) whether the material is replacing a raw material and the degree to which it is similar in composition to the raw material; (c) the relation of the recovery practice to the principal activity of the facility; and (d) whether the secondary material is managed in a way designed to minimize loss, plus other relevant factors. (53 FR 526.) EPA had previously proposed use of these same factors in its discussion of whether to list the primary lead surface impoundment solids in the October, 1985 rulemaking. (50 FR 40, 296–297.)

It seems clear that surface impoundments in the primary lead industry are not part of the primary lead production process, and that the solids in these impoundments are not in-process materials but rather are generated incidentally in the course of wastewater treatment. The purpose of surface impoundments in the primary lead industry is to provide quiescent settling to remove pollutants from wastewater before discharge. (Ponds are sometimes used to equalize wastewater flow into treatment units as well.) Indeed, industry characterized its impoundments as wastewater treatment units in all of its submittals to the Agency during the rulemaking to develop effluent limitations guidelines for the industry. (The industry's argument, in fact, was that surface impoundments are *essential* wastewater treatment devices in the primary lead industry, and could not even be replaced with tanks.) Any recovery of the solids that settle out, or are precipitated out of the wastewater routed to these surface impoundments, is thus incidental to the principal purpose of wastewater treatment. Consequently, these wastewater treatment impoundments are RCRA subtitle C regulated units.[4]

Another way of ascertaining whether these surface impoundment solids (*i.e.*, wastewater treatment solids) are in-process materials or wastes is to compare the mode of handling and storage of these solids with the way raw materials to the primary lead process are handled and stored before smelting. The surface impoundment solids are stored for long periods of time (often years) under tens of millions of gallons of water. The surface impoundments in which they are generated and stored are not designed to hold these solids securely. In fact, as has long been documented, surface impoundments are inherently insecure storage units with a high potential for contaminating groundwater. (See, *e.g.*, 50 FR 40297.) In contrast, normal lead ores are stored securely for short periods of time before being charged to the smelter; to the Agency's knowledge they are never stored underwater. Materials held insecurely underwater for long periods of time in a manner completely unlike the way raw materials are normally handled in the industry are not in-process materials and are being discarded, in the Agency's view.[5] Indeed, these surface impoundment solids might also be covered by the speculative accumulation provisions in 40 CFR 261.2(c)(4) simply due to the length of time they are accumulated.

Given that the purpose of surface impoundments in this industry is to treat wastewater and not to serve as an adjunct to the lead smelting process, EPA does not need to base its decision on the proposed factors discussed in the October 2, 1985 and January 8, 1988 proposals. However, the Agency notes that its decision to list would be the same were it to rely on these factors. The method in which a material is handled before recycling is a relevant decision factor (and was a basis for EPA's proposed decision in 1985), and as discussed above, storage of long duration in insecure surface impoundments is not commensurate with calling a material a valuable in-process material which is not being discarded.[6]

Other issues relating to whether the materials being listed today can be classified as solid wastes when they are recycled are addressed in a separate background document entitled "Background Information for Listing of 6 Smelting Wastes—Solid Waste Determination." This document is contained in the public docket for today's notice.

D. Primary Zinc Smelting and Refining: EPA Hazardous Waste No. K066—Sludge from Treatment of Process Wastewater and/or Acid Plant Blowdown (T)

In primary zinc smelting and refining processes, cadmium and lead contaminants present in the raw materials are carried through numerous processes. These contaminants are subsequently found in sludges generated by treatment of process wastewater and/or acid plant blowdown. It is these sludges (*i.e.*, not the process wastewaters) that is the subject of this listing. The Agency's decision to subject these wastes to RCRA Subtitle C requirements includes consideration of the following factors:

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[4] See letter from Douglas McAllister to James Berlow, dated May 27, 1983, and the memorandum from Mark Hereth to James Berlow, dated November 21, 1983. These documents are available in the public docket for today's notice.

[5] Once these wastes are actually removed from the impoundment and smelted, they would no longer be subject to RCRA, assuming they are resmelted in a primary lead process. (See, *e.g.*, 53 FR 31162, August 17, 1988, explaining the principle that a listed sludge or by-product can be indigenous to certain processes and so cease being waste when it actually is reclaimed.) Surface impoundments in which these wastes are generated and stored, however, remain regulated units.

[6] EPA notes that in its 1985 decision, it distinguished carefully between the lead surface impoundment wastes and two other materials (electrolytic anode slimes/sludges and cadmium plant leach residue) from primary zinc smelting, both of which EPA determined would not be solid wastes when they are recycled. This is because the material are recycled (normally in the process from which they were generated) a short time after being generated, and are stored in a manner to avoid discarding (storage in bins or concrete basins) before they are recycled. The Agency found that these were indeed in-process materials that are more commodity-like than waste-like and thus determined not to list them. (50 FR 40297.) EPA believes the distinction between these materials and the primary lead surface impoundment solids remains valid.

1. The wastes contain significant concentrations of the heavy metals cadmium and lead.

2. Cadmium and lead are toxic and are included in the list of hazardous constituents at Appendix VIII of 40 CFR Part 261.

3. Cadmium and lead have been shown to leach from samples of these wastes when the samples were subjected to a distilled water extraction procedure. Therefore, even under mild conditions, the possibility of ground water contamination via leaching may exist if these wastes are mismanaged. Further, cadmium and lead do not degrade, so that contamination, and the potential for contaminant contact with living receptors, will be long-term.

These and other factors considered by the Agency are further explained in the Listing Background Document for Primary Zinc Smelting and Refining.

E. Primary Aluminum Reduction: EPA Hazardous Waste No. K088—Spent Potliners from Primary Aluminum Reduction (T)

Primary aluminum metal is produced by the electrolytic reduction of alumina, an aluminum oxide. This process takes place in carbon-lined, cast-iron electrolytic cells known as "pots." After continued use, the carbon pot lining ("potliner") cracks and must be removed and replaced with a new potliner. The Agency's decision to subject these wastes to RCRA Subtitle C requirements includes consideration of the following factors:

1. Spent potliners from primary aluminum reduction may contain significant amounts of iron cyanide complexes. EPA has detected both iron cyanide complexes (expressed as cyanides) and free cyanide in spent potliners in significant concentrations.

2. Free cyanide is extremely toxic to both humans and aquatic life if ingested.

3. Available data indicate that significant amounts of free cyanide and iron cyanide will leach from potliners if the spent potliners are stored or disposed in unprotected piles outdoors and are exposed to rainwater. In fact, the leachability of cyanide from potliners is evidenced by a damage incident in which private wells in the vicinity of a spent potliner disposal facility were contaminated with cyanide (see the Listing Background Document for Primary Aluminum Reduction). In addition, in the presence of sunlight, the cyanide complexes may decompose to release highly toxic hydrogen cyanide into the environment.

These and other factors considered by the Agency are further explained in the Listing Background Document for Primary Aluminum Reduction.

F. Ferroalloys: EPA Hazardous Waste Nos. K090—Emission Control Dust or Sludge from Ferrochromiumsilicon Production (T); and K091—Emission Control Dust or Sludge from Ferrochromium Production

These wastes are generated when particulates entrained in the reaction gases given off by electric furnaces during the smelting process are removed by air pollution control equipment. Dry collection methods generate a dust, while wet collection methods generate a sludge-like residue.[7] The Agency's decision to subject these wastes to RCRA Subtitle C requirements includes consideration of the following factors:

1. Emission control dust and sludges from ferrochromiumsilicon and ferrochromium production contain high concentrations of chromium.

2. Chromium is toxic and is included in the list of hazardous constituents at Appendix VIII of 40 CFR Part 261.

3. Chromium has been shown to leach from these wastes. Thus, ground water contamination could occur if these wastes are mismanaged. Further, chromium does not degrade, so that contamination, and the potential for contaminant contact with living receptors, will be long-term.

These and other factors considered by the Agency are further explained in the Listing Background Document for Ferroalloys.

G. Identification of Impact on Regulated Community

The community to be regulated under this listing action is composed of facilities that electrolytically refine copper and zinc, or that are primary producers of lead, lead alloys, aluminum metal, and specific chrome-related ferroalloys. This community will be affected in two ways by this listing: They must comply with EPA generator requirements found at 40 CFR Part 262. In addition, if they treat, store, or dispose of their wastes in such a manner that a RCRA permit is required under 40 CFR Part 270, they must obtain a permit and comply with the standards found at 40 CFR Parts 264 and 265. Finally, disposal of these wastes must comply with the standards to be promulgated under the land disposal restrictions (LDR) program (40 CFR Part 268).

Most of the facilities affected by today's rule have in the past not been subject to the RCRA hazardous waste requirements since their operations were excluded from RCRA regulation under the Bevill Amendment. Because these facilities will become generators of hazardous wastes, they will have to obtain an EPA identification number and comply with the generator standards contained in 40 CFR Part 262. In addition, if any of these facilities will treat, store, or dispose of these wastes in such a manner that will require them to obtain a permit, they will need to submit a Part A application and notify pursuant to section 3010 of RCRA to obtain interim status for their current hazardous waste treatment, storage, and disposal operations and subsequently apply for a final permit under RCRA Part B provisions. The schedules for these requirements are contained in section VIII of today's preamble.

Completion of the Part B applications will require individual facilities to compile and develop information on their on-site waste management operations including, but not limited to: Ground water monitoring (if land management is involved); manifest systems, recordkeeping, and reporting; closure and possibly, post-closure requirements; and financial requirements. The Part B applications may also require development of engineering plans to upgrade existing facilities.

In addition to being affected by the generator and permit requirements, as well as the interim status standards found in 40 CFR Part 265, these segments of the primary metals industry will (in the future) also be subject to the LDR standards. As mandated by section 3004(g)(4) of RCRA, newly listed waste streams, such as those that are the subject of today's notice, are prohibited from land disposal unless EPA develops standards for the treatment of each of the waste streams. These standards are to be promulgated within six months of today's final rulemaking. Under EPA regulations, standards must require treatment of the wastes to a level or by a method that reflects the use of Best Demonstrated Available Technology before they can be land disposed. Thus, one future implication will be the ban on the land disposal of these wastes unless they are suitably pretreated prior to land disposal. Also, facilities with existing permits and permit applications currently treating, storing, or disposing of these wastes will have to amend or modify their permits or applications to include provisions applicable to the management of one or more of the six wastes which are the subject of today's rulemaking.

[7] The definition of sludge includes all pollution control residue (see 40 CFR 260.10); therefore, the residue generated by both the dry and wet collection methods are sludges for the purposes of the hazardous waste rules.

III. Future Action on These Listings

As explained above, today's action removes the suspension on the 1980 listings of these six wastes. As a result, EPA's determination that these wastes are hazardous is based on its evaluation of the hazardousness of these wastes in 1980. Since that time, EPA has received additional information regarding these six wastes. Some of these data were received as comments to EPA's 1985 proposed reinterpretation. Other data were received more recently as EPA was preparing an 8002(p) study and Report to Congress on these wastes and other waste streams from the lead, copper, zinc, aluminum, and bauxite sectors.[8] The post-1980 data submitted to EPA are relevant primarily to issues other than the inherent hazardousness of these six wastes. They include revised waste generation rates, current waste management practices (including the extent to which the wastes are recycled), and industry economic data. To a lesser degree, EPA has received data on the physical/chemical properties of these wastes and their hazardousness.

Since the issuance of the Court's opinion, EPA has conducted a review of some of the waste characterization data received since 1980. While EPA did not, in light of the short time-frame for publication of this rule, exhaustively evaluate all of the post-1980 waste characterization data submitted, the review that was conducted tends to corroborate and confirm that the six waste streams meet the criteria for hazardousness found in section 3001(a) of RCRA. EPA's review suggests that no data have been submitted which would clearly contradict EPA's 1980 decision to list the six smelter wastes, *i.e.*, no data are available to refute the basic conclusion that these wastes contain significant concentrations of toxic constituents and that the constituents are mobile and persistent. Therefore, EPA continues to believe that each of these wastes meets the criteria for listing as hazardous waste found at 40 CFR 261.11 and sees no reason not to resume the 1980 listings of these six wastes at this time.

EPA nevertheless intends to thoroughly evaluate all information and comments submitted since 1980 regarding the hazardousness of these six wastes. Responses to a number of the comments are included in the docket for today's notice. The Agency will respond to the remainder of the comments within the next few months. EPA will treat any post-1980 submissions as a petition for rulemaking to reconsider these listings. EPA will publish a subsequent **Federal Register** notice on the results of its more detailed evaluation of these six wastes pursuant to 40 CFR 260.20. That evaluation will consider new data received in a timely manner as well as the currently available data.

[8] In light of the Court's order to relist the six smelter wastes, EPA does not plan to complete and submit this Report to Congress. However, some of the information collected will be used to develop a new Report, as required by the Court's order.

IV. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to HSWA, a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State that was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time that they take effect in non-authorized States. EPA is directed to implement those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA provisions apply in authorized States in the interim.

B. Effect on State Authorizations

Today's final listings are not effective in authorized States since the listings are not being issued pursuant to the HSWA. Thus, RCRA hazardous waste management standards for the wastes listed today will be applicable only in those States that do not have interim or final authorization by the effective date of this regulation. In authorized States, the standards will not be applicable until the State revises its program to adopt equivalent requirements under State law.

40 CFR 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect Federal program changes and must subsequently submit the modifications to EPA for approval. The deadline by which the State must modify its program to adopt today's rule is July 1, 1990, if no statutory change is needed or is July 1, 1991, if a statutory change is needed. These deadlines can be extended in certain cases (40 CFR 271.21(e)(3)). Once EPA approves the modification, the State requirements become Subtitle C RCRA requirements.

States with authorized RCRA programs already may have regulations similar to those in today's rule. These State regulations have not been assessed against the Federal regulations being promulgated today to determine whether they meet the tests for authorization. Thus, a State is not authorized to carry out these requirements in lieu of EPA until the State program modification is submitted to EPA and approved. Of course, States with existing standards may continue to administer and enforce their standards as a matter of State law.

States that submit official applications for final authorization less than 12 months after the effective date of these standards are not required to include standards equivalent to these standards in their application. However, the State must modify its program by the deadlines set forth in § 271.21(e). States that submit official applications for final authorization 12 months after the effective date of these standards must include standards equivalent to these standards in their application. 40 CFR 271.3 sets forth the requirements a State must meet when submitting its final authorization application.

V. CERCLA Designation and Reportable Quantities

The wastes listed as hazardous in today's rule will, on the effective date, automatically become hazardous substances under section 101(14) CERCLA, as amended. CERCLA section 103(a) requires that persons in charge of vessels or facilities from which a hazardous substance has been released in a quantity that is equal to or greater than its reportable quantity (RQ) immediately notify the National Response Center (at (800) 424–8802 or at (202) 426–2675) of the release.

Under section 102(b) of CERCLA, new RCRA hazardous waste listings that have not been previously designated as hazardous under CERCLA have the statutorily imposed RQ of one pound unless or until adjusted by regulation. In order to coordinate the RCRA and CERCLA rulemakings with respect to new waste listings, the Agency today is promulgating regulatory amendments under CERCLA authority in connection with the listing of wastes K064, K065, K066, K088, K090, and K091. The Agency is adding wastes K064, K065, K066, K088, K090, and K091 to 40 CFR 302.4, the codified list of CERCLA hazardous substances and publishing (as part of this listing) the statuory RQ of one pound for each of the wastes. The Agency may propose to adjust the statutory one-pound RQ for each of these wastes in a future rulemaking. Such adjustments would be based upon the RQ's of the hazardous constituents in each of the listed wastes.

VI. Economic Impact Analysis

In 1985, the Agency conducted cost and economic impact studies to analyze the potential impact of the proposed reinterpretation to determine whether the regulation would have been a major rulemaking (under Executive Order 12291) or would cause significant impacts on small business (pursuant to the Regulatory Flexibility Act). Although EPA determined that the rule was not a "major" rule, detailed cost and impact studies were performed in 1985 for a substantial portion of the potentially affected industry sectors. Although not reported on separately for economic cost and impact purposes, the six waste streams subject to today's listing comprise a relatively small part of the sectors and waste streams studied for the 1985 reinterpretation rule.

EPA received numerous comments on its 1985 studies. Some commenters stated that the Agency had mischaracterized the economic impact of the rule. The Agency conducted a detailed review and made extensive revisions to the 1985 cost data. However, those revisions would not cause the Agency to change its conclusion that the original 1985 proposed reinterpretation is not a "major rule." Since today's rule includes only six listed waste streams from four of the affected processing sectors studied, it follows that today's rule would also not be "major."

A. Scope and Coverage of Economic Analysis

The Agency's 1985 economic impact analysis consisted of a detailed compliance cost and economic impact analysis covering ten major primary metal smelting and refining sectors containing a total of 110 operating facilities producing 97 percent of the total U.S. nonferrous and ferroalloy product tonnage in 1983. These sectors included, among others, all of the sectors with previously listed metallic ore processing wastes (aluminum, copper, lead, zinc, and ferroalloys). According to U.S. Bureau of Mines and EPA survey data, the remaining nonferrous production is contributed to by 26 metals sectors (over 420 facilities)—many of them by-product sectors—not covered in the detailed impact assessment. A comprehensive but non-detailed evaluation was also conducted for these metals.

B. Methodology and Data Gathering

In 1984–85, EPA conducted a series of technical survey and sampling studies covering the major ore-processing industries mentioned above to determine the volume of wastes generated, identify those wastes which could be hazardous (because they exhibit one or more of the characteristics defined in 40 CFR 261.20), estimate the volume of these hazardous wastes, and delineate the practices used to manage these wastes. The major findings are summarized in the October 2, 1985 Federal Register and referenced background documents (50 FR 40296). Based on the technical survey and sampling results, a plant-by-plant waste management and compliance cost assessment was made in 1985 for all 110 facilities in the sectors studied, including those producing the six listed wastes. A complete discussion of the methodology for the ten-sector study can be found in the October 2, 1985, preamble to the rulemaking (50 FR 40298) and in the background studies for that preamble.

C. Costs of Compliance

In the 1985 detailed, 10-sector analysis, EPA identified 67 manufacturing facilities that would likely have incurred increased costs to comply with the 1985 proposal. Of these 67, the Agency estimates that 44 facilities would have incurred costs solely or partly due to the six listed wastes (among their other potentially hazardous wastes). See 50 FR 40299. From the 1985 study, the six wastes would have required total investment costs for compliance of about $92 million, and total before tax annualized costs of about $4.2 million. During 1986, the Agency revised its estimates to incorporate new data received during the comment period, including updated information from industries and the U.S. Bureau of Mines, and modified certain of its cost-estimating assumptions and methods. Revised (1986) estimates for the six listed waste streams totaled about $12 million in before tax annual revenue requirements.

In general, it was found that annualized compliance costs would vary considerably, both among sectors and among individual facilities within each sector. See 50 FR 40299.

D. Economic Impacts

Based on the compliance cost estimates and other economic variables for individual facilities in each of the 10 sectors studied, EPA assessed several categories of possible economic impacts, including efforts on production costs and prices, international trade, total investment requirements, profit (return on investment), and potential for plant closures and job losses. See 50 FR 40299. The 1985 economic impact analysis was conducted on a facility-wide basis (including all potentially affected hazardous wastes, not just those specifically listed. Therefore, quantitative impact conclusions are not available (or generally practical to deduce) for the six specific listed wastes.

1. Production Costs and Prices

To assess relative effects on total production costs, zero pass-through of compliance costs to market prices was assumed, whereas to assess price changes a 100 percent pass-through of compliance costs was assumed. Therefore, these effects should be regarded as mutually exclusive estimates for purposes of presenting extreme possibilities. For the most part, these sectors compete in international markets and are limited in their ability to pass on cost changes in the form of price increases.

For the five sectors relevant to today's rule—aluminum, copper, zinc, lead, and ferroallys—the Agency estimated in 1986 that the average increases in production costs and prices, due to compliance with Subtitle C, would be small to moderate. For zinc, which was the most affected sector, the effect on cost or price would have been less than 1.5 percent and for aluminum, copper, or lead, the effect was less than 0.25 percent. Since today's rule would only contribute a portion of these compliance costs, the effects of today's rule, taken alone, would be less than those previously estimated. Because of these relatively low effects on prices, the study did not explore any further the possible effect on international trade.

2. Capital Investment and Rates of Return

In its revised 1986 estimates, the Agency projected the average initial investment cost for compliance as a percent of normal annual capital expenditures to range from nominal (three to seven percent) in the aluminum, copper and lead sectors, to very large (40 to 65 percent) in the zinc and ferroalloys sectors. This result may be partly due to the abnormally depressed state of capital expenditures in the 1979–85 base period for some of these sectors. Non-growth or declining sectors generally can be expected to show very high ratios in this column due to low base capital investment figures. These estimates were also based on the extreme assumption of zero passthrough of costs to prices, a worst-case assumption that also tends to increase these ratios somewhat.

Similar reasoning may in part explain the 1986 estimates regarding the impact of this rule on rates of return on investment. In general, results here fell into two categories: The majority of sectors with maximum impacts on profit in the range of 1 to 3 percent, with zinc and ferroalloys showing compliance costs in the range of 8 to 36 percent of reductions in rate of return on investment. In part, these high percentages were due to higher than average RCRA compliance costs and in part due to lower than average baseline rates of return. Again, these results reflect the effect of all small volume processing wastes and not just the listed wastes for the five sectors.

Due to many of the Agency's estimating assumptions, these impact conclusions should be regarded as conservative on the high side.

3. Plant Closures and Employment Losses

Based on the Agency's 1986 analysis, plants in the ferroalloy subcategory might close as a result of removal of the Bevill Amendment exemption for these waste streams. However, all or most of these closures would be in ferroalloy segments other than those subject to today's listing for K090 (which the Agency estimates to have only two affected facilities), and none would be associated with K091 (which we believe would not be significantly affected by this rule). Most of the closures predicted in the 1986 analysis were associated with wastes (other than those being relisted today) that would be expected to be hazardous by virtue of the hazardous waste characteristics.

4. Compliance With Executive Order 12291

Sections 2 and 3 of Executive Order 12291 (46 FR 13193, February 9, 1981) require that a regulatory agency determine whether a new regulation will be "major" and, if so, that a Regulatory Impact Analysis be conducted. A major rule is defined as a regulation which is likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers; individual industries; Federal, State, and local government agencies; or geographic regions; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Today's rule will have none of the above effects. Therefore, the Agency is not conducting a Regulatory Impact Analysis. This rule has been reviewed by the Office of Management and Budget (OMB).

VII. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) of 1980 (Pub. L. 96–354) requires Federal regulatory agencies to consider "small entities" throughout the regulatory process. The RFA requires an initial screening analysis to be performed to determine whether a substantial number of small entities will be significantly affected by a regulation. If so, regulatory alternatives that eliminate or mitigate the impacts must be considered.

This section presents the results of the Agency's small business screening analysis, based on a review of industry plant ownership patterns and estimated compliance costs, as revised in 1986 following the October 1985 proposed rule. Based on this analysis, EPA concludes that there will not be a significant impact on a substantial number of small businesses.

In the nonferrous metals smelting and refining industry, the Small Business Administration (SBA) defines small entities based on employment levels. For most primary metal sectors, the criterion for a small entity is fewer than 750 employees; however, a higher threshold of 1,000 is used for some sectors. Based on the appropriate definitions for each sector, the Agency screened all the facilities in the ten industry sectors that were studied in detail and determined that, among these, only the ferroalloy sector contained facilities owned by small business enterprises. The 1985 analysis indicated further that none of the ferroalloy facilities owned by small businesses were among those projected to incur costs due to this reinterpretation. Since the 1986 revision did not significantly alter the list of plants or waste streams included in the EPA data file, this conclusion should remain valid.

VIII. Effective Date

A. Notice and Comment Requirements

Today's rule is being issued without additional prior notice and opportunity for comment. EPA is issuing this rule directly as final for a number of reasons. First, in light of the extremely short, one-month time period allowed by the court to relist these six wastes, EPA determined that a public comment period would be impracticable and would prevent EPA from meeting the explicit deadline set by the court's order. Furthermore, EPA believes that public comment is unnecessary. By today's action, EPA is merely removing the suspension from the listings that were finalized in 1980. These listings have already been through full notice and comment procedures. When the listings were suspended, EPA explained that the only reason for suspension was EPA's belief that these wastes fell within the scope of the Bevill exemption. EPA reiterated this view when it proposed its reinterpretation in 1985. For the most part, the appropriateness of listing of these wastes under the criteria of section 3001(a) of RCRA was not an issue in the 1985 rulemaking, only whether the wastes were Bevill wastes. The Court of Appeals has now ruled that the six wastes are "clearly" not Bevill wastes. Thus, EPA's original 1980 decisions to list these six wastes is reinstated by today's action. EPA need not take public comment prior to reinstating the six listings. However, as described above in section III, EPA will treat any information on the hazards posed by these wastes submitted after 1980 as a petition for rulemaking on the listings, and will publish the results of its more detailed review of this information in the **Federal Register**.

B. Notification

All persons who generate, transport, treat, store, or dispose of wastes which are covered by today's regulation must notify EPA or a State authorized by EPA to operate the hazardous waste program of their activities under Section 3010 of RCRA not later than December 12, 1988, unless these persons previously have notified EPA or an authorized State that they generate, transport, treat, store, or dispose of hazardous wastes and have

received an identification number (see 40 CFR 262.12, 263.11, and 265.11). Notification instructions are set forth in 45 FR 12746, February 26, 1980.[9] Persons without EPA identification numbers are prohibited from generating, transporting, treating, storing, or disposing of hazardous wastes.

The Agency views the section 3010 notification requirement to be necessary in this case because it is believed that many persons that manage the wastes being listed today have not previously notified EPA and received an EPA identification number.

C. Compliance Dates

1. Interim Status in Unauthorized States

Facilities that currently treat, store, or dispose of the wastes subject to this rule, but that have not received a permit pursuant to section 3005 of RCRA and are not operating pursuant to interim status, may be eligible for interim status under HSWA (see section 3005(e)(1)(A)(ii) of RCRA, as amended). In order to operate pursuant to interim status, such facilities must submit a section 3010 notice pursuant to 40 CFR 270.70(a) by December 12, 1988, and must submit a Part A permit application by March 13, 1989. Under section 3005(e)(3), land disposal facilities qualifying for interim status under section 3005 (e)(1)(A)(ii) must also submit a Part B permit application and certify that the facility is in compliance with all applicable ground water monitoring and financial responsibility requirements by March 13, 1990. If not, interim status will terminate on that date.

All existing hazardous waste management facilities (as defined in 40 CFR 270.2) that treat, store, or dispose of hazardous wastes covered by today's rule, and that are currently operating pursuant to interim status under section 3005(e) of RCRA, must file with EPA an amended Part A permit application by March 13, 1989.

Under current regulations, a hazardous waste management facility that has received a permit pursuant to section 3005 may not treat, store, or dispose of the wastes covered by today's rule until a permit modification allowing such activity has been approved in accordance with § 270.41. However, EPA has proposed a rule which would amend the permit modification requirements for newly listed or identified wastes. For more details on this proposal, see 52 FR 35838.

2. Interim Status in Authorized States

Until the State is authorized to regulate these wastes, no permit requirements apply and facilities lacking a permit need not seek interim status. Any facility treating, storing or disposing of these wastes on or before the effective date of authorization of the State to regulate these wastes under RCRA may qualify for interim status but, in order to be no less stringent than the Federal program, that date *may not* be after the effective date of EPA's authorization of the State to regulate these wastes. These facilities must also provide the required 3010 notification as described in section VIII B above and must also provide the State's equivalent of a Part A permit application as required by authorized State law.

Finally, RCRA section 3005(e)(3) or any authorized State analog will apply to land disposal facilities qualifying for State interim status.

IX. Paperwork Reduction Act

The requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., were considered in developing this regulation. This rulemaking does not contain any information collection requirements.

List of Subjects

40 CFR Part 261

Hazardous waste, Waste treatment and disposal, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 302

Air pollution control, Chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Intergovernmental relations, Natural resources, Nuclear materials, Pesticides and pests, Radioactive materials, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control.

Date: August 31, 1988.

John A. Moore,

Acting Administrator.

For the reasons set out in the preamble, 40 CFR Parts 261 and 302 are amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6922.

2. Section 261.4(b) (7) is revised to read as follows:

§ 261.4 Exclusions

* * * * *

(b) * * *

(7) Solid waste from the extraction, beneficiation and procesing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore. For the purposes of this paragraph, solid waste from the processing of ores and minerals does not include:

(i) Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production;

(ii) Surface impoundment solids contained in the dredged from surface impoundments at primary lead smelting facilities;

(iii) Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production;

(iv) Spent potliners from primary aluminum reduction;

(v) Emission control dust or sludge from ferrochromiumsilicon production;

(vi) Emission control dust or sludge from ferrochromium production.

* * * * *

3. In § 261.32, add after entries for "Iron and steel" and before entries for "Secondary lead", the following waste streams:

§ 261.32 Hazardous waste from specified sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
*	* * * *	
Primary copper:		
K064	Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
Primary lead:		
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
Primary zinc:		
K066	Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.	(T)
Primary aluminum:		
K088	Spent potliners from primary aluminum reduction.	(T)

[9] Under the Solid Waste Disposal Amendments of 1980, (Pub. L. 96-452) EPA was given the option of waiving the notification requirement under section 3010 of RCRA following revision of the section 3001 regulations, at the discretion of the Administrator.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
Ferroalloys:		
K090	Emission control dust or sludge from ferrochromium-silicon production.	(T)
K091	Emission control dust or sludge from ferrochromium production.	(T)
* * * * *		

4. In Appendix VII—Basis for Listing Hazardous Waste, add the following in the appropriate numerical sequence:

Appendix VII—Basis for Listing Hazardous Waste

EPA hazardous waste number	Hazardous constituents for which listed
* * * * *	
K064	Lead, cadmium.
K065	Do.
K066	Do.
K088	Cyanide (complexes).
K090	Chromium.
K091	Do.
* * * * *	

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

1. The authority citation for Part 302 continues to read as follows:

Authority: 42 U.S.C. 9602; secs. 311 and 501(a) and 33 U.S.C. 1321 and 1361.

2. In § 302.4(a), amend Table 302.4 by adding the hazardous substances K064, K065, K066, K088, K090, and K091.

§ 302.4 Designation of hazardous substances.

(a) * * *

TABLE 302.4.—LIST OF HAZAROUS SUBSTANCES AND REPORTABLE QUANTITIES

Hazardous substance	CASRN	Regulatory synonyms	Statutory RQ	Statutory ‡Code	Statutory RCRA waste No.	Final RQ Category	Final RQ Pounds (Kg)
* * * * *				*		*	
K064			*1	4	K064	X	1 (0.454)
Acid plant blowdown slurry/sludge resulting from thickening of blowdown slurry from primary copper production							
K065			*1	4	K065	X	1 (0.454)
Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities							
K066			*1	4	K066	X	1 (0.454)
Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production							
* * * * *				*		*	
K088			*1	4	K088	X	1 (0.454)
Spent potliners from primary aluminum reduction							
K090			*1	4	K090	X	1 (0.454)
Emission control dust or sludge from ferrochromiumsilicon production							
K091			*1	4	K091	X	1 (0.454)
Emission control dust or sludge from ferrochromium production							

* * * * *

[FR Doc. 88-20780 Filed 9-12-88; 8:45 am]
BILLING CODE 6560-50-M

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H.R. 2370/Pub. L. 100-419

Economic Development Plan for the Northwestern Band of

the Shoshoni Nation Act. (Sept. 8, 1988; 102 Stat. 1575; 2 pages) Price: $1.00

H.R. 3679/Pub. L. 100-420

Lac Vieux Desert Band of Lake Superior Chippewa Indians Act. (Sept. 8, 1988; 102 Stat. 1577; 4 pages) Price: $1.00

H.R. 3960/Pub. L. 100-421

To authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes. (Sept. 8, 1988; 102 Stat. 1581; 2 pages) Price: $1.00

H.J. Res. 539/Pub. L. 100-422

Designating the week beginning September 18, 1988, as "Emergency Medical Services Week." (Sept. 8, 1988; 102 Stat. 1583; 1 page) Price: $1.00

H.J. Res. 583/Pub. L. 100-423

Designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Surgery Week." (Sept. 8, 1988; 102 Stat. 1584; 1 page) Price: $1.00