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Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

Pay Differentials

AGENCY: Office of Personnel Management.

ACTION: Interim rule and request for comments.

SUMMARY: This rule will entitle General Schedule employees participating in environmental chamber-thermal tests to a hazard/physical hardship pay differential of 25 percent. This rule is required by Pub. L. 89–512, which established hazardous duty pay for General Schedule employees.

DATES: 1. This rule is effective as of May 4, 1988.

2. Comments must be submitted on or before October 21, 1988.

ADDRESS: Send or deliver written comments to White Collar Pay and Allowances Division, Personnel Systems and Oversight Group, Office of Personnel Management, Room 3353, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Don Paquin, (202) 632–7830.

SUPPLEMENTARY INFORMATION: The Department of the Navy requests authority to pay a 25 percent hazard/physical hardship differential to General Schedule employees participating in environmental chamber-thermal tests. The Office of Personnel Management (OPM) is responsible for establishing hazard/physical hardship pay differentials prescribed by section 5545(d) of title 5, United States Code.

The Navy is conducting environmental chamber-thermal tests at the Warminster, Pennsylvania Naval Air Development Center. These tests simulate ocean conditions that a downed pilot or other personnel might experience in emergency situations. The tests help the Navy better understand the physiological effects of these adverse conditions and assist the Navy in developing protective gear.

In the tests, volunteers are exposed to adverse environmental conditions. For example, test subjects, without protective gear, may be immersed in 32 degree Fahrenheit water for periods up to 30 minutes. These test conditions subject personnel to significant physical hardship and discomfort.

The tests may also be hazardous. To reduce the hazards, the Navy uses accepted safety and health standards for this type of research. The Navy screens test subjects before the tests and only allows persons in good physical health to participate. During the tests, Navy personnel monitor the test subject's responses to prevent excessive exposure and to determine the effectiveness of the protective gear. Nevertheless, Navy states that the possibility of injury or death exists. Therefore, the Navy recommends establishing a 25 percent pay differential.

OPM currently authorizes 25 percent hazard pay differentials for several categories similar to the environmental chamber-thermal tests. Current categories include:

—Pressure chamber tests which simulate deep sea diving,
—Altitude chamber tests which simulate high altitudes,
—Centrifuge tests which simulate high gravitational forces,
—Reduced gravity tests which simulate weightlessness.

None of these categories is sufficiently broad to cover the environmental chamber-thermal tests. Therefore, OPM is establishing a new category for inclusion in 5 CFR Part 550, Subpart I, Appendix A.

Pursuant to section 553(b)(3)(B) and (d)(3) of title 5 of the United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making this regulation effective on May 4, 1988. The regulation is being made effective retroactively to cover employees who have been exposed to hazards and physical hardships since the date of the request from the Department of Navy.

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 they are changes which will affect only employees of the Federal Government.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM amends Subpart I of 5 CFR Part 550 as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart I—Pay for Irregular or Intermittent Duty Involving Physical Hardship or Hazard

1. The authority for Subpart I of Part 550 continues to read as follows:

Authority: 5 U.S.C. 5545(d), 5548(b).

2. Appendix A to Subpart I of Part 550 is amended by adding a new category to the Hazard Pay Differential Table to read as follows:

Appendix A—Schedule of Pay Differentials Authorized for Irregular or Intermittent Hazardous Duty Under Subpart I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate of hazard pay differential (percent)	Effective date
• • •	•	•
Exposure to Physiological Hazards		
• • •	•	•

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)—Continued

Irregular or intermittent duty	Rate of hazard pay differential (percent)	Effective date
(5) *Environmental thermal-chamber tests:* Subjects and observers exposed to the hazards and physical hardships of an environmental chamber-thermal test which simulates adverse weather or sea conditions such as the exposure to subzero temperatures; high heat and humidity; and cold water, spray, wind, and wave action.	25	May 4, 1988.
• • • • •		

[FR Doc. 88-21392 Filed 9-20-88; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket Number 88-ACE-09]

Alteration of Control Zone; Chanute, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the Chanute, Kansas, control zone. On April 2, 1988, the Flight Service Station at Chanute, Kansas, was closed. Since there is no longer 24-hour weather observation, it is necessary to make this a part-time control zone.

EFFECTIVE DATE: 0901 u.t.c., September 30, 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: The FAA is amending Subpart G, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) by altering the Chanute, Kansas, control zone to make it part-time. Since the closure of the Chanute Flight Service Station on April 2, 1988, official weather observations have been provided by contract observers between the hours of 6 a.m. and 10 p.m. The effective dates and times for the Chanute part-time control zone will be published in the airport/facility directory and will conform to the daily periods that the weather observations are provided. Because this action merely recognizes a change that has already occurred, notice and public procedure hereon are impracticable and unnecessary, and good cause exists for making this amendment effective in less than thirty (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. 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, Control zones.

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

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:

Chanute, Kansas

Within a 5-mile radius of Chanute Martin Johnson Airport (latitude 37°40'04"N, Longitude 95°29'10"W). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

This amendment becomes effective at 0901 u.t.c. September 30, 1988.

Issued in Kansas City, Missouri, on September 8, 1988.

Clarence E. Newbern,

Manager, Air Traffic Division.

[FR Doc. 88-21471 Filed 9-20-88; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 88-ANM-15]

Amendment of Transition Area; Aspen, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action amends the 700 foot transition area at Aspen, Colorado. Extensive changes in the local air traffic control system and improved aircraft flows require additional controlled airspace in the vicinity.

DATES: *Effective Date:* 0901 u.t.c., October 28, 1988. Comments must be received on or before November 25, 1988.

ADDRESSES: Send comments on the rule to: Federal Aviation Administration, Docket No. 88-ANM-15, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2536.

The official docket may be examined at the address above.

An informal docket may also be examined during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM-536, Federal Aviation Administration, Docket No. 88-ANM-15, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2536.

History

On July 26, 1988, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace at Aspen, Colorado (53 FR 28007).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. However, there is now a need to provide controlled airspace to encompass a holding pattern as well as the routine procedures.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves establishment

of additional 700' transition area to encompass new instrument flight rule procedures at Aspen, Colorado, a portion of which controlled airspace was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to provide additional controlled airspace to encompass new instrument flight rules (IFR) procedures, and associated holding pattern. The airspace is required to segregate aircraft operating in visual flight rules (VFR) conditions and other aircraft operating in instrument flight rules (IFR) conditions. The area will be depicted on appropriate aeronautical charts enabling VFR pilots to circumnavigate the area or otherwise comply with IFR procedures.

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

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to establish additional controlled airspace to contain required approach and departure procedures, and associated holding pattern. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest.

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 Federal Aviation Regulations (14 CFR Part 71) (53 FR 28007) is further amended as follows:

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Aspen, Colorado, [Revised]

That airspace extending upward from 700 feet above the surface beginning at latitude 39°04'00"N., longitude 106°40'00"W.; to latitude 39°04'00"N., longitude 107°44'00"W.; to latitude 39°39'00"N., longitude 107°44'00"W.; to latitude 39°39'00"N., longitude 106°40'00"W. to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 39°47'45"N., longitude 107°09'00"W.; to latitude 39°47'45"N., longitude 106°43'30"W.; to latitude 39°16'30"N., longitude 106°43'30"W.; to latitude 39°16'30"N., longitude 107°09'00"W.; to the point of beginning, excluding other airspace which overlaps.

Issued in Seattle, Washington, on September 7, 1988.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 88–21469 Filed 9–20–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 88–AGL–17]

Alteration of Transition Area; Rice Lake, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Rice Lake, WI, transition area to accommodate a new VOR RWY 18 Standard Instrument Approach Procedure (SIAP) to Rice Lake Municipal Airport, Rice Lake, WI. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

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

FOR FURTHER INFORMATION CONTACT: Harold G. Hale, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, July 26, 1988, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Rice Lake, WI, (53 FR 28008).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6D dated January 4, 1988.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the transition area airspace near Rice Lake, WI.

The development of a new VOR RWY 18 SIAP requires that the FAA designate airspace to ensure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

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

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Rice Lake, WI [Revised]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Rice Lake Municipal Airport (Lat. 45°28'45"N., Long. 91°43'20"W.) at Rice Lake, WI; and 3 miles each side of the 198° bearing from the Rice Lake NDB from the 5 mile radius to 8.5 miles southwest of the airport; and within 3 miles each side of the Rice Lake VOR 174 radial extending from the 5 mile radius to 8.5 miles south of the airport, and within 3 miles each side of the Rice Lake VOR 015 radial extending from the 5 mile radius to 8.5 northeast of the airport.

Issued in Des Plaines, Illinois, on September 12, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88–21470 Filed 9–20–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 75

[Airspace Docket No. 87–AWA–32]

Alteration of VOR Federal Airways and Jet Routes; New York; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the description of Federal Airway V–203 located in the vicinity of Massena, NY. In response to a request by the Canadian Government, segments of several airways and jet routes were realigned to coincide with the reorganized terminal airspace in the Montreal/Mirabel, Canada, area, including V–203. There was an error in the description of the V–203 radial, although the current charts depict the correct radial. This action corrects the description of V–203.

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

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

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 87–24666, published on October 26, 1987, realigned several airways and jet routes located in the vicinity of Massena, NY (52 FR 39904). The Montreal, Quebec, Canada Regional Office of Transport Canada has reorganized the terminal airspace associated with the Montreal/Dorval and Montreal/Mirabel Airports. As a result, two intersections had to be relocated. This action corrects a radial in V–203 by one degree.

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

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways, Jet routes.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 87–24666, published on page 39904 of the **Federal Register** on October 26, 1987, is corrected to read 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.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–203 [Amended]

By removing the words "INT Massena 048°" and substituting the words "INT Massena 047°"

Issued in Washington, DC on September 9, 1988.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88–21472 Filed 9–20–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 71028–7228]

Revisions to General License GLV Dollar Value Limits

AGENCY: Bureau of Export Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations permit the export in a single shipment of certain commodities of limited value to Country Groups Q, T, and V under General License GLV. The maximum value of a shipment authorized under this general license is indicated for each entry on the Commodity Control List (Supplement No. 1 to § 399.1) under the paragraph of that entry titled "GLV $ Value Limit." This rule increases the GLV dollar value limit of the majority of entries on the Commodity Control List that end in Code letters "A" or "B". The increase in the GLV dollar value limits is designed to ensure that the availability of General License GLV is not significantly eroded by the effects of inflation. This final rule does not change existing regulatory policy concening the commodities or

countries for which General License GLV is available.

EFFECTIVE DATE: This rule is effective September 21, 1988.

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

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

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

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

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

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

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

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

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

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

PART 399—[AMENDED]

1. The authority citation for 15 CFR Part 399 continues to read as follows:

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

Supplement No. 1 to § 399.1 [Amended]

2. Supplement No. 1 to 15 CFR 399.1 (the Commodity Control List) is amended as follows:

A. The "*GLV $ Value Limit*" paragraph for each of the Export Commodity Control Numbers (ECCNs) listed below is revised to read "*GLV $ Value Limit*: $3,000 for Country Groups T & V, except $0 for the People's Republic of China; $0 for all other destinations."

Group 0—Metal-Working Machinery
ECCNs: 2018A and 1093A
Group 1—Chemical and Petroleum Equipment
ECCNs: 110A, 2120A, 1129A, 1131A, 1133A, and 1142A
Group 2—Electrical and Power-Generating Equipment
ECCNs: 1205A and 1206A
Group 3—General Industrial Equipment
ECCNs: 1352A, 1353A, 1358A, 1359A, 1360A, 1362A, 1363A, 3363A, 1364A, 1365A, 1370A, 1371A, 1372A, and 1385A
Group 5—Electronics and Precision Instruments
ECCNs: 505A, 1510A, 1521A, 1522A, 1526A, 1541A, 1544A, 1545A, 1547A, 1548A, 1549A, 1553A, 1555A, 1556A, 1558A, 1559A, 1560A, 1564A, 1568A, 1572A, 1573A, 1574A, 1584A, and 1595A
Group 6—Metals, Minerals and Their Manfacturers
ECCNs: 3604A, 2616A, 1631A, 1648A, 1649A, 1658A, 1661A, 1670A, and 1671A
Group 7—Chemicals, Metalloids, Petroleum Products and Related Materials
ECCNs: 1701A, 1702A, 2708A, 3711A, 1715A, 1749A, 1755A, 1757A, 1760A, 1767A, and 1781A
Group 8—Rubber and Rubber Products
ECCN: 1801A

B. The "*GLV $ Value Limit*" paragraph for each of the Export Control Commodity Numbers (ECCNs) listed below is revised to read "*GLV $ Value Limit*: $5,000 for Country Groups T & V, except $0 for the People's Republic of China; $0 for all other destinations."

Group 0—Metal-Working Machinery
ECCNs: 1075A, 1080A, 1081A, 1086A, 1088A, and 1091A
Group 1—Chemical and Petroleum Epqupment
ECCN: 1145A
Group 3—General Industrial Equipment
ECCNs: 1305A, 1312A, 1317A, 1319A, 1354A, 1357A, 1361A, and 1391A
Group 4—Transportation Equipment
ECCNs: 2409A, 4409B, 1416A, 1417A, 1418A, 2418A, 1431A, 1460A, 4460B, and 1485A
Group 5—Electronics and Precision Instruments
ECCNs: 1501A, 1514A, 1517A, 1518A, 1519A, 1520A, 1531A, 1532A, 1533A, 1534A, 1537A, 1561A, and 1567A
Group Group 6—Metals, Minerals and Their Manufacturers
ECCNs: 1603A and 1635A
Group 7—Chemicals, Metalloids, Petroleum Products and Related Materials
ECCN 1754A

C. The "*GLV $ Value Limit*" paragraph for each of the Export Control Commodity Numbers (ECCNs) listed below is revised to read "*GLV $ Value Limit*: $3,000 for Country Groups T & V; $0 for all other destinations."

Group 1—Chemical and Petroleum Equipment
ECCN 4127B
Group 2—Electrical and Power-Generating Equipment
ECCN 4261B
Group 6—Metals, Minerals and Their Manufacturers
ECCN 4635B

D. The "*GLV $ Value Limit*" paragraph for each of the Export Control Commodity Numbers (ECCNs) listed below is revised to read "*GLV $ Value Limit*: $1,500 for Country Groups T & V, except $0 for the People's Republic of China; $0 for all other destinations."

Group 2—Electrical and Power-Generating Equipment
ECCN 1203A
Group 3—General Industrial Equipment
ECCNs: 1302A and 1356A
Group 4—Transportation Equipment
ECCNs: 2410A, 2414A, and 2460A

Group 5—Electronics and Precision Instruments
ECCNs: 1571A, 1585A, 1586A, 1587A, and 1588A
Group 6—Metals, Minerals and Their Manufacturers
ECCNs: 3608A, 3609A, 1672A, 1673A, 1674A, and 1675A
Group 7—Chemicals, Metalloids, Petroleum Products and Related Materials
ECCNs: 3709A and 1763A
Group 9—Miscellaneous
ECCNs: 2901A and 2913A

E. The "*GLV $ Value Limit*" paragraph for ECCN 1118A (Commodity Group 1) and ECCN 2603A (Commodity Group 6) is revised to read "*GLV $ Value Limit*: $3,000 for Australia, Japan, New Zealand, and members of NATO (except that there is no limit on exports to Canada); $0 for all other destinations."

F. The "*GLV $ Value Limit*" paragraph for ECCN 3362A (Commodity Group 3) and ECCNs 3605A and 3607A (Commodity Group 6) is revised to read "*GLV $ Value Limit*: $500 for Country Groups T & V, except $0 for the People's Republic of China; $0 for all other destinations."

G. The "*GLV $ Value Limit*" paragraph for ECCN 4431B (Commodity Group 4) is revised to read "*GLV $ Value Limit:* $5,000 for Country Groups T & V; $0 for all other destinations."

H. The "*GLV $ Value Limit*" paragraph for ECCN 1516A (Commodity Group 5) is revised to read "*GLV $ Value Limit:* $2,000 to Australia, Japan, New Zealand, and members of NATO; $0 for all other destinations."

I. The "*GLV $ Value Limit*" paragraph for ECCN 1529A (Commodity Group 5) is revised to read "*GLV $ Value Limit:* $5,000 for all items in paragraph (b) (6) to Country Groups T & V, except $0 to the People's Republic of China; $3,000 for all other items to Country Groups T & V, except $0 to the People's Republic of China; $0 for all items to all other destinations."

J. The *"GLV $ Value Limit"* paragraph for ECCN 1570A (Commodity Group 5) is revised to read *"GLV $ Value Limit:* $750 for Country Groups T & V, except $0 for the People's Republic of China; $0 for all other destinations."

K. The *"GLV $ Value Limit"* paragraph for ECCN 4585B (Commodity Group 5) is revised to read *"GLV $ Value Limit:* $1,500 for Country Groups T & V; $0 for all other destinations."

L. The *"GLV $ Value Limit"* paragraph for ECCN 4601B (Commodity Group 6) is revised to read *"GLV $ Value Limit:* $5,000 for Country Groups T & V; $1,000 for Country Group Q; $0 for all other destinations."

M. The *"GLV $ Value Limit"* paragraph for ECCN 4720B (Commodity Group 7) is revised to read *"GLV $ Value Limit:* $500 for Country Groups T & V; $200 for Country Group Q; $0 for all other destinations."

N. The *"GLV $ Value Limit"* paragraph for ECCN 4721B (Commodity Group 7) is revised to read *"GLV $ Value Limit:* $5,000 for Country Groups T & V and Canada; $0 for all other destinations."

O. The *"GLV $ Value Limit"* paragraph for ECCN 1733A (Commodity Group 7) is revised to read *"GLV $ Value Limit:* $0 for all items in sub-paragraphs (d)(1), (2), and (3) to all destinations; $5,000 for all other items to Country Groups T & V, except $0 to the People's Republic of China; $0 for all items to all other destinations."

P. The *"GLV $ Value Limit"* paragraph for ECCN 4746B (Commodity Group 7) is revised to read *"GLV $ Value Limit:* $300 for Country Groups T & V; $0 for all other destinations."

Q. The *"GLV $ Value Limit"* paragraph for ECCN 4754B (Commodity Group 7) is revised to read *"GLV $ Value Limit:* $3,000 for Country Groups T & V; $1,000 for Country Group Q; $0 for all other destinations."

R. The *"GLV $ Value Limit"* paragraph for ECCN 4755B (Commodity Group 7) is revised to read *"GLV $ Value Limit:* $3,000 for Country Groups T & V; $200 for Country Group Q; $0 for all other destinations."

Dated: September 16, 1988.

Michael E. Zacharia,

Assistant Secretary for Export Administration.

[FR Doc. 88-21532 Filed 9-20-88; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket Nos. RM88-21-000, RM86-5-000, RM86-5-001; Order No. 503]

Amendment to Regulations Governing Exemption of Small Hydroelectric Power Projects of 5 Megawatts or Less

Issued: September 15, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations governing exemption of small hydroelectric power projects of 5 megawatts (MW) or less by removing regulations that implemented the natural water feature exemption in section 408(b) of the Public Utility Regulatory Policies Act of 1978 (PURPA). These regulations were invalidated by the United States Court of Appeals for the Ninth Circuit in its *Tulalip Tribes of Washington v. FERC* (*Tulalip* decision, and they do not represent (and have not since the *Tulalip* decision) Commission practice with regard to natural water feature exemptions. In addition, the final rule grants in part, denies in part, and dismisses in part, a petition for rulemaking filed by the California Save Our Streams Council (CSOS). In so doing, the Commission also terminates Docket Nos. RM86-5-000 and RMS86-5-001.

EFFECTIVE DATE: October 21, 1988.

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

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street, NE., Washington, DC 20426.

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

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

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending

its regulations governing exemption of small hydroelectric power projects of 5 megawatts (MW) or less. Specifically, the Commission is removing regulations that implemented the natural water feature exemption in section 408(b) of the Public Utility Regulatory Polices Act of 1978 (PURPA). These reglations were invalidated by the Ninth Circuit Court of Appeals in its *Tulalip Tribes of Washington v. FERC* (*Tulalip*) decision.[1] The regulations do not represent (and have not since the *Tulalip* decision) Commission practice with regard to natural water feature exemptions. In addition, the final rule grants in part, denies in part, and dismisses in part, a petition for rulemaking filed by the California Save Our Streams Council (CSOS).[2]

II. Background

The Energy Security Act of 1980 [3] amended sections 405 and 408 of PURPA to authorize the Commission to exempt certain small hydroelectric power projects from Part I of the Federal Power Act.[4] section 408(b) of PURPA provides that the definition of small hydroelectric power project includes:

> any project which utilizes or proposes to utilize natural water features for the generation of electricity, without the need for any dam or impoundment, in a manner which (as determined by the Commission) will achieve the purposes of this title and will do so without any adverse effect upon such natural water features.[5]

The Commission originally implemented the natural water feature exemption in section 408(b) of PURPA on a case-by-case basis.[6] In 1982, after two years of experience with case-specific exemption procedures, the Commission amended its regulations by rule (Order No. 255) to provide specific guidance on what constitutes a natural water feature project.[7]

[1] 732 F.d 2d 1451 (9th Cir. 1984).

[2] In so doing, the Commission also terminates Docket Nos. RM86-5-000 and RM86-5-001.

[3] Publ. L. 96-294, 94 Stat. 611.

[4] 16 U.S.C. 791a-825r (1982).

[5] 16 U.S.C. 2708(b) (1982).

[6] Exemption From All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects With An Installed Capacity of Five Megawatts or Less, Order No. 106, 45 FR 76,115 (Nov. 18, 1980) FERC Stats. & Regs. [Regulations Preambles 1977-1981] ¶ 30,204 (Nov. 7, 1980).

[7] Amendments to Regulations Governing Case-by-Case Exemption From All or Part of Part I of the Federal Power Act for Small Hydroelectric Power Projects With An Installed Capacity of 5 Megawatts or Less, Order No. 255, 47 FR 38506 (Sept. 1, 1982), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,387 (Aug. 27, 1982).

A. Order No. 255 and the Tulalip Decision

In Order No. 255 the Commission defined small hydroelectric power project as any project that:

> (i) Would utilize for the generation of electricity a natural water feature, such as a natural lake, waterfall, or the gradient of a natural stream, without the need for a dam and man-made impoundment;
>
> (ii) Would not retain water behind any structure for the purpose of a storage and release operation; and
>
> (iii) Except as otherwise permitted under § 4.103(d)(2) [waiver provision], would contain a diversion or intake structure that:
>
> (A) Is not higher than two times the diameter of the penstock or intake pipeline, not to exceed ten feet in total height, as measured from the lowest point of the natural streambed at the downstream toe of the structure to the normal water surface level retained by the structure assuming a no-spill condition;
>
> (B) Does not retain more than two acre-feet (2467 cubic meters) of water behind the diversion or intake structure;
>
> (C) Does not increase the existing naturally occurring hydraulic head of the natural water feature more than five (5) percent.[8]

This definition of a natural water feature was challenged in, and § 4.102(1)(iii) (A) and (B) were invalidated by, the U.S. Court of Appeals for the Ninth Circuit in the *Tulalip* decision.[9] The Ninth Circuit held that these provisions violated the plain meaning of section 408(b) of PURPA. Section 408(b) authorizes natural water feature exemptions for projects that can generate electricity "without the need for any dam or impoundment." The Ninth Circuit found that the Commission, by defining natural water feature to include structures up to ten feet in height that retain up to two acre-feet of water, authorized exemptions for structures that were within the plain meaning of "any dam or impoundment."

The Ninth Circuit also addressed the definition of "dam" in § 4.102(a) for exemption purposes. The Commission defined "dam" (for the purpose of the provisions governing exemption of small hydroelectric power projects) as "any structure for impounding water which is usable for electric power generation, if the impoundment supplies all, or the substantial part of, the total hydroelectric pressure (head) developed for such generation." [10] The Ninth Circuit quoted this definition and then noted the overlap between the definition of dam and the provisions implementing natural water feature exemptions. The Court stated:

> * * * in its final rule the Commission defined "dam" to exclude "dams" which are built only to divert rather than to create hydroelectric pressure. 18 CFR 4.102(a) (1983). In conjunction with this definition of "dam," the final rule authorizes exemptions for projects that utilize a "diversion structure" no higher than ten feet and which "retains" no more than two acre-feet of water. 18 CFR 4.102(1)(2)(iii) (A) and (B).

In view of the overlap between the definition of dam and the invalid height and water retention provisions, the Commission considered the definition of dam to have been invalidated by the Ninth Circuit.[11]

B. The Commission's Response to the Tulalip Decision

The *Tulalip* decision was issued on May 10, 1984. On July 18, 1984, the Commission issued four orders [12] that sought to resolve the status of issued and applied-for natural water feature exemptions in light of the *Tulalip* decision.[13] The *Eagle Power*, *Snowbird*, and *Forward Power* orders are briefly summarized below. For the purposes of this proceeding, the most important of the July 18, 1984 orders is the *Pigeon Cove* order because it explains how the Commission decided to implement section 408(b) of PURPA after the *Tulalip* decision.

1. The Eagle Power Order

Eagle Power was concerned with projects for which exemptions had been issued and that were in various stages of construction.[14] The Commission grappled with the retroactive effect of the *Tulalip* decision on such projects. The Commission allowed projects that were under construction as of May 10, 1984, to proceed under their existing exemptions. For those projects that were

[8] 18 CFR 4.102(1)(iii) (A), (B) (1983), 47 FR 38506 at p. 38512. Section 4.102(1) was redesignated in Order No. 413 (discussed *infra*) as ¶ 4.30(b)(27). See, Application for License, Permit, and Exemption From Licensing for Water Power Projects, Order No. 413, 50 FR 11,658 (Mar. 25, 1985), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,362 (Mar. 20, 1985).

[9] *See* 18 CFR 4.102(a)(1)(iii) (A), (B) (1983).

[10] *See* 18 CFR 4.102(a) (1983). This definition was promulgated by the Commission in Order No. 255, *supra* note 7.

[11] *See*, Pigeon Cove Power Co., 30 FERC ¶ 61,253 at p. 61,501-52. The invalidated definition of dam in § 4.102(a) was redesignated as § 4.30(b)(4)(iii) in 1985. *See* Order No. 413, *supra* note 8.

[12] Eagle Power Co., *et al.*, 28 FERC ¶ 61,061 (1984) (*Eagle Power*); Snowbird, Ltd., *et al.*, 28 FERC ¶ 61,062 (1984) (*Snowbird*); Forward Power and Energy Co., *et al.*, 28 FERC ¶ 61,063 (1984); Pigeon Cove Power Co., 28 FERC ¶ 61,064 (1984) (*Pigeon Cove I*).

[13] The Commission's review of exemption projects included exemptions issued on a case-by-case basis prior to August 27, 1982, the date on which the regulations invalidated by *Tulalip* were promulgated. See Order No. 255, *supra* note 7.

[14] Eagle Power Co., *et al.*, 28 FERC ¶ 61,061 (1984).

not under construction as of May 10, 1984, the Commission applied *Tulalip* retroactively and the exemptions for such projects were vacated.[15] In order to minimize the burden on developers who had obtained their exemptions under the rules invalidated by *Tulalip*, the Commission afforded these former exemptees the opportunity to restore their applications with their original (one accepted) filing dates. The former exemptees were given 120 days to either convert their applications to license applications or to amend their applications to comply with the statutory definition of natural water feature as construed by the Ninth Circuit in *Tulalip*.

2. The Snowbird Order

In its *Snowbird* order, the Commission addressed exemption applications that were filed but not accepted for filing at the time of the *Tulalip* decision.[16] The Commission dismissed all unaccepted applications as invalid. As with those projects that were not under construction in *Eagle Power*, the Commission afforded developers with applications that had been accepted for filing with an opportunity to either convert their applications to license applications or amend their applications to comply with *Tulalip*.

3. The Forward Power Order

The Commission's *Forward Power* order dealt with those projects that were constructed and operating at the time of the *Tulalip* decision.[17] The Commission applied the Supreme Court's *Chevron* test for retroactive application of a new rule and did not apply *Tulalip* retroactively to exemption projects that were constructed and operating as of May 10, 1984.[18]

4. The Pigeon Cove Orders

In *Pigeon Cove I*, the Commission determined which issued exemptions and pending exemption applications used valid natural water features under the *Tulalip* decision.[19] The Commission stated that the *Tulalip* decision "return[ed] the Commission to the statutory language [section 408(b) of PURPA] governing natural water feature exemptions." [20] The Commission construed the statutory definition of a natural water feature exemption in section 408(b) of PURPA as a three-part test. A project may be exempted under section 408(b) if it uses a natural water feature to generate electricity that: (1) Does not need any dam or impoundment, (2) achieves the purposes of Title IV of PURPA, and (3) does so without any adverse effect upon such natural water features.

Regarding diversion structures, the Commission stated in *Pigeon Cove I* that:

> The court in *Tulalip* pointed out that projects using natural water features such as a perched lake or water fall qualify under the statutory provision. However, virtually any system for generating electricity by passing water through a turbine, even if it uses water from a waterfall or perched lake, must have some means to move the water from the streambed or lake to the turbine. Thus, while the court clearly ruled out diversion structures that serve to dam or impound water, if the statutory provision is to have any meaning it must allow diversion devices that neither dam or impound water, so long as they also satisfy the other two criteria in Section 408(b).[21]

Including all forms of diversion structures within the definition of "dam" would eliminate natural water feature exemptions and would therefore thwart the Congressional intent of promoting small hydropower projects.[22] The Commission applied the three-part test of section 408(b) and determined that 78 projects complied with the statutory definition of a natural water feature as construed by the Ninth Circuit in *Tulalip*.

Petitions for rehearing of *Pigeon Cove I* were filed, and on March 6, 1985, the Commission issued a second order (*Pigeon Cove II*).[23] Petitioners claimed that the Commission failed to articulate criteria for determining which projects were eligible for a natural water feature exemption. Petitioners contended that some projects could be considered eligible under *Pigeon Cove*, yet still be inconsistent with the limits put on natural water features in the *Tulalip* decision. The Commission disagreed and adhered to its three-part test under section 408(b) of PURPA. In answering the petitioners' claims, the Commission explained further its interpretation of the first criterion of section 408(b) that the project generate electricity without the need for any dam or impoundment.

The Commission noted that, as a result of the *Tulalip* decision, projects using a perched lake or waterfall come within the first criteria in section 408(b). The Commission reiterated that even projects using perched lakes or waterfalls must have some stucture for diverting water into a turbine in order to produce electricity, and that all diversion structures cannot be considered dams *per se*. The dictionary definitions of "dam" used in *Tulalip* generally described a structure that blocks the flow of water; therefore the Commission considered any raised structure spanning the entire width of a stream to be a dam and ineligible for exemption.

The question left unanswered in *Tulalip* was whether a diversion structure that did not span the entire width of a stream should be considered a dam. The Commission explained that a diversion structure that spans most of the width of a stream can effectively block natural flow depending on its size, displacement and design. The Commission stated, in its case-by-case review of the projects in *Pigeon Cove I*, that it considered such a project to be ineligible for exemption.

With respect to diversion structures that only partially cross the width of a stream, the Commission determined that such structures often do not significantly block the natural flow, particularly if the structure is located on the shallower side of the streambed so that the water mainly flows around the deeper side. Thus, some individual projects were deemed qualified for an exemption. The Commission noted that catch-basins imbedded in the streambed, and catch-basins, perforated pipes and small wing-walls located on the bank of a stream, essentially act as intakes through which water flows into a turbine and could, consequently, qualify for exemption.

Therefore, with regard to the first criterion of section 408(b) of PURPA (*i.e.*, that the project generate electricity without the need for any dam or impoundment), the Commission considered the following diversion structures to be ineligible for exemption: (1) Raised diversion structures that span the entire width of the stream, and (2) diversion structures that partially cross a stream and that significantly block the natural flow. For diversion structures that do not significantly block the

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[15] The Commission chose the beginning of physical construction activity as the line of demarcation for projects that were "under construction" as of May 10, 1984; 28 FERC at p. 61,114.

[16] Snowbird, Ltd., *et al.*, 28 FERC ¶ 61,062 (1984).

[17] Forward Power and Energy Co., *et al.*, 28 FERC ¶ 61,063 (1984).

[18] *See Chevron Oil Co. v. Hudson*, 404 U.S. 97 (1971).

[19] 28 FERC ¶ 61,064 (1984).

[20] 28 FERC at p. 61,129.

[21] 28 FERC at p. 61,129.

[22] The Ninth Circuit clearly recognized in *Tulalip* that Congress sought to encourage and expedite small hydropower development but confined exemptions to sites requiring no new dam or impoundment.

[23] 30 FERC ¶ 61,253 (1985). Petitions for rehearing were also filed in the *Snowbird* and *Eagle Power* orders. The Commission considered these petitions in a separate order also issued on March 6, 1985, Eagle Power Co., *et al.*, 30 FERC ¶ 61,254 (1985) (*Eagle Power II*). A final order in this series was issued on June 18, 1985, Eagle Power Co., *et al.*, 31 FERC ¶ 61,314 (1985) (*Eagle Power III*).

natural flow, the Commission reviewed such projects on a case-by-case basis. Moreover, while *Tulalip* only dealt with the first criterion in section 408(b) of PURPA, the Commission indicated that even if a diversion structure was not a "dam or impoundment" (*i.e.*, consistent with *Tulalip*), it still had to meet the remaining requirements of section 408(b) before it would be eligible for exemption (*i.e.*, that the project will generate electricity in a manner consistent with PUPRA and that it will do so without any adverse effect upon such natural water features). In addition, by focusing on diversion structures that do not significantly block the natural flow, the *Pigeon Cove* orders used an approach that was consistent with the definition of "dam" that was promulgated in 1980 in Order No. 106.[24]

Thus, the Commission's response to the *Tulalip* decision was three-fold: (1) It returned to the statutory definition of a natural water feature, (2) it reviewed all issued and applied-for exemptions for consistency with that definition, and (3) with regard to future natural water feature exemption applications, it returned to a case-by-case approach as enunciated in the *Pigeon Cove* orders.

III. Discussion

A. Order No. 413 and the Tulalip Decision

The *Pigeon Cove II* order was issued on March 6, 1985. On March 20, 1985, the Commission issued a final rule in Docket No. RM83–56–000, Order No. 413.[25] Order No. 413 was a comprehensive rulemaking that made several changes in the Commission's hydroelectric licensing regulations. At the time Order No. 413 law issued, the Commission had responded to the *Tulalip* decision and had decided to implement the natural water feature exemption on a case-specific basis using the principles enunciated in the *Pigeon Cove* orders. Consequently, Order No. 413 would have been an appropriate proceeding in which to revoke the regulations invalidated by the *Tulalip* decision.

However, the Commission did not, in Order No. 413, remove from its regulations the provisions invalidated by the *Tulalip* decision. Instead, the Commission redesignated these provisions as §§ 4.30(b)(4)(iii) and 4.30(b)(27)(iii)(C) (1) and (2). In referring to the provisions invalidated by *Tulalip*, the Commission noted that:

> In a receant decision, [*Tulalip*] * * * the Ninth Circuit found certain provisions of § 4.102 to be invalid. Section 4.102 defines requirements for application for exemption from licensing for small hydroelectric power projects. As part of the reorganization, the final rule redesignates these provisions. However, by redesignating these provisions, the Commission is *not* reaffirming their validity. The Commission will respond to the Court's finding in a separate proceeding.[26]

The fact that the provisions invalidated by the *Tulalip* decision have not been removed from the Commission's regulations is an oversight that the Commission is correcting in this rule. Consequently, the Commission is removing these provisions from its regulations and is revising §§ 4.30(b)(4)(iii), 4.30(b)(27) and 4.103(c).

B. Petition for Rulemaking by CSOS

On December 16, 1985, the Commission received a petition for rulemaking (Docket No. RM86–5–000) from California Save Our Streams Council (CSOS). CSOS requested that the Commission issue a notice of proposed rulemaking (NOPR) that would: (a) Implement Executive Order No. 11991, and (b) limit the "natural water feature" exemptions in section 408(b) of PURPA to projects not involving off-stream diversions, such as water mills.

On January 12, 1988, the Commission received a second petition for rulemaking (Docket No. RM86–5–001) from CSOS entitled "Petition for Rehearing of De Facto Denial of Petition for Rulemaking, Suspension and Repeal of Rules, Revocation of Exemption from Licensing and Suspension of Exemptions from Licensing Pending Rehearing." In its January 12, 1988 filing, CSOS dropped its request to implement Executive Order No. 11991 but continued to claim that the following regulations are in excess of the Commission's power to exempt projects from licensing under the FPA: §§ 4.30(b)(4), 4.30(b)(22), 4.103(c)(1) and 4.111(a)(1). CSOS requests the Commission to: (1) Grant rehearing of the alleged denial of the petition for rulemaking and adopt a rule defining natural water features to conform to statutory authority, (2) revoke case-specific exemptions issued under Order No. 413, (3) suspend and revoke the foregoing regulations, and (4) suspend the processing of pending applications for exemption without prejudice to convert to license applications. Except for removing the provisions invalidated by the *Tulalip* decision from its regulations, the Commission denies the petition for rulemaking filed by CSOS.

1. Executive Order No. 11991

Executive Order No. 11991 directed the Council on Environmental Quality (CEQ) to issue regulations implementing the National Environmental Policy Act of 1969 (NEPA).[27] The CEQ regulations implementing NEPA are contained in chapter 40 of the Code of Federal Regulations.[28] Section 1507.3(a) provides for all Federal agencies to adopt procedures to supplement the CEQ regulations implementing NEPA. On December 10, 1987, the Commission issued Order No. 486 (Docket No. RM87–15–000), which revised its regulations implementing NEPA.[29] Order No. 486 renders moot CSOS's request to implement Executive Order No. 11991. Accordingly, to that CSOS' petition for rulemaking is dismissed as moot.

2. Natural Water Feature Exemptions

CSOS states in its January 12, 1988 filing that "the Commission re-enacted definitions of 'natural water feature' virtually identical to those invalidated by *Tulalip*." However, as explained above, the Commission merely redesignated the provisions invalidated by the *Tulalip* decision in Order No. 413; it did not "re-enact" them and, by this order, we are formally deleting those provisions from the regulations. The Commission determines whether a project qualifies for a natural water feature exemption on a case-by-case basis using the criteria stated in the *Pigeon Cove* orders.

While CSOS characterizes Order No. 413 as "re-enacting" the provisions invalidated by the *Tulalip* decision,

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[24] Order No. 106 defined "dam", for the purpose of the provisions governing exemption of small hydroelectric power projects, as "any structure for impounding water, including any diversion structure that is designed to obstruct all or substantially all of the flow of a natural body of water." Order No. 106, *supra* note 6, 45 FR at 76124. This definition of dam was used by the Commission from 1980 until 1982. On August 27, 1982, the Commission issued Order No. 255, *supra* note 7, which changed the definition to the definition that was subsequently invalidated in the *Tulalip* decision.

[25] Application for License, Permit, and Exemption From Licensing for Water Power Projects, Order No. 413, 50 FR 11658 (Mar. 25, 1985), FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30362 (Mar. 20, 1985).

[26] 50 FR at 11659 n. 8. The Commission did not elaborate on whether the "separate proceeding" meant a future rulemaking or the *Pigeon Cove II* order issued two weeks before. In either event, the invalidated regulations have not been followed or enforced by the Commission since the *Tulalip* decision. The Commission implements section 408(d) of PURPA on a case-by-case basis using the approach stated in the *Pigeon Cove* orders.

[27] 42 U.S.C. 4321–4370a (1982).

[28] 40 CFR Part 1500–1508 (1987).

[29] Regulations Implementing the National Environmental Policy Act of 1969, Order No. 486, 52 FR 47897 (Dec. 17, 1987), III FERC Stat. & Regs. ¶ 30,783 (Dec. 10, 1987). CSOS had the opportunity to, and did, file separate comments in that proceeding (Docket No. RM87–15–000).

CSOS's primary objection is with the approach to natural water feature exemptions taken by the Commission in the *Pigeon Cove* orders. CSOS believes that *Tulalip* decision requires all diversion structures to be ineligible for exemption as a natural water feature. CSOS contends that "the only non-retrofit projects eligible for exemption from licensing are natural water features such as a perched lake or paddle mill." [30] However, as discussed at length above, these issues were resolved in the *Pigeon Cove* orders.

CSOS could have pressed its claims by intervening in the *Pigeon Cove* proceedings. CSOS did not, however, intervene in the *Pigeon Cove* proceedings and it cannot collaterally attack those orders here.[31] Section 405(d) of PURPA specifically gives the Commission the authority to exempt small hydroelectric power projects on either a generic basis by rule or on a case-by-case basis. The Commission returned to a case-by-case approach after the *Tulalip* decision. CSOS always has the option to intervene and state its position in any specific exemption application.

In its January 12, 1988 filing CSOS also states that the "Commission's rule 4.30 appropriately defines a dam as 'any structure for impounding or diverting water'." [32] CSOS is paraphrasing the definition of dam in § 4.30(b)(4)(i) of the Commission's regulations that governs applications for a license of a major project at an existing dam. The Commission interprets CSOS statement as a request to define "dam," for exemption purposes, in the same manner (*i.e.*, as "any structure for impounding or diverting water").

CSOS' proposed definition would have the effect of including all forms of diversion structures within the definition of "dam." This is a position that the Commission clearly rejected in both of the *Pigeon Cove* orders. The Commission determined therein that raised diversion structures that span the entire width of the stream or diversion structures that significantly block the natural flow (*i.e.*, a diversion structure that either dams or impounds water) are ineligible for exemption. Diversion structures that do not significantly block the natural flow may be eligible for exemption provided that they can satisfy the other two criteria in section 408(b) of PURPA.

CSOS has not raised any issues of fact, law or policy that were not considered in the *Pigeon Cove* orders or that persuade the Commission to alter the determinations made in those orders. The *Pigeon Cove* orders implement section 408(b) of PURPA in a manner consistent with the *Tulalip* decision, and consistent with the definition of dam that had been promulgated in the Commission's regulations in 1980 in Order No. 106. That definition was the product of a rulemaking proceeding, and was used by the Commission without objection until it was superseded in 1982 by the definition that the Ninth Circuit subsequently invalidated in *Tulalip*. By this final rule, in addition to formally deleting the regulatory provisions invalidated in *Tulalip*, we complete the process of restoring the *status quo ante* by formally reinstating in § 4.30(b)(4)(iii) of the regulations, the definition of dam that had been in the regulations before it was superseded by the definition invalidated in *Tulalip*.

3. Specific Requests of CSOS

CSOS requests that the Commission define natural water feature in a manner that "conform[s] to statutory authority." [33] The Commission does not have to define natural water feature to "conform to" statutory authority because it has already returned to the statutory language of section 408(b) of PURPA in the *Pigeon Cove* orders.

CSOS also wants the Commission to revoke all case-specific exemptions "issued under Order 413." [34] By this, the Commission assumes CSOS means all case-specific exemptions issued under the regulations that were invalidated by the *Tulalip* decision. In fact, the Commission has issued no case-specific exemptions under those regulations. The regulations have been invalid and of no effect since the *Tulalip* decision and they do not (and, since *Tulalip* did not) represent Commission practice with regard to natural water feature exemptions.

Finally, CSOS asks the Commission to suspend processing all exemption applications in order to convert applications to "license application[s]." [35] This request illustrates that CSOS' primary objection is with the Commission's response to the *Tulalip* decision and the *Pigeon Cove* orders.[36] The Commission did, in fact, give developers the opportunity to convert issued and applied-for exemptions that were invalid under *Tulalip* to license applications in the *Eagle Power* and *Snowbird* orders.[37]

In objecting to the provisions redesignated in Order No. 413, CSOS cites to §§ 4.30(b)(4) and 4.30(b)(22)(ii) of the Commission's regulations and not to the redesignated provisions (*i.e.*, § 4.30(b)(27)(ii)(C) (1) and (2)). The Commission interprets CSOS' cite to § 4.30(b)(4) as a cite to §4.30(b)(4)(iii). Section 4.30(b)(4)(iii) contains the invalid definition of "dam" that was redesignated in Order No. 413. To the extent CSOS's second filing objects to the invalid provisions in §§ 4.30(b)(4)(iii) and 4.30(b)(27)(ii)(C) (1) and (2), this order grants CSOS's request to revoke those regulations. As discussed above, this order also reinstates in § 4.30(b)(4)(iii) the original definition of dam. For the reasons discussed below, the Commission denies CSOS's request for relief with respect to §§ 4.30(b)(22)(ii) and 4.103(c)(1), and dismisses CSOS's request for relief with respect to 4.111(a)(1).

(i) *Section 4.30(b)(22)(ii).* Section 4.30(b)(22)(ii) defines "project" for the purposes of an application for exemption of a small hydroelectric power project to include "any diversion structure other than a dam and any associated water conveyance facility, power plant, primary transmission line, and other appurtenant facility if a natural water feature other than a lake or similar natural impoundment is used for power generation." This definition of "project" was established by the Commission Order No. 106, which also separately defined "small hydroelectric power project." [38]

The preamble to Order No. 106 indicates an intent to define "project" more narrowly than the definition of "project" in section (3)(11) of the FPA.[39]

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[30] January 12, 1988 filing of CSOS, p. 2.

[31] The Commission notes that the claims of CSOS in its petition for rulemaking and the claims of petitioners' in the *Pigeon Cove II* rehearing order are substantially similar and that these issues have been decided. The Commission also notes that CSOS did not participate in any of the rulemaking proceedings that led to the final rules in Order No. 106 (1980), Order No. 255 (1982) and Order No. 413 (1985).

[32] Jaunary 12, 1988 filing of CSOS, p. 1.

[33] January 12, 1988 filing of CSOS p. 2.

[34] *Id.*

[35] *Id.*

[36] *See* cased cited *supra* note 10.

[37] *The Pigeon Cove I* order only applied to those exemptions that utilized valid natural water features in light of *Tulalip*.

[38] Exemption from All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects With An Installed Capacity of Five Megawatts or Less. 45 FR 76115 (Nov. 18, 1980) FERC Stats. & Regs. [Regulations Preambles 1977–1981] ¶ 30,204 (Nov. 7, 1980).

[39] Section 3(11) of the FPA defines "project" as a complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of

Continued

Under section (3)(11) of the FPA, a "complete unit of development" might include more than one impoundment and a series of hydraulically coordinated dams. Therefore, a narrower definition of project was adopted to exclude all dams, impoundments and powerhouses in a large coordinated unit of development. "Small hydroelectric power project" was separately defined as either a project that would use the water power potential of an existing dam to generate electricity or a project that would generate electricity using a natural water feature without the need for a dam or man-made impoundment.

CSOS's reasons for objecting to § 4.30(b)(22)(ii) are not clear. Section 4.30(b)(22)(ii) was not affected by the *Tulalip* decision. Section 4.30(b)(22)(ii) was promulgated in Order No. 106 in 1980. The regulations that were invalidated by the *Tulalip* decision were promulgated in 1982 in Order No. 255 and Order No. 255 did not amend the definition of project in § 4.30(b)(22)(ii). CSOS has not articulated any reason for objecting to § 4.30(b)(22)(ii), and we do not perceive any reason to amend or revoke it. Accordingly, CSOS' request to revoke the regulation is denied.

(ii) *Section 4.103(c)(1).* CSOS alleges that § 4.103(c)(1) is invalid under the FPA. Section 4.103(c)(1) provides for waiver of the provisions in §§ 4.102 through 4.107 of the Commission's regulations (*i.e.*, the regulations governing case-specific exemptions from licensing). Section 4.103(c)(1) is well within the Commission's authority under sections 405 and 408 of PURPA. We construe CSOS' intent as objecting to the second paragraph in § 4.103(c), which allows an applicant to receive a waiver of the regulations that were invalidated by the *Tulalip* decision.[40] Again, to the extent CSOS is requesting revocation of §§ 4.103(c)(2) and not § 4.103(c)(1), our order today grants CSOS's request. These regulations do not and have not represented Commission practice since the *Pigeon Cove* orders.

(iii) *Section 4.111(a)(1).* Finally, CSOS requests that the Commission revoke § 4.111(a)(1) of its regulations. This request is moot, and therefore is dismissed. Section 4.111 was removed from the Commission's regulations on October 20, 1987.[41]

IV. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement must be prepared for any Commission action that may have a significant adverse effect on the human environment.[42] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.[43] No environmental consideration is necessary for the promulgation of a rule that is clarifying, corrective, or procedural or that does not substantially change the effect of legislation or regulations being amended.[44] This final rule is corrective in nature. The rule simply removes invalid, outdated provisions from the Commission's regulations.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) [45] requires rulemakings to either contain a description and analysis of the impact the rule will have on small entities or certify that the rule will not have a significant economic impact on a substantial number of small entities. This final rule will have no economic impact on small entities. The rule merely revokes invalid regulations that have not represented Commission practice since 1984.

VI. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) [46] and the Office of Management and Budget's (OMB) regulations [47] require that OMB approve certain information collection requirements imposed by agency rule. This final rule does not impose any information collection requirements.

VII. Notice and Comment and Effective Date

The Administrative Procedure Act (APA) [48] requires rulemakings to be published in the **Federal Register**. The APA also mandates that an opportunity for comment be provided when an agency promulgates regulations. Notice and Comment are not required under the APA when the "agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." [49] The Commission finds that notice and comment are unnecessary for this rulemaking. The Commission is merely removing certain provisions from its regulations that are invalid and have been of no effect since the *Tulalip* decision. This rule is effective October 21, 1988.

List of Subjects in 18 CFR Part 4

Electric power, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Part 4, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Lois D. Cashell,

Secretary.

PART 4—LICENSES, PERMITS, EXEMPTIONS AND DETERMINATION OF PROJECT COSTS

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

Authority: Federal Power Act, 16 U.S.C. 791a–825r, as amended by the Electric Consumers Protection Act of 1986, Pub. L. 99–495; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

2. In § 4.30, paragraphs (b)(4)(iii) and (b)(27) are revised to read as follows:

§ 4.30 Applicability and definitions.

* * * * *

(b) * * *

(4) * * *

(iii) "Dam," for the purposes of provisions governing application for exemption of a small hydroelectric power project, means any structure for impounding water, including any diversion structure that is designed to obstruct all or substantially all of the flow of a natural body of water.

* * * * *

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said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights-of-way, ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

16 U.S.C. 796 (1982).

[40] That is, the height and water retention limitations in §§ 4.30(b)(27)(ii)(c)(1),(2).

[41] *See*, Exemption from Licensing Requirements of Part I of the Federal Power Act of a Category of Small Hydroelectric Power Projects with an Installed Capacity of 5 Megawatts or less, 52 FR 39628 (Oct. 23, 1987); III FERC Stats. & Regs. ¶ 30,771 (Oct. 20, 1987).

[42] Regulations Implementing Nation Environmental Policy Act, 52 FR. 47,897 (Dec. 17, 1987), III FERC Stats. & Regs. ¶ 30,783 (Dec.10, 1987).

[43] 18 CFR 380.4 (1987).

[44] 18 CFR 380.4(a)(2)(ii) (1987).

[45] 5 U.S.C. 601–612 (1982).

[46] 44 U.S.C. 3501–3520 (1982).

[47] 5 CFR 1320.13 (1987).

[48] 5 U.S.C. 551–559 (1982).

[49] 5 U.S.C. 553(b)(B) (1982).

(27) "Small hydroelectric power project" means any project in which capacity will be installed or increased after the date of notice of exemption or application under Subpart K of this chapter, which will have a total installed capacity of not more than 5 MW, and which:

(i) Would utilize for electric power generation the water power potential of an existing dam that is not owned or operated by the United States or by an instrumentaliy of the Federal Government, including the Tennessee Valley Authority; or

(ii)(A) Would utilize for the generation of electricity a natural water feature, such as a natural lake, waterfall, or the gradient of a natural stream, without the need for a dam or man-made impoundment; and

(B) Would not retain water behind any structure for the purpose of a storage and release operation.

* * * * *

3. In § 4.103, paragraph (c) is revised to read as follows:

§ 4.103 General provisions for case-specific exemption.

* * * * *

(c) *Waiver.* In applying for case-specific exemption from licensing, a qualified exemption applicant may petition under § 385.207 of this chapter for waiver of any specific provision of §§ 4.102 through 4.107. The Commission will grant a waiver only if consistent with section 408 of the Energy Security Act of 1980.

[FR Doc. 88-21562 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 8F3611/R977; FRL-3450-9]

Pesticide Tolerance for Metolachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for combined residues of the herbicide metolachlor and its metabolites in or on nongrass animal feeds (forage, fodder, straw, and hay) groups. This regulation to establish the maximum permissible level for residues of the herbicide in or on the raw agricultural commodities (RACs) was requested by the Ciba-Geigy Corp.

EFFECTIVE DATE: September 21, 1988.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Room 3708, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-1830.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on May 25, 1988 (53 FR 18897) that Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, NC 27409, had filed a petition (8F3611) with EPA. This petition proposed that 40 CFR 180.368(b) be amended by establishing tolerances for combined residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide] and its metabolites, determined as the derivatives 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on the RACs nongrass animal feeds group at 3.0 parts per million (ppm) when present therein as a result of application to the growing crops listed in 40 CFR 180.368(a). No comments were received in response to the notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought.

The data considered in support of the tolerance include:

1. A 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm (12.5 milligrams/kilogram (mg/kg)).

2. A 6-month dog feeding study with a NOEL of 100 ppm (2.5 mg/kg).

3. A rat teratology study with no teratogenicity and fetotoxicity at the highest dose tested (HDT) of 360 mg/kg.

4. A rabbit teratology study with a maternal NOEL of 120 mg/kg and no teratogenicity and fetotoxicity at the HDT of 360 mg/kg.

5. A two-generation rat reproduction study with a reproductive NOEL of 300 ppm (15 mg/kg) and a lowest-effect level (LEL) of 1,000 ppm (50 mg/kg).

6. A mouse dominant-lethal study negative for mutagenic effects.

7. An Ames mutagenicity assay, negative for mutagenic effects, and a 2-year mouse oncogenicity study with no observed oncogenic potential at 30, 1,000, and 3,000 ppm (428 mg/kg, HDT).

8. A repeated 2-year mouse oncogenicity study with no observed oncogenic potential at the same dose levels as the original study.

9. A 2-year chronic feeding/oncogenicity study in the rat (IBT validated, core supplementary) at dietary doses of 0, 30, 300, and 3,000 ppm with a statistically significant increase in primary liver neoplasms in females at the high-dose group (3,000 ppm).

10. A repeated 2-year chronic feeding/oncogenicity study in the rat conducted at the same dietary doses as the original study with a systemic NOEL of 300 ppm (15 mg/kg), a systemic LEL of 3,000 ppm (testicular atrophy), and a statistically significant increased incidence of neoplastic liver nodules and proliferative hepatic lesions in females in the high-dose group (3,000 ppm).

The Agency has concluded that the available data constitute limited evidence for carcinogenicity of metolachlor. Metolachlor is, therefore, tentatively classified as a Category C carcinogen (limited evidence of carcinogenicity in animals) based on the following considerations:

1. The oncogenic responses observed in rats were confined to the high-dose females at one site (liver).

2. The proliferative liver lesions observed in rats were primarily benign (neoplastic nodules in 6 of 60 animals) rather than hepatocellular carcinomas (1 of 60 animals). There was no apparent difference in the time-to-occurrence of the lesions (almost all liver tumors were observed at terminal sacrifice).

3. Metolachlor was not oncogenic to mice under the conditions of the 2-year mouse oncogenicity studies.

4. An Ames mutagenicity assay and a dominant lethal study were negative for mutagenic effects.

The Agency has evaluated oncogenic risk resulting from dietary exposure to residues of metolachlor based on the rat studies. Assuming 100 percent of the crops are treated, the "worst case" dietary risk is calculated to be 3×10^{-6} for existing tolerances. Tolerances previously established under 40 CFR 180.368(a) are adequate to cover residues that would result in meat, milk, poultry and eggs; therefore, there is no incremental increase in risk from establishing tolerances for the nongrass animal feeds group.

Tolerances have previously been established for residues of metolachlor ranging from 0.02 ppm in meat, milk, poultry, and eggs to 30.0 ppm in peanut forage and hay. Based on the rat chronic feeding study with a NOEL of 300 ppm (15 mg/kg/day) for nononcogenic effects and using a hundred-fold safety factor, the acceptable daily intake is 0.15 mg/kg/day. The maximum permitted intake

for a 60-kg human is calculated to be 9 mg/day.

The theoretical maximal residue contribution (TMRC) for existing tolerances is 0.001256 mg/kg/day for the total U.S. population. The proposed use will not contribute to the TMRC.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Analytical enforcement methods are currently available in the Pesticide Analytical Manuals Volumes I and II. There are presently no actions pending against the continued registration of this chemical.

Based on the information cited above, the Agency has determined that the establishment of the tolerances for residues of the pesticide in or on the commodities will protect the public health. Therefore, the tolerances are established as set forth below.

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

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

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

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: September 9, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.368(b) is amended by adding and alphabetically inserting the commodity nongrass animal feeds group, to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Nongrass animal feeds (forage, fodder, straw, and hay) group	3.0
* * * * *	

[FR Doc. 88–21506 Filed 9–20–88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400 and 430

45 CFR Parts 201, 204, 205, 211, 212, 213, and 282

[BERC-433-FC]

Medicaid Program; State Plans and Grants to States

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rules with comment period.

SUMMARY: These regulations amend Medicaid regulations to incorporate the applicable provisions of 45 CFR Parts 201, 204, 205, and 213. The intent is two-fold—

- To update and simplify the existing regulations, as they apply to the Medicaid program, to reflect current organizational and staff titles (e.g, "HCFA" instead of "SRS" or "the Service"; "Regional Administrator" instead of "Regional Medicaid Director"), and minor procedural changes.
- To incorporate the revised regulations in 42 CFR Part 430 so that users of Medicaid regulations need not search in Title 45 for these provisions.

These regulations also amend regulations at 45 CFR Parts 201, 204, 205, 211, 212, 213, and 282 relating to federally assisted State public assistance programs to make nomenclature and other technical changes to reflect changes in organization and delegations of authority.

DATES: *Effective Date:* These regulations are effective October 21, 1988.

Comment Date: We will consider comments received by November 21, 1988, from anyone who considers that, in the process of redesignating these rules, we have, inadvertently made substantive changes.

ADDRESSES: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC–433–FC, P.O. Box 26676, Baltimore, Maryland 21207.

If you comment on information collection requirements, please send a copy of those comments directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503. Attention: Allison Herron.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC, or,

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC–433–FC. Comments will be available for public inspection as they are received, beginning approximately three weeks from today, in Room 309–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias, (202) 245–0383.

SUPPLEMENTARY INFORMATION:

Background

45 CFR Part 201 was published in 1970 when the Social and Rehabilitation Service (SRS) was a major component of the Department, responsible for all the Federally assisted State public assistance programs. Accordingly, the provisions of 45 CFR Part 201 applied to the financial assistance programs under titles I, IV–A, X, XIV, and XVI of the Social Security Act and to the medical assistance program (Medicaid) under title XIX of that Act.

Under the Secretary's Executive Order of March 8, 1977, the Department was extensively reorganized. The SRS ceased to exist and HCFA was created and assigned responsibility for

Medicaid, Medicare (the Federal health insurance program previously administered by the Social Security Administration), and the Professional Standards Review program which was transferred from the Public Health Service component of the Department.

The regulations for the HCFA programs were scattered among three different CFR titles as follows:

Title 20—Employees' Benefits

Chapter III—Social Security Administration

(Medicare regulations)

Title 42—Public Health

(Professional Standards Review regulations)

Title 45—Public Welfare

Chapter II—Social and Rehabilitation Service

(Medicaid regulations)

On September 30, 1977, a new Chapter IV—Health Care Financing Administration, was established in Title 42 and most of the regulations pertaining to the three HCFA programs were transferred to the new chapter. 45 CFR Parts 201, 204, 205, and 213 could not be "transferred" because they also applied to the financial asssistance programs and, in part, to the social services programs under title XX of the Act. Early attempts to segregate regulations for Medicaid and/or social services foundered primarily on the issue of how much uniformity of language could and should be retained in setting up the 3 sets of regulations. With the perspective gained since the 1977 reorganization, we are now ready to set forth in 42 CFR Chapter IV the title 45 content that pertains to Medicaid.

Purpose and Scope

These regulations have a twofold purpose:

1. To update and simplify the existing regulations, as they apply to the Medicaid program, to reflect current organizational and staff titles (e.g. "HCFA" instead of "SRS" or "the Service"; "Regional Administrator" instead of "Regional Medicaid Director"), and minor procedural changes.

2. To incorporate the revised regulations in 42 CFR Part 430 so that users of Medicaid regulations need not search in Title 45 for these provisions.

The regulations transferred to Part 430 are based on various provisions of the Social Security Act. Section 1901 of the Act requires an approved State plan for any State seeking Federal financial participation (FFP) in the operation of a medical assistance program under title XIX. Section 1902 of the Act specifies the required content of the State plan. Section 1904 of the Act authorizes the Secretary to withhold FFP, prospectively, after notice and opportunity for a hearing, if the State plan is changed so as not to comply with, or is not administered in accordance with, the requirements of section 1902.

Sections 1116(a)(1) and 1915(f) of the Act authorize the Secretary to approve or disapprove a State plan or State plan amendments submitted by a State. Section 1116(a)(2) gives States the right to a reconsideration of the Secretary's determination to disapprove a State plan or State plan amendment through administrative hearings. Under the provisions of section 1116(a)(3), States also are entitled to file for judicial review by the appropriate U.S. Court of Appeals of a final determination to disapprove a State plan or State plan amendment and of a final determination to withhold payments because the State plan no longer complies with, or is not administered in accordance with section 1902.

Section 1116(c) of the Act authorizes denial or withholding of FFP based on the Secretary's initial determination even if there is a reconsideration pending. However, this section provides for restitution in lump sum of any funds the Secretary subsequently determines were withheld or otherwise denied based on an incorrect determination.

Section 1116(d) of the Act gives States the right to appeal (to the Departmental Grant Appeals Board) a disallowance for amounts the State has expended and claimed on its expenditure report for FFP.

Since the Medicaid provisions will now appear in 42 CFR Part 430, certain technical changes—removal of all references to Medicaid and Medicaid staff—had to be made in 45 CFR Parts 201, 204, and 205.

We have taken advantage of this opportunity to update the Title 45 rules to reflect changes in organization and delegations of authority for the financial assistance programs under titles I, IV–A, X, XIV, and XVI (AABD) of the Social Security Act. A notice published in the **Federal Register** on April 4, 1986 at 51 FR 11641 established the Family Support Administration and transferred responsibility for these financial assistance programs from the Social Security Administration. A notice published in the **Federal Register** on October 6, 1986 at 51 FR 35561 set forth the details of organization, functions, and delegations of authority of the new Family Support Administration.

The nomenclature changes now being made in the Title 45 rules reflect some changes made in 1977, as well as those discussed above in 1986. In 45 CFR 204.4, it was necessary also to correct outdated cross-references and to reflect removal of content from cited regulations.

Provisions of the Medicaid Regulations

The new Subpart B of Part 430 describes the State plan and specifies its format, content, and purpose; and sets forth the policies and procedures that apply to the submittal, review, and approval or disapproval of State plans and plan amendments, the right to administrative review, and the effective dates of State plans or plan amendments.

The rules have always required that State plans and State plan amendments be submitted for review by the Governor "or his designee" (45 CFR 201.3(a)).

Section 430.12(b) makes clear that—

- Submission is not required if the Governor designates the head of the Medicaid agency; and
- The rule does not apply to preprinted State plan amendments that are developed by HCFA and that provide no options for the States.

The new Subpart C describes the grants process and sets forth the policies and procedures that pertain to the following:

- Program reviews and audits.
- Withholding of Federal funds when the State's plan or its practice under the plan fails to comply with Federal requirements.
- The right to judicial review of plan disapproval or withholding of funds.
- Deferral of claims for FFP.
- Disallowance of claims for FFP.
- Repayment of Federal funds by installments.

The new Subpart D sets forth the policies and procedures for hearings on the issue of whether a State's Medicaid plan, or proposed plan amendments, or its practice under the plan, meet or continue to meet Federal requirements.

Waiver of Proposed Rulemaking

These rules make no substantive changes in current regulations. The changes they make are technical (to update the content and procedures) or editorial (to simplify and clarify the language). Transfer of the rules to 42 CFR Chapter IV makes it easier for users of the Medicaid regulations to locate these provisions and to relate them to other Medicaid rules. Conforming changes to the regulations under Title 45 reflect organizational changes and delegations of authority

only. Under these circumstances, we find that there is good cause to waive proposed rulemaking procedures and issue the regulations in final form. However, as indicated under "COMMENT DATE", we will consider any comments received within 60 days of publication, from anyone who believes that, in the process of updating, clarifying, and renumbering these rules, we have inadvertently made substantive changes. Although we cannot acknowledge or respond to individual comments, if we make changes in these rules, we will discuss the comments in the preamble to the revised rules.

Regulatory Impact Statement

Executive Order 12291

Executive Order 12291 requires agencies to prepare and publish a regulatory impact analysis for any regulation that is likely to have an annual economic impact of $100 million or more, cause a major increase in costs or prices, or meet other thresholds specified in section 1(b) of the order.

Since these rules merely update and redesignate provisions that are currently in effect without substantive change, we anticipate very slight if any economic impact. Accordingly, an impact analysis is not required.

Regulatory Flexibility Act

We customarily prepare and publish a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (5 U.S.C. 601–612) for any regulation that will have "a significant economic impact on a substantial number of small entities". A small entity is defined as a small business, a nonprofit enterprise, or a governmental jurisdiction (such as a county, city, or township) with a population of less than 50,000.

We have determined, and the Secretary certifies, that since these rules contain no substantive changes, they will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Section 430.30 of this final rule contains information collection requirements that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, with control numbers 0938–0067 and 0938–0101. If you comment on these requirements, please send a copy of those comments directly to OMB at the address specified above under "Addresses".

List of Subjects

42 CFR Part 400

Reporting and recordkeeping requirements.

42 CFR Part 430

Grant programs—health, Medicaid.

DERIVATION TABLE

New Section	Source Section
(42 CFR Ch. IV).	(45 CFR Ch. II).
430.10	201.2.
430.12(a)	204.2.
430.12(b)	201.3(a) and 204.1.
430.12(c)	201.3 introductory statement, 204.2, and 205.5(a).
430.14	201.3(b).
430.15(a)	201.3(d).
430.15(b)	201.3(c) first sentence.
430.15(c)	201.3(c) second sentence.
430.16(a)	201.3 (e) and (f).
430.16(b)	201.3(c) third sentence.
430.18(a)	201.4 first sentence.
430.18(b)	201.4 second and third sentences.
430.18(c)	201.4 fourth sentence.
430.18(d)	201.4 fifth sentence.
430.18(e)	201.4 sixth sentence.
430.20	201.3(g) and 205.5(b).
430.30(a)	201.5 introductory statement.
430.30(b)	201.5(a) (1) and (2).
430.30(c)	201.5(a)(3).
430.30(d)	201.5 (b), (c) and (d).
430.30(e)	201.5(e).
430.32(a)	201.10(a).
430.32(b)	201.10(b).
430.32(c)	201.13(b).
430.33 (a) and (b).	201.12.
430.33(c)	201.13.
430.35 (a)–(c)	201.6 (a), (c), and (d).
430.35(d)	201.6(e).
430.38	201.7.
430.40	201.15(c).
430.42	201.14 (b), (c) and (e) and 204.4.
430.45	201.14(a).
430.48	201.66.
430.60	213.1.
430.62	213.2.
430.63	213.5.
430.64	213.4.
430.66	213.21.
430.70	213.11.
430.72	213.12 and 213.13.
430.74	213.14.
430.76	213.15.
430.80	213.22.
430.83	213.23.
430.86	213.23a.
430.88	213.24 and 213.25.
430.90	213.26.
430.92	213.27.
430.94	213.28.
430.96	213.29.
430.100	213.31.
430.102	213.32 (a), (b), and (d).
430.104	213.32(c) and 213.33.

The Code of Federal Regulations is amended as set forth below:

A. 42 CFR Chapter IV is amended as follows:

PART 400—INTRODUCTION; DEFINITIONS

1. The authority citation for Part 400 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

§400.310 [Amended]

2. Section 400.310 is amended by adding, in numerical order, the following entries:

430.30.....0938–0067
430.30.....0938–0101

3. Part 430 is revised to read as follows:

PART 430—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

Subpart A—Introduction; General Provisions

Sec.
430.0 Program description.
430.1 Scope of Subchapter C.
430.2 Other applicable Federal regulations.
430.3 Appeals under Medicaid.

Subpart B—State Plans

430.10 The State plan.
430.12 Submittal of State plans and plan amendments.
430.14 Review of State plan material.
430.15 Basis and authority for action on State plan material.
430.16 Timing and notice of action on State plan material.
430.18 Administrative review of action on State plan material.
430.20 Effective dates of State plans and plan amendments.

Subpart C—Grants; Reviews and Audits; Withholding for Failure To Comply; Deferral and Disallowance of Claims; Reduction of Federal Medicaid Payments

430.30 Grants procedures.
430.32 Program reviews.
430.33 Audits.
430.35 Withholding of payment for failure to comply with Federal requirements.
430.38 Judicial review.
430.40 Deferral of claims for FFP.
430.42 Disallowance of claims for FFP.
430.45 Reduction of Federal Medicaid payments.
430.48 Repayment of Federal funds by installments.

Subpart D—Hearings on Conformity of State Medicaid Plans and Practice to Federal Requirements

430.60 Scope.
430.62 Records to be public.
430.63 Filing and service of papers.
430.64 Suspension of rules.
430.66 Designation of presiding officer for hearing.
430.70 Notice of hearing or opportunity for hearing.
430.72 Time and place of hearing.
430.74 Issues at hearing.

430.76 Parties to the hearing.
430.80 Authority of the presiding officer.
430.83 Rights of parties.
430.86 Discovery.
430.88 Evidence.
430.90 Exclusion from hearing for misconduct.
430.92 Unsponsored written material.
430.94 Official transcript.
430.96 Record for decision.
430.100 Posthearing briefs.
430.102 Decisions following hearing.
430.104 Decisions that affect FFP.

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart A—Introduction; General Provisions

§ 430.0 Program description.

Title XIX of the Social Security Act, enacted in 1965, authorizes Federal grants to States for medical assistance to low-income persons who are age 65 or over, blind, disabled, or members of families with dependent children or qualified pregnant women or children. The program is jointly financed by the Federal and State governments and administered by States. Within broad Federal rules, each State decides eligible groups, types and range of services, payment levels for services, and administrative and operating procedures. Payments for services are made directly by the State to the individuals or entities that furnish the services.

§ 430.1 Scope of Subchapter C.

The regualtions in Subchapter C set forth State plan requirements, standards, procedures, and conditions for obtaining Federal financial participation (FFP). Each part (or subpart of section) in the subchapter describes the specific statutory basis for the regulation. However, where the basis is the Secretary's general authority to issue regulations for any program under the Act (section 1102 of the Act), or his general authority to prescribe State plan requirements needed for proper and efficient administration of the plan (section 1902(a)(4)), those statutory provisions are simply cited without further description.

§ 430.2 Other applicable Federal regulations.

Other regulations applicable to State Medicaid programs include the following:

(a) 5 CFR Part 900, Subpart F, Administration of the Standards for a Merit System of Personnel Administration.

(b) The following HHS Regulations in 45 CFR Subtitle A:

Part 16—Department Grant Appeals Process.
Part 74—Administration of Grants.
Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964.
Part 81—Practice and Procedure for Hearings Under 45 CFR Part 80.
Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance.
Part 95—General Administration—grant programs (public assistance and Medical assistance).

§ 430.3 Appeals under Medicaid.

Three distinct types of disputes may arise under Medicaid.

(a) *Compliance with Federal requirements.* Disputes that pertain to whether a State's plan or proposed plan amendments, or its practice under the plan meet or continue to meet Federal requirements are subject to the hearing provisions of Subpart D of this part.

(b) *FFP in Medicaid expenditures.* Disputes that pertain to disallowances of FFP in Medicaid expenditures (mandatory grants) are heard by the Departmental Grants Appeals Board (the Board) in accordance with procedures set forth in 45 CFR Part 16.

(c) *Discretionary grants disputes.* Disputes pertaining to discretionary grants, such as grants for special demonstration projects under sections 1110 and 1115 of the Act, which may be awarded to a Medicaid agency, are also heard by the Board. 45 CFR Part 16, Appendix A, lists all the types of disputes that the Board hears.

Subpart B—State Plans

§ 430.10 The State plan.

The State plan is a comprehensive written statement submitted by the agency describing the nature and scope of its Medicaid program and giving assurance that it will be administered in conformity with the specific requirements of title XIX, the regulations in this Chapter IV, and other applicable official issuances of the Department. The State plan contains all information necessary for HCFA to determine whether the plan can be approved to serve as a basis for Federal financial participation (FFP) in the State program.

§ 430.12 Submittal of State plans and plan amendments.

(a) *Format.* A State plan for Medicaid consists of preprinted material that covers the basic requirements, and individualized content that reflects the characteristics of the particular State's program.

(b) *Governor's review*—(1) *Basic rules.* Except as provided in paragraph (b)(2) of this section—

(i) The Medicaid agency must submit the State plan and State plan amendments to the State Governor or his designee for review and comment before submitting them to the HCFA regional office.

(ii) The plan must provide that the Governor will be given a specific period of time to review State plan amendments, long-range program planning projections, and other periodic reports on the Medicaid program, excluding periodic statistical, budget and fiscal reports.

(iii) Any comments from the Governor must be submitted to HCFA with the plan or plan amendment.

(2) *Exceptions.* (i) Submission is not required if the Governor's designee is the head of the Medicaid agency.

(ii) Governor's review is not required for preprinted plan amendments that are developed by HCFA if they provide absolutely no options for the State.

(c) *Plan amendments.* (1) The plan must provide that it will be amended whenever necessary to reflect—

(i) Changes in Federal law, regulations policy interpretations, or court decisions; or

(ii) Material changes in State law, organization, or policy, or in the State's operation of the Medicaid program.

(2) Prompt submittal of amendments is necessary—

(i) So that HCFA can determine whether the plan continues to meet the requirements for approval; and

(ii) To ensure the availability of FFP in accordance with § 430.20.

§ 430.14 Review of State plan material.

HCFA regional staff reviews State plans and plan amendments, discusses any issues with the Medicaid agency, and consults with central office staff on questions regarding application of Federal policy.

§ 430.15 Basis and authority for action on State plan material.

(a) *Basis for action.* (1) Determinations as to whether State plans (including plan amendments and administrative practice under the plans) originally meet or continue to meet the requirements for approval are based on relevant Federal statutes and regulations.

(2) Guidelines are furnished to assist in the interpretation of the regulations.

(b) *Approval authority.* The Regional Administrator exercises delegated authority to approve the State plan and plan amendments on the basis of policy statements and precedents previously approved by the Administrator.

(c) *Disapproval authority.* (1) The Administrator retains authority for determining that proposed plan material is not approvable or that previously approved material no longer meets the requirements for approval.

(2) The Administrator does not make a final determination of disapproval without first consulting the Secretary.

§ 430.16 Timing and notice of action on State plan material.

(a) *Timing.* (1) A State plan or plan amendment will be considered approved unless HCFA, within 90 days after receipt of the plan or plan amendment in the regional office, sends the State—

(i) Written notice of disapproval; or

(ii) Written notice of any additional information it needs in order to make a final determination.

(2) If HCFA requests additional information, the 90-day period for HCFA action on the plan or plan amendment begins on the day it receives that information.

(b) *Notice of final determination.* (1) The Regional Administrator or the Administrator notifies the Medicaid agency of the approval of a State plan or plan amendment.

(2) Only the Administrator gives notice of disapproval of a State plan or plan amendment.

§ 430.18 Administrative review of action on State plan material.

(a) *Request for reconsideration.* Any State dissatisfied with the Administrator's action on plan material under § 430.15 may, within 60 days after receipt of the notice provided under § 430.16(b), request that the Administrator reconsider the issue of whether the plan or plan amendment conforms to the requirements for approval.

(b) *Notice and timing of hearing.* (1) Within 30 days after receipt of the request, the Administrator notifies the State of the time and place of the hearing.

(2) The hearing takes place not less than 30 days nor more than 60 days after the date of the notice, unless the State and the Administrator agree in writing on an earlier or later date.

(c) *Hearing procedures.* The hearing procedures are set forth in Subpart D of this part.

(d) *Decision.* A decision affirming, modifying, or reversing the Administrator's original determination is made in accordance with § 430.102.

(e) *Effect of hearing decision.* (1) Denial of Federal funds, if required by the Administrator's original determination, will not be delayed pending a hearing decision.

(2) However, if the Administrator determines that his or her original decision was incorrect, HCFA pays the State a lump sum equal to any funds incorrectly denied.

§ 430.20 Effective dates of State plans and plan amendments.

For purposes of FFP, the following rules apply:

(a) *New plans.* The effective date of a new plan—

(1) May not be earlier than the first day of the quarter in which an approvable plan is submitted to the regional office; and

(2) With respect to expenditures for medical assistance, may not be earlier than the first day on which the plan is in operation on a statewide basis.

(b) *Plan amendment.* (1) For a plan amendment that provides additional services to individuals eligible under the approved plan, or makes additional groups eligible for services provided under the approved plan, the effective date is determined in accordance with paragraph (a) of this section.

(2) For other plan amendments, the effective date may be a date requested by the State if HCFA approves it.

Subpart C—Grants; Reviews and Audits; Withholding for Failure To Comply; Deferral and Disallowance of Claims; Reduction of Federal Medicaid Payments

§ 430.30 Grants procedures.

(a) *General provisions.* (1) Once HCFA has approved a State plan, it makes quarterly grant awards to the State to cover the Federal share of expenditures for services, training, and administration.

(2) The amount of the quarterly grant is determined on the basis of information submitted by the State agency (in quarterly estimate and quarterly expenditure reports) and other pertinent documents.

(b) *Quarterly estimates.* The Medicaid agency must submit Form HCFA–25 (Medicaid Program Budget Report; Quarterly Distribution of Funding Requirements) to the central office (with a copy to the regional office) 45 days before the beginning of each quarter.

(c) *Expenditure reports.* (1) The State must submit Form HCFA–64 (Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program) to the central office (with a copy to the regional office) not later than 30 days after the end of each quarter.

(2) This report is the State's accounting of actual recorded expenditures. The disposition of Federal funds may not be reported on the basis of estimates.

(d) *Grant award.*—(1) *Computation by HCFA.* Regional office staff analyzes the State's estimates and sends a recommendation to the central office. Central office staff considers the State's estimates, the regional office recommendations and any other relevant information, including any adjustments to be made under paragraph (d)(2) of this section, and computes the grant.

(2) *Content of award.* The grant award computation form shows the estimate of expenditures for the ensuring quarter, and the amounts by which that estimate is increased or decreased because of an underestimate or overestimate for prior quarters, or for any of the following reasons:

(i) Penalty reductions imposed by law.

(ii) Accounting adjustments.

(iii) Deferrals or disallowances.

(iv) Interest assessments.

(v) Mandated adjustments such as those required by section 1914 of the Act.

(3) *Effect of award.* The grant award authorizes the State to draw Federal funds as needed to pay the Federal share of disbursements.

(4) *Drawing procedure.* The draw is through a commercial bank and the Federal Reserve system against a continuing letter of credit certified to the Secretary of the Treasury in favor of the State payee. (The letter of credit payment system was established in accordance with Treasury Department regulations—Circular No. 1075.)

(e) *General administrative requirements.* With the following exceptions, the provisions of 45 CFR Part 74, which establish uniform administrative requirements and cost principles, apply to all grants made to States under this subpart:

45 CFR Part 74
Subpart G—Matching and Cost Sharing
Subpart I—Financial Report Requirements

§ 430.32 Program reviews.

(a) *Review of State and local administration.* In order to determine whether the State is complying with the Federal requirements and the provisions of its plan, HCFA reviews State and local administration through analysis of the state's policies and procedures, on-site review of selected aspects of agency operation, and examination of samples of individual case records.

(b) *Quality control program.* The State itself is required to carry out a continuing quality control program as set forth in Part 431, Subpart P, of this chapter.

(c) *Action on review findings.* If Federal or State reviews reveal serious problems with respect to compliance with any Federal requirement, the State must correct its practice accordingly.

§ 430.33 Audits.

(a) *Purpose.* The Department's Office of Inspector General (OIG) periodically audits State operations in order to determine whether:

(1) The program is being operated in a cost-efficient manner; and

(2) Funds are being properly expended for the purposes for which they were appropriated under Federal and State law and regulations.

(b) *Reports.* (1) The OIG releases audit reports simultaneously to State officials and the Department's program officials.

(2) The reports set forth OIG opinion and recommendations regarding the practices it reviewed, and the allowability of the costs it audited.

(3) Cognizant officials of the Department make final determinations on all audit findings.

(c) *Action on audit exceptions*—(1) *Concurrence or clearance.* The State agency has the opportunity of concurring in the exceptions or submitting additional facts that support clearance of the exceptions.

(2) *Appeal.* Any exceptions that are not disposed of under paragraph (c)(1) of this section are included in a disallowance letter that constitutes the Department's final decision unless the State requests reconsideration by the Grant Appeals Board. (Specific rules are set forth in § 430.42.)

(3) *Adjustment.* If the decision by the Board requires an adjustment of FFP, either upward or downward, a subsequent grant award promptly reflects the amount of increase or decrease.

§ 430.35 Withholding of payment for failure to comply with Federal requirements.

(a) *Basis for withholding.* HCFA withholds payments to the State, in whole or in part, only if, after given the agency reasonable notice and opportunity for a hearing in accordance with Subpart D of this part, the Administrator finds—

(1) That the plan no longer complies with the provisions of section 1902 of the Act; or

(2) That in the administration of the plan there is failure to comply substantially with any of those provisions.

(Hearings under Subpart D are generally not called until a reasonable effort has been made to resolve the issues through conferences and discussions. These may be continued even if a date and place have been set for the hearing.)

(b) *Noncompliance of the plan.* A question of noncompliance of a State plan may arise from an unapprovable change in the approved State plan or the failure of the State to change its approved plan to conform to a new Federal requirement for approval of State plans.

(c) *Noncompliance in practice.* A question of noncompliance in practice may arise from the State's failure to actually comply with a Federal requirement, regardless of whether the plan itself complies with that requirement.

(d) *Notice and implementation of withholding.* If the Administrator makes a finding of noncompliance under paragraph (a) of this section, the following rules apply:

(1) The Administrator notifies the State:

(i) That no further payments will be made to the State (or that payments will be made only for those portions or aspects of the program that are not affected by the noncompliance); and

(ii) That the total or partial withholding will continue until the Administrator is satisfied that the State's plan and practice are, and will continue to be, in compliance with Federal requirements.

(2) HCFA withholds payments, in whole or in part, until the Administrator is satisfied regarding the State's compliance.

§ 430.38 Judicial review.

(a) *Right to judicial review.* Any State dissatisfied with the Administrator's final determination on approvability of plan material (§ 430.18) or compliance with Federal requirements (§ 430.35) has a right to judicial review.

(b) *Petition for review.* (1) The State must file a petition for review with the U.S. Court of Appeals for the circuit in which the State is located, within 60 days after it is notified of the determination.

(2) The clerk of the court will file a copy of the petition with the Administrator and the Administrator will file in the court the record of the proceedings on which the determination was based.

(c) *Court action.* (1) The court is bound by the Administrator's findings of fact if they are supported by substantial evidence.

(2) The court has jurisdiction to affirm the Administrator's decision, to set it aside in whole or in part, or, for good cause, to remand the case for additional evidence.

(d) *Response to remand.* (1) If the court remands the case, the Administrator may make new or modified findings of fact and may modify his or her previous determination.

(2) The Administrator will certify to the court the transcript and record of the further proceedings.

(e) *Review by the Supreme Court.* The judgment of the appeals court is subject to review by the U.S. Supreme Court upon certiorari or certification, as provided in 28 U.S.C. 1254.

§ 430.40 Deferral of claims for FFP.

(a) *Requirements for deferral.* Payment of a claim or any portion of a claim for FFP is deferred only if—

(1) The Regional Administrator or the Administrator questions its allowability and needs additional information in order to resolve the question; and

(2) HCFA takes action to defer the claim (by excluding the claimed amount from the grant award) within 60 days after the receipt of a Quarterly Statement of Expenditures (prepared in accordance with HCFA instructions) that includes that claim.

(b) *Notice of deferral and State's responsibility.* (1) Within 15 days of the action described in paragraph (a)(2) of this section, the Regional Administrator sends the State a written notice of deferral that—

(i) Identifies the type and amount of the deferred claim and specifies the reason for deferral; and

(ii) Requests the State to make available all the documents and materials the regional office then believes are necessary to determine the allowability of the claim.

(2) It is the responsibility of the State to establish the allowability of a deferred claim.

(c) *Handling of documents and materials.* (1) Within 60 days (or within 120 days if the State requests an extension) after receipt of the notice of deferral, the State must make available to the regional office, in readily reviewable form, all requested documents and materials except any that it identifies as not being available.

(2) Regional office staff usually initiates review within 30 days after receipt of the documents and materials.

(3) If the Regional Administrator finds that the materials are not in readily reviewable form or that additional information is needed, he or she promptly notifies the State that it has 15 days to submit the readily reviewable or additional materials.

(4) If the State does not provide the necessary materials within 15 days, the

Regional Administrator disallows the claim.

(5) The Regional Administrator has 90 days, after all documentation is available in readily reviewable form, to determine the allowability of the claim.

(6) If the Regional Administrator cannot complete review of the material within 90 days, HCFA pays the claim, subject to a later determination of allowability.

(d) *Effect of decision to pay a deferred claim.* Payment of a deferred claim under paragraph (c)(6) of this section does not preclude a subsequent disallowance based on the results of an audit or financial review. (If there is a subsequent disallowance, the State may request reconsideration as provided in paragraph (e)(2) of this section.)

(e) *Notice and effect of decision on allowability.* (1) The Regional Administrator or the Administrator gives the State written notice of his or her decision to pay or disallow a deferred claim.

(2) If the decision is to disallow, the notice informs the State of its right to reconsideration in accordance with 45 CFR Part 16.

§ 430.42 Disallowance of claims for FFP.

(a) *Notice of disallowance and of right to reconsideration.* When the Regional Administrator or the Administrator determines that a claim or portion of claim is not allowable, he or she promptly sends the State a disallowance letter that includes the following, as appropriate:

(1) The date or dates on which the State's claim for FFP was made.

(2) The time period during which the expenditures in question were made or claimed to have been made.

(3) The date and amount of any payment or notice of deferral.

(4) A statement of the amount of FFP claimed, allowed, and disallowed and the manner in which these amounts were computed.

(5) Findings of fact on which the disallowance determination is based or a reference to other documents previously furnished to the State or included with the notice (such as a report of a financial review or audit) which contain the findings of fact on which the disallowance determination is based.

(6) Pertinent citations to the law, regulations, guides and instructions supporting the action taken.

(7) A request that the State make appropriate adjustment in a subsequent expenditure report.

(8) Notice of the State's right to request reconsideration of the disallowance and the time allowed to make the request.

(9) A statement indicating that the disallowance letter is the Department's final decision unless the State requests reconsideration under paragraph (b)(2) of this section.

(b) *Reconsideration of FFP disallowance.* (1) The Departmental Grant Appeals Board reviews disallowances of FFP under title XIX.

(2) A State that wishes to request reconsideration must submit the request to the Chairperson, Departmental Grants Appeals Board, within 30 days after receipt of the disallowance letter, and include—

(i) A copy of the disallowance letter;

(ii) A statement of the amount in dispute; and

(iii) A brief statement of why the disallowance is wrong.

(c) *Reconsideration procedures.* The reconsideration procedures are those set forth in 45 CFR Part 16 for Medicaid and for many other programs administered by the Department.

(d) *Implementation of decisions.* If the reconsideration decision requires an adjustment of FFP, either upward or downward, a subsequent grant award promptly reflects the amount of increase or decrease.

§ 430.45 Reduction of Federal Medicaid payments.

(a) *Methods of reduction.* HCFA may reduce Medicaid payments to a State as required under the Act by reducing—

(1) The Federal Medical Assistance Percentage;

(2) The amount of State expenditures subject to FFP;

(3) The rates of FFP; or

(4) The amount otherwise payable to the State.

(b) *Right to reconsideration.* A state that receives written final notice of a reduction under paragraph (a) of this section has a right to reconsideration. The provisions of § 430.42 (b) and (c) apply.

(c) *Other applicable rules.* Other rules regarding reduction of Medicaid payments are set forth in Parts 433 and 447 of this chapter.

§ 430.48 Repayment of Federal funds by installments.

(a) *Basic conditions.* When Federal payments have been made for claims that are later found to be unallowable, the State may repay the Federal Funds by installments if the following conditions are met:

(1) The amount to be repaid exceeds 2½ percent of the estimated or actual annual State share for the Medicaid program; and

(2) The State has given the Regional Administrator written notice, before total repayment was due, of its intent to repay by installments.

(b) *Annual State share determination.* HCFA determines whether the amount to be repaid exceeds 2½ percent of the annual State share as follows:

(1) If the Medicaid program is ongoing, HCFA uses the annual *estimated* State share of Medicaid expenditures. This is the sum of the estimated State shares for four consecutive quarters, beginning with the quarter in which the first installment is to be paid, as shown on the State's latest HCFA–25 form.

(2) If the Medicaid program has been terminated by Federal law or by the State, HCFA uses the *actual* State share. The actual State share is that shown on the State's Statement of Expenditures reports for the last four quarters before the program was terminated.

(c) *Repayment amounts, schedules, and procedures*—(1) *Repayment amount.* The repayment amount may not include any amount previously approved for installment repayment.

(2) *Repayment schedule.* The number of quarters allowed for repayment is determined on the basis of the ratio of the repayment amount to the annual State share of Medicaid expenditures. The higher the ratio of the total repayment amount is to the annual State share, the greater the number of quarters allowed, as follows:

Total repayment amount as percentage of State share of annual expenditures for Medicaid	Number of quarters to make repayment
2.5 pct. or less	1
Greater than 2.5, but not greater than 5	2
Greater than 5, but not greater than 7.5	3
Greater than 7.5, but not greater than 10	4
Greater than 10, but not greater than 15	5
Greater than 15, but not greater than 20	6
Greater than 20, but not greater than 25	7
Greater than 25, but not greater than 30	8
Greater than 30, but not greater than 47.5	9
Greater than 47.5, but not greater than 65	10
Greater than 65, but not greater than 82.5	11
Greater than 82.5, but not greater than 100	12

(3) *Quarterly repayment amounts.* The quarterly repayment amounts for each of the quarters in the repayment schedule may not be less than the following percentages of the estimated

State share of the annual expenditures for Medicaid:

For each of the following quarters	Repayment installment may not be less than these percentages
1 to 4	2.5
5 to 8	5.0
9 to 12	17.5

(4) *Extended schedule.* The repayment schedule may be extended beyond 12 quarterly installments if the total repayment amount exceeds 100% of the estimated State share of annual expenditures. In these circumstances, paragraph (c)(2) of this section is followed for repayment of the amount equal to 100 percent of the annual State share. The remaining amount of the repayment is in quarterly amounts equal to not less than 17.5 percent of the estimated State share of annual expenditures.

(5) *Repayment process.* Repayment is accomplished through adjustment in the quarterly grants over the period covered by the repayment schedule.

If the State chooses to repay amounts representing higher percentages during the early quarters, any corresponding reduction in required minimum percentages is applied first to the last scheduled payment, then to the next to the last payment, and so forth as neccessary.

(6) *Offsetting of retroactive claims.* The amount of a retroactive claim to be paid a State will be offset against any amounts to be, or already being, repaid by the State in installments. Under this provision of the State may choose to:

(i) Suspend payments until the retroactive claim due the State has, in fact, been offset; or

(ii) Continue payments until the reduced amount of its debt (remaining after the offset), has been paid in full.

This second option would result in a shorter payment period.

A retroactive claim for the purpose of this regulation is a claim applicable to any period ending 12 months or more before the beginning of the quarter in which HCFA would pay that claim.

Subpart D—Hearings on Conformity of State Medicaid Plan and Practice to Federal Requirements

§ 430.60 Scope.

(a) This subpart sets forth the rules for hearings to States that appeal a decision to disapprove State plan material (under § 430.18) or to withhold Federal funds (under § 430.35), because the State plan or State practice in the Medicaid program is not in compliance with Federal requirements.

(b) Nothing in this subpart is intended to preclude or limit negotiations between HCFA and the State, whether before, during, or after the hearing to resolve the issues that are, or otherwise would be, considered at the hearing. Such negotiations and resolution of issues are not part of the hearing, and are not governed by the rules in this subpart except as expressly provided.

§ 430.62 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the HCFA Docket Clerk. Inquiries may be made to the Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursment and Coverage, 300 East High Rise, 6325 Security Boulevard, Baltimore, Maryland, 21207. Telephone: (301) 594–8261.

§ 430.63 Filing and service of papers.

(a) *Filing.* All papers in the proceedings are filed with the HCFA Docket Clerk, in an original and two copies. Originals only of exhibits and transcripts of testimony need be filed.

(b) *Service.* All papers in the proceedings are served on all parties by personal delivery or by mail. Service on the party's designated attorney is considered service upon the party.

§ 430.64 Suspension of rules.

Upon notice to all parties, the Administrator or the presiding officer may modify or waive any rule in this subpart upon determination that no party will be unduly prejudiced and the ends of justice will thereby by served.

§ 430.66 Designation of presiding officer for hearing.

(a) The presiding officer at a hearing is the Administrator or his designee.

(b) The designation of the presiding officer is in writing. A copy of the designation is served on all parties.

§ 430.70 Notice of hearing or opportunity for hearing.

The Administrator mails the State a notice of hearing or opportunity for hearing that—

(a) Specifies the time and place for the hearing;

(b) Specifies the issues that will be considered;

(c) Identifies the presiding officer; and

(d) Is published in the **Federal Register.**

§ 430.72 Time and place of hearing.

(a) *Time.* The hearing is scheduled not less than 30 nor more than 60 days after the date of notice to the State. The scheduled date may be changed by written agreement between HCFA and the State.

(b) *Place.* The hearing is conducted in the city in which the HCFA regional office is located or in another place fixed by the presiding officer in light of the circumstances of the case, with due regard for the convenience and necessity of the parties or their representatives.

§ 430.74 Issues at hearing.

The list of issues specified in the notice of hearing may be augmented or reduced as provided in this section.

(a) *Additional issues.* (1) Before a hearing under § 430.35, the Administrator may send written notice to the State listing additional issues to be considered at the hearing. That notice is published in the **Federal Register.**

(2) If the notice of additional issues is furnished to the State less that 20 days before the scheduled hearing date, postponement is granted if requested by the State of any other party. The new date may be 20 days after the date of the notice, or a later date agreed to by the presiding officer.

(b) *New or modified issues.* If, as a result of negotiations between HCFA and the State, the submittal of plan amendment, a change in the State program, or other actions by the State, any issue is resolved in whole or in part, but new or modified issues are presented, as specified by the presiding officer, the hearing proceeds on the new or modified issues.

(c) *Issues removed from consideration.*—(1) *Basis for removal.* If at any time before, during, or after the hearing, the presiding officer finds that the State has come into compliance with Federal requirements on any issue or part of an issue, he or she removes the appropriate issue or part of an issue from consideration. If all issues are removed, the hearing is terminated.

(2) *Notice to parties.* Before removing any issue or part of an issue from consideration, the presiding officer provides all parties other than HCFA and the State with—

(i) A statement of the intent to remove and the reasons for removal; and

(ii) A copy of the proposed State plan provision on which HCFA and the State have agreed.

(3) *Opportunity for written comment.* The notified parties have 15 days to submit, for consideration by the

presiding officer, and for the record, their views as to, or any information bearing upon, the merits of the proposed plan provision and the merits of the reasons for removing the issue from consideration.

(d) *Remaining issues.* The issues considered at the hearing are limited to those issues of which the State is notified as provided in § 430.70 and paragraph (a) of this section, and new or modified issues described in paragraph (b) of this section. They do not include issues or parts of issues removed in accordance with paragraph (c) of this section.

§ 430.76 Parties to the hearing.

(a) *HCFA and the State.* HCFA and the State are parties to the hearing.

(b) *Other individuals*—(1) *Basis for participation.* Other individuals or groups may be recognized as parties if the issues to be considered at the hearing have caused them injury and their interest is within the zone of interests to be protected by the governing Federal statute.

(2) *Petition for participation.* Any individual or group wishing to participate as a party must, within 15 days after notice of hearing is published in the **Federal Register**, file with the HCFA Docket Clerk, a petition that concisely states—

(i) Petitioner's interest in the proceeding;

(ii) Who will appear for petitioner;

(iii) The issues on which petitioner wishes to participate; and

(iv) Whether petitioner intends to present witnesses.

The petitioner must also serve a copy of the petition on each party of record at that time.

(3) *Comments on petition.* Any party may, within 5 days of receipt of the copy of the petition, file comments on it.

(4) *Action on petition.* (i) The presiding officer promptly determines whether each petitioner has the requisite interest in the proceedings and approves or denies participation accordingly.

(ii) If petitions are made by more than one individual or group with common interests, the presiding officer may—

(A) Request all those petitioners to designate a single representative; or

(B) Recognize one or more of those petitioners to represent all of them.

(iii) The presiding officer gives each petitioner written notice of the decision and, if the decision is to deny, briefly states the grounds for denial.

(c) *Amicus curiae (friend of the court)*—(1) *Petition for participation.* Any person or organization that wishes to participate as amicus curiae must, before the hearing begins, file with the HCFA Docket Clerk, a petition that concisely states—

(i) The petitioners' interest in the hearing;

(ii) Who will represent the petitioner; and

(iii) The issues on which the petitioner intends to present argument.

(2) *Action on amicus curiae petition.* The presiding officer may grant the petition if he or she finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome and may contribute materially to the proper disposition of the issues.

(3) *Nature of amicus participation.* An amicus curiae is not a party to the hearing but may participate by—

(i) Submitting a written statement of position to the presiding officer before the beginning of the hearing;

(ii) Presenting a brief oral statement at the hearing, at the point in the proceedings specified by the presiding officer; and

(iii) Submitting a brief or written statement when the parties submit briefs.

The amicus curiae must serve copies of any briefs or written statements on all parties.

§ 430.80 Authority of the presiding officer.

(a) The presiding officer has the duty to conduct a fair hearing, to avoid delay, maintain order, and make a record of the proceedings. He or she has the authority necessary to accomplish those ends, including but not limited to authority to take the following actions:

(1) Change the date, time, and place of the hearing after due notice to the parties. This includes authority to postpone or adjourn the hearing in whole or in part. In a hearing on disapproval of a State plan, or State plan amendments, changes in the date of the hearing are subject to the time limits imposed by section 1116(a)(2) of the Act.

(2) Hold conferences to settle or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the issues.

(3) Regulate participation of parties and amici curiae and require parties and amici curiae to state their position with respect to the various issues in the proceeding.

(4) Administer oaths and affirmations.

(5) Rule on motions and other procedural items, including issuance of protective orders or other relief to a party against whom discovery is sought.

(6) Regulate the course of the hearing and conduct of counsel.

(7) Examine witnesses.

(8) Receive, rule on, exclude or limit evidence or discovery.

(9) Fix the time for filing motions, petitions, briefs, or other items.

(10) If the presiding officer is the Administrator, make a final decision.

(11) If the presiding officer is a designee of the Administrator, certify the entire record including recommended findings and proposed decision to the Administrator.

(12) Take any action authorized by the rules in this subpart or in conformance with the provisions of 5 U.S.C. 551 through 559.

(b) The presiding officer does not have authority to compel by subpoena the production of witnesses, papers, or other evidence.

(c) If the presiding officer is a designee of the Administrator, his or her authority pertains to the issues of compliance by a State with Federal requirements, and does not extend to the question of whether, in case of any noncompliance, Federal payments will be denied in respect to the entire State plan or only for certain categories under, or parts of, the State plan affected by the noncompliance.

§ 430.83 Rights of parties.

All parties may:

(a) Appear by counsel or other authorized representative, in all hearing proceedings.

(b) Participate in any prehearing conference held by the presiding officer.

(c) Agree to stipulations as to facts which will be made a part of the record.

(d) Make opening statements at the hearing.

(e) Present relevant evidence on the issues at the hearing.

(f) Present witnesses who then must be available for cross-examination by all other parties.

(g) Present oral arguments at the hearing.

(h) Submit written briefs, proposed findings of fact, and proposed conclusions of law, after the hearing.

§ 430.86 Discovery.

HCFA and any party named in the notice issued under § 430.70 has the right to conduct discovery (including depositions) against opposing parties. Rules 26–37 of the Federal Rules of Civil Procedures apply to such proceedings; there will be no fixed rule on priority of discovery. Upon written motion, the presiding officer promptly rules upon any objection to discovery action initiated under this section. The presiding officer also has the power to grant a protective order or relief to any party against whom discovery is sought

and to restrict or control discovery so as to prevent undue delay in the conduct of the hearing. Upon the failure of any party to make discovery, the presiding officer may issue any order and impose any sanction (other than contempt orders) authorized by Rule 37 of the Federal Rules of Civil Procedure.

§ 430.88 Evidence.

(a) *Evidentiary purpose.* The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues involved in the proceeding. Argument is not received in evidence. It must be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements, concerning the party's position and what he or she intends to prove, may be made at hearings.

(b) *Testimony.* Testimony is given orally under oath or affirmation by witnesses at the hearing. Witnesses are available at the hearing for cross-examination by all parties.

(c) *Stipulations and exhibits.* Two or more parties may agree to stipulations of fact. Those stipulations, and any exhibit proposed by any party, are exchanged before the hearing if the presiding officer so requires.

(d) *Rules of evidence.* (1) Technical rules of evidence do not apply to hearings conducted under this subpart. However, rules or principles designed to ensure production of the most credible evidence available and to subject testimony to test by cross-examination are applied by the presiding officer when reasonably necessary.

(2) A witness may be cross-examined on any matter material to the proceeding without regard to the scope of his or her direct examination.

(3) The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence.

(4) All documents and other evidence offered or taken for the record are open to examination by the parties and an opportunity is given to refute facts and arguments advanced on either side of the issues.

§ 430.90 Exclusion from hearing for misconduct.

The presiding officer may immediately exclude from the hearing any person who—

(a) Uses disrespectful, disorderly, or contumacious language or engages in contemptuous behavior;

(b) Refuses to comply with directions; or

(c) Uses dilatory tactics.

§ 430.92 Unsponsored written material.

Letters expressing views or urging action and other unsponsored written material regarding matters in issue in a hearing are placed in the correspondence section of the docket of the proceeding. These data are not considered part of the evidence or record in the hearing.

§ 430.94 Official transcript.

(a) *Filing.* The official transcripts of testimony, together with any stipulations, briefs, or memoranda of law, are filed with HCFA.

(b) *Availability of transcripts.* HCFA designates an official reporter for each hearing. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not in excess of the maximum rates fixed by the contract between HCFA and the reporter.

(c) *Correction of transcript.* Upon notice to all parties, the presiding officer may authorize corrections that affect substantive matters in the transcript.

§ 430.96 Record for decision.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision constitute the exclusive record for decision.

§ 430.100 Posthearing briefs.

The presiding officer fixes the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law. The presiding officer may also permit reply briefs.

§ 430.102 Decisions following hearing.

(a) *Administrator presides.* If the presiding officer is the Administrator, he or she issues the hearing decision within 60 days after expiration of the period for submission of posthearing briefs.

(b) *Administrator's designee presides.* If the presiding officer is other than the Administrator, the procedure is as follows:

(1) Upon expiration of the period allowed for submission of posthearing briefs, the presiding officer certifies the entire record, including his or her recommended findings and proposed decision, to the Administrator. The Administrator serves a copy of the recommended findings and proposed decision upon all parties and amici, if any.

(2) Any party may, within 20 days, file with the Administrator exceptions to the recommended findings and proposed decision and a supporting brief or statement.

(3) The Administrator reviews the recommended decision and, within 60 days of its issuance, issues his or her own decision.

(c) *Effect of Administrator's decision.* The decision of the Administrator under this section is the final decision of the Secretary and constitutes "final agency action" within the meaning of 5 U.S.C. 704 and a "final determination" within the meaning of section 1116(a)(3) of the Act and § 430.38. The Administrator's decision is promptly served on all parties and amici.

§ 430.104 Decisions that affect FFP.

(a) *Scope of decisions.* If the Administrator concludes that withholding of FFP is necessary because a State is out of compliance with Federal requirements, in accordance with § 430.35, the decision also specifies—

(1) Whether no further payments will be made to the State or whether payments will be limited to parts of the program not affected by the noncompliance; and

(2) The effective date of the decision to withhold.

(b) *Consultation.* The Administrator may ask the parties for recommendations or briefs or may hold conferences of the parties on the question of further payments to the State.

(c) *Effective date of decision.* The effective date of a decision to withhold Federal funds will not be earlier than the date of the Administrator's decision and will not be later than the first day of the next calendar quarter. The provisions of this section may not be waived under § 430.64.

B. In 45 CFR Chapter II, the following technical conforming changes are made:

PART 201—[AMENDED]

§ 201.1 [Amended]

a. In paragraphs (c) and (i), "Social and Rehabilitation Service" is changed to "Family Support Administration".

b. Paragraph (e) is revised to read as follows: (e) "Administration" means the Family Support Administration.

c. Paragraph (f) is revised to read as follows: (f) "Regional Administrator" means the Regional Administrator of the Family Support Administration.

d. In paragraph (h), "VI" is removed, and "XVI, or XIX" is changed to "or XVI (AABD)".

§ 201.2 [Amended]

The term "Service" is changed to "Administration".

§ 201.3 [Amended]

a. In the introductory text, in the first sentence "services to aged blind or disabled (title VI)" is removed; "or" is inserted immediately after "(Title XIV);", and "; or medical assistance (Title XIX)" is removed.

b. In paragraphs (c), (e), and (f), the phrase ", or with respect to the medical assistance program under title XIX, Regional Medicaid Director" is removed.

c. The term "Service" is changed to "Administration", and the term "Commissioner" is changed to "Administrator", wherever they appear.

§ 201.4 [Amended]

a. The term "Commissioner" is changed to "Administrator".

b. In the first sentence, the phrase ", or with respect to the medical assistance program under title XIX, Regional Medicaid Director" is removed.

§ 201.5 [Amended]

a. In the introductory text, the third sentence, beginning "Progressive reductions * * *" is removed.

b. In paragraph (a)(1), in the third sentence, "Social and Rehabilitation Service" is changed to "Family Support Administration", and the phrase "Attention: Finance Division, Washington, D.C. 20201" is removed.

§ 201.6 [Amended]

a. In paragraph (a)(1), "602," is removed, and "1602, or 1902" is changed to "or 1502".

b. In paragraph (b), "VI" is removed, and "(AABD)" is inserted immediately after "XVI".

c. In paragraph (c), "Service" is changed to "Administration".

§ 201.10 [Amended]

In paragraph (a), the term "Service" is changed to "Administration".

§ 201.13 [Amended]

In paragraph (a), in the fourth sentence, "Service" is changed to "Administration".

§ 201.14 [Amended]

a. The term "Commissioner", wherever it appears, is changed to "Administrator".

b. In paragraph (a), introductory text, "VI" and "XIX," are removed.

c. Paragraphs (a)(4) and (a)(5) are removed and reserved.

d. In paragraph (a)(6), "603," and "1903," are removed.

e. In paragraph (b)(1), the phrase ", or with respect to the medical assistance program under title XIX, the Administrator, Health Care Financing Administration or his designee," is removed.

f. In paragraphs (c)(1) and (d), ", or with respect to the medical assistance program under title XIX, Regional Medicaid Director" is removed whenever it appears.

§ 201.15 [Amended]

a. The term "Commissioner", wherever it appears, is changed to "Administrator".

b. In paragraph (a), "or XIX" is removed and "XVI," is changed to "or XVI (AABD)".

c. In paragraph (c)(1), the phrase ", or with respect to the medical assistance program under title XIX, the Administrator, Health Care Financing Administration, or his designee (hereinafter collectively referred to as the Administrator)" and in paragraph (c)(5) the phrase "or Regional Medicaid Director" are removed, and in paragraph (c)(1), the last word is changed from "Service" to "Administration".

§ 201.66 [Amended]

a. In paragraph (a), "XVI, (AABD), or XIX" is changed to "or XVI (AABD)".

b. In paragraph (a)(2), "Regional Commissioner" is changed to "Regional Administrator".

c. In paragraph (b)(2), "SRS–OA–25", wherever it appears, is changed to "State Agency Statement of Financial Plan for AFDC".

d. In paragraph (b)(3), "(SRS–OA–41)" is removed.

e. In paragraph (b)(7)(ii), in the concluding paragraph, "Service" is changed to "Administration".

PART 204—GENERAL ADMINISTRATION—STATE PLANS AND GRANT APPEALS

The part heading for Part 204 is revised to read as set forth above.

§ 204.1 [Amended]

a. The number "VI," is removed.

b. The phrase "XVI, or XIX" is changed to "or XVI (AABD)".

c. The term "Social and Rehabilitation Service" is changed to "Family Support Administration".

§ 204.2 [Amended]

The term "Social and Rehabilitation Service" is changed to "Family support Administration". The term "Service", wherever it appears, is changed to "Administration".

§ 204.4 [Amended]

a. In paragraph (a), the parenthetical cross-reference "(as set forth in § 16.5(a)(1) through (4) of this title)" is changed to "(as set forth in Part 16, Appendix A, section C of this title)"; the phrase", after the effective date of this section," is removed; and "Social and Rehabilitation Service" is changed to "Family Support Administrataion".

b. In paragraph (b)(1), introductory text, in the first sentence, the first cross-reference "in § 16.5(b)" is changed to "§ 16.3(b) and (c)"; the second cross-reference § 16.5(a)(1) through (4) of this title" is changed to "Part 16, Appendix A, section C of this title"; "Social and Rehabilitation Service" is changed to "Family Support Administration"; and the last four words" and may request consideration" are removed.

c. Paragraph (b)(1) (i) and (ii) are removed and the second sentence of paragraph (b)(1)(i) introductory text is amended by removing the colon at the end and adding "the Grant Appeals Officer grants an extension of time for good cause."

d. In paragraph (b)(2), the sentence beginning "Except in the case * * *" is revised to read: "The grantee shall attach to his submission a copy of the agency notification specified in § 16.3(b) of this title.".

e. In the heading of paragraph (c), "*Service*" is changed to "*Administration*".

f. In paragraph (c)(1)(ii), the parenthetical statement "(or 45 days in the case of a determination described in the last sentence of § 16.5(b) of this title)" is removed.

PART 205—[AMENDED]

§ 205.5 [Amended]

In paragraph (a), "VI", is removed, and "XVI, or XIX" is changed to "or XVI (AABD)".

§ 205.10 [Amended]

In paragraph (a) intoductory text, "(AABD)" is inserted immediately after "XVI".

§ 205.35 [Amended]

In the introductory text, "Social Security Administration (SSA)" is changed to "Family Support Administration (FSA)".

§ 205.37 [Amended]

a. In the section heading, the term "Social Security Administration (SSA)" is changed to "Family Support Administration (FSA)".

b. The initials "SSA", wherever they appear, are changed to "FSA".

§ 205.38 [Amended]

The initials "SSA", wherever they appear, are changed to "FSA".

§ 205.40 [Amended]

In paragraph (b) introductory text, "(AABD)" is inserted immediately after "XVI", "Commissioner", wherever it

appears, is changed to "Administrator", and in paragraph (b)(3) introductory text, "Commissioner's" is changed to "Administrator's".

§ 205.42 [Amended]

In paragraph (b), in the definition of "We," "us" or "our", "Social Security Administration" is changed to "Family Support Administration".

§ 205.43 [Amended]

In paragraph (b), in the definition of "We", "Social Security Administration" is changed to "Family Support Administration".

§ 205.44 [Amended]

In paragraph (b), in the definition of "We," "us," or "our", "Social Security Administration" is changed to "Family Support Administration".

§ 205.190 [Amended]

In paragraph (a)(2) introductory text, "SSA, OFA" is changed to "FSA, OFA".

PART 211—[AMENDED]

§ 211.1 [Amended]

In paragraph (d), "Social and Rehabilitation Service" is changed to "Family Support Administration".

PART 212—[AMENDED]

§ 212.1 [Amended]

a. Paragraph (d) is revised to read:

(d) The term "Administration" means the Family Support Administration, Department of Health and Human Services.

b. In paragraph (e), "Social and Rehabilitation Service" is changed to "Family Support Administration".

§ 212.4 [Amended]

The term "Service", wherever it appears, is changed to "Administration".

§ 212.5 [Amended]

The term "Service", wherever it appears, is changed to "Administration".

§ 212.6 [Amended]

The term "Service" is changed to "Administration".

PART 213—[AMENDED]

§ 213.2 [Amended]

The initials "SRS" are changed to "FSA".

§ 213.5 [Amended]

In paragraph (a), the initials "SRS" are changed to "FSA".

§ 213.15 [Amended]

In paragraphs (b)(2) and (c)(1), "SRS" is changed to "FSA".

PART 282—[AMENDED]

§ 282.30 [Amended]

The term "Fathers" is changed to "Parents".

(Catalog of Federal Domestic Assistance Programs No. 13.714, Medical Assistance Programs)

Dated: September 25, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: January 25, 1988.

Otis R. Bowen,

Secretary.

Editorial Note.—This document was received at the Office of the Federal Register September 14, 1988.

[FR Doc. 88-21305 Filed 9-20-88; 8:45 am]

BILLING CODE 4120-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 507 and 552

[Acquisition Circular AC-87-1, Supplement No. 3]

Comparison of Retirement Costs Under OMB Circular A-76

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Cancellation of temporary regulation.

SUMMARY: This supplement cancels General Services Administration Acquisition Regulation, Acquisition Circular AC-87-1, that temporarily implemented the Office of Management and Budget (OMB) Transmittal Memorandum No. 4 which revised OMB Circular A-76 procedures for calculation and comparison of retirement costs.

EFFECTIVE DATE: The change in retirement costing procedures was effective July 13, 1988, and applies to all cost comparisons in process where the Government's in-house estimate had not been opened.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations, Washington, DC 20405 (202) 523-4765.

SUPPLEMENTARY INFORMATION: Public Law 100-366 amended the "Federal Employees' Retirement System Act of 1986" to require that employer paid retirement costs for the Federal Retirement System and the contractor be included in the A-76 cost comparison process. Therefore, OMB's Circular A-76 transmittal Memorandum No. 4, which provided procedures for calculation and comparison of retirement costs, has been rescinded

List of Subjects in 48 CFR Parts 507 and 552

Government procurement.

PARTS 507 AND 552—[AMENDED]

1. The authority citation for 48 CFR Parts 507 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR Parts 507 and 552 are amended by the following supplement to Acquisition Circular AC-87-1:

General Services Administration Acquisition Regulation—Acquisition Circular AC-87-1, Supplement No. 3

September 13, 1988.

To: All GSA contracting activities.

Subject: Comparison of retirement costs under OMB Circular A-76.

1. *Purpose.* This supplement cancels General Services Administration Acquisition Regulation Acquisition Circular AC-87-1 which provided for use of solicitation provision 552.207-71, Social Security (except Medicare) and Thrift/Profit Sharing Plan Contributions, in A-76 solicitations.

2. *Background.* Public Law 100-366 amended the "Federal Employees' Retirement System Act of 1986" to require that employer paid retirement costs for the Federal Employees Retirement System and the contractor be included in the A-76 cost comparison process. Therefore, the Office of Management and Budget's Circular A-76 Transmittal Memorandum No. 4, which provided procedures for calculation and comparison of retirement costs, has been rescinded.

3. *Effective date.* The change in retirement costing procedures was effective July 13, 1988, and applies to all cost comparisons in process where the Government's in-house cost estimate had not been opened before that date.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 88-21584 Filed 9-20-88; 8:45 am]

BILLING CODE 6820-61-M

Proposed Rules

Federal Register
Vol. 53, No. 183
Wednesday, September 21, 1988

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88-AGL-21]

Proposed Springfield, OH, Control Zone Establishment and Dayton Wright-Patterson AFB, OH, Control Zone Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a separate Springfield, OH, control zone to serve Springfield-Beckley Municipal Airport and alter the existing Dayton Wright-Patterson Air Force Base (AFB), OH, control zone. The existing Dayton Wright-Patterson Air Force Base, OH, control zone has caused pilot confusion since the zone includes Springfield-Beckley Municipal Airport. Wright-Patterson AFB has a full-time control tower whereas Springfield-Beckley Municipal Airport control tower and weather reporting are both part-time. Furthermore weather conditions can differ between the AFB and Airport at times. Under current conditions there are times when two weather stations report official weather within the same control zone. Some pilots are confused as to which weather is the official weather in the control zone and believe that when the control tower at Springfield-Beckley Municipal Airport is not operating, the control zone there does not exist. By establishing a separate Springfield, OH, control zone, the part-time hours of the control tower operation and Springfield weather reporting will be the same. The intended effect of this action is to split the existing control zone into two separate zones. This zone separation will redescribe the airspace to reflect operational requirements for both civilian and military needs and relieve pilot confusion.

DATES: Comments must be received on or before October 28, 1988.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 88-AGL-21, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Harold G. Hale, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-AGL-21." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Springfield, OH, control zone and modify the existing Dayton Wright-Patterson AFB, OH, control zone.

The establishment of a control zone for Springfield, OH, and modifying the Dayton Wright-Patterson AFB, OH, control zone will alleviate pilot confusion. Each zone will have their own weather reporting an hour of operation.

This control zone split will have no greater effect on the public than does the existing area. The airspace required for the two zones is actually a reduction of controlled airspace. The existing 6-mile radius of Springfield-Beckley Municipal Airport will be reduced to a 5-mile radius and the southwest extension from the radius zone will be 6 miles instead of 8.5 miles. The Springfield, OH, control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory. Dayton Wright-Patterson AFB, OH, dates and times remain status quo.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate

the area in order to comply with applicable visual flight rule requirements.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D dated January 4, 1988.

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

List of Subjects in 14 CFR Part 71

Aviation safety, control zones.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Springfield, OH [New]

Within a 5-mile radius of the Springfield-Beckley Municipal Airport, Springfield, OH, 39°50'25" N., long. 83°50'25" W.); and within 3.5 miles each side of the 055° bearing from the airport, extending from the 5-mile radius area to 9.5 miles northeast, and within 2.5 miles each side of the 241° bearing from the airport, extending from the 5-mile radius area to 6 miles southwest, excluding that portion overlying the Dayton Wright-Patterson AFB, OH, control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Dayton Wright-Patterson AFB, OH [Revised]

Within a 5-mile radius of Wright-Patterson AFB (lat. 39°49'34" N., long. 84°02'54" W.).

Issued in Des Plaines, Illinois on September 8, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88–21473 Filed 9–20–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 652

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 890

Mining and Mineral Resources Research Institute Program

AGENCY: Bureau of Mines, Interior.

ACTION: Proposed rule.

SUMMARY: This part sets forth the administrative policies and procedures for the Mining and Mineral Resources Research Institute Program. These rules are needed owing to the transfer of responsibility for the program to the Bureau of Mines, and the revised operation of the program.

DATE: Comments must be received on or before October 21, 1988.

ADDRESS: Comments should be sent to: Office of Mineral Institutes, Bureau of Mines, MS 1020, 2401 E Street NW., Washington, DC 20241.

FOR FURTHER INFORMATION CONTACT: Ronald Munson, Chief, Office of Mineral Institutes, Bureau of Mines, MS 1020, 2401 E. Street NW., Washington, DC 20241. Phone (202) 634–1328.

SUPPLEMENTARY INFORMATION: The purpose of this rulemaking is to redesignate the existing regulations found at 30 CFR Part 890 as a new Part 652 and to revise and update the regulations so they reflect the transfer of responsibility and revised operation of the program. By Secretarial Order No. 3073, dated February 1, 1982, the Secretary of the Interior transferred administrative responsibility for the Department's mineral institute program from the Office of Surface Mining Reclamation and Enforcement to the Bureau of Mines. Concurrent with the transfer of responsibility, the Congress urged the Bureau to consolidate the mineral institute program (House Report 97–315, 5 November 1981, p. 15). This was accomplished by the creation of generic mineral technology centers that serve as focal points for research grants in specific technical areas of broad applicability across the minerals industry. In 1984, Pub. L. 98–409 (30 U.S.C. 1221–1230), which extended the authority to make grants beyond fiscal year 1984 authorized in Title III of Pub. L. 95–87, also established somewhat different criteria for the determination of institute eligibility and made other revisions.

Consequently these regulations contain revised eligibility criteria currently in use by the Bureau of Mines and a description of the characteristics of generic mineral technology centers. Other additions include a description of the specific responsibilities of mineral institute directors, rules for the transfer of funds between cooperating institutions, and an exposition of the role of the Advisory Committee on Mining and Mineral Resources Research in making recommendations to the Secretary both on the operation of the program and in the determination of institute eligibility. Revision and clarification have also been made to the descriptions of the types of reports required under the program and sample statements for crediting the program in the professional literature provided.

The Department of the Interior has determined this document is not a major rule under E.O. 12291 and certifies this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1032–0116.

Author: Dr. Ronald A. Munson, Chief, Office of Mineral Institutes, Bureau of Mines.

Catalog of Federal Domestic Assistance Program No. 15.308, Grants for Mining and Mineral Resources and Research Institutes.

List of Subjects in 30 CFR Parts 652 and 890

Grant programs—natural resources, Mineral Resources, Mines, Environmental protection, Research, Scholarship and fellowships.

Accordingly, it is proposed to amend Title 30 by redesignating Part 890 of Chapter VII as Part 652 of Chapter VI, removing and reserving Subchapter S of Chapter VII, and revising newly redesignated Part 652 to read as follows:

PART 652—MINING AND MINERAL RESOURCES RESEARCH INSTITUTE PROGRAM

Sec.
652.1 Scope.
652.2 Objectives.
652.3 Authority.
652.4 Administration.
652.5 Definitions.
652.6 Eligibility.
652.7 Responsibilities of mineral institutes.
652.8 Applications for allotment grants.
652.9 Generic mineral technology centers.
652.10 Applications for research grants.
652.11 Transfers of research and allotment funds.
652.12 Governing provisions for grants.
652.13 Reports.
652.14 Information collection.
652.15 Advisory committee.
652.16 Site visits.
652.17 Grant modifications.
652.18 Grant reduction and termination.

Authority: 30 U.S.C. 1221–1230; Pub. L. 98–409.

§ 652.1 Scope.

This part sets forth policies and procedures for the assistance of institutions of higher learning that have been designated as State Mining and Mineral Resources Research Institutes and for the support of mineral research at these institutions through specialized generic mineral technology reserch centers.

§ 652.2 Objectives.

The objectives of the assistance provided by the Mining and Mineral Resources Research Institute program are:

(a) To support research and training in mining and mineral resources problems related to the mission of the Department of the Interior;

(b) To improve the advanced training of mineral scientists and engineers through grants which encourage State and industry support of mineral eduction;

(c) To support, and encourage support of, research centers of generic expertise in mineral technology;

(d) To assist the States in carrying on the work of competent and qualified mining and mineral resources research institutes, and

(e) To provide support for graduate and postdoctoral students in mining and mineral resource disciplines including mining engineering, extractive metallurgy, geology, reclamation; and in mineral-related areas of other disciplines including engineering, economics, chemistry, physics, biology, ecology, and others.

§652.3 Authority.

The authority for this program is the State Mining and Mineral Resources Research Program Act of 1984 (30 U.S.C. 1221–1230; Pub. L. 98–409).

(a) 30 U.S.C. 1221 authorizes the Secretary to make grants to assist States on a matching basis in carrying on the work of competent and qualified mining and mineral resources research institutes.

(b) 30 U.S.C. 1222 authorizes the Secretary to make grants to the institutes for specific research and demonstration projects, and for research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior deemed desirable and not otherwise under study.

(c) 30 U.S.C. 1229 authorizes the Secretary to appoint an Advisory Committee on Mining and Mineral Resources Research jointly chaired by the Assistant Secretary of the Interior responsible for minerals and mining and a committee member elected by the Committee from among those members who are not Federal employees.

§ 652.4 Administration.

Responsibility for administration of the Mining and Mineral Resources Research Institute Program is assigned to the Director of the Bureau of Mines and subject to the supervisory authority of the Assistant Secretary to whom he/she reports.

§ 652.5 Definitions.

As used in this part, the term—

(a) *Act* means the State Mining and Mineral Resources Research Program Act of 1984 (30 U.S.C. 1221–1230; Pub. L. 98–409).

(b) *Secretary* means the Secretary of the Interior or his authorized representative.

(c) *Advisory Committee* means the Advisory Committee on Mining and Mineral Resources Research appointed by the Secretary.

(d) *Institute* means a competent and qualified mining and mineral resources research institute, department, or component of a college or university established in accordance with the provisions of the Act.

(e) *Director* means Director of the Bureau of Mines.

(f) *Bureau* means the Bureau of Mines.

(g) *Office* means Office of Mineral Institutes.

(h) *Allotment* means funds made available to an institute on a matching (formula) basis in a particular fiscal year pursuant to 30 U.S.C. 1221 and under the regulations contained herein.

(i) *Generic mineral technology center* means a cooperative mineral resources research effort in a specific area of broad applicability across the minerals industry headquartered in one institute with participation by one or more affiliate institutes as authorized under 30 U.S.C. 1222.

(j) *Mineral resources research* means research, investigations, demonstrations, and experiments of a basic or practical nature relating to mineral exploration, extraction, processing, development, mining, reclamation, and conservation; and the training of mineral engineers and scientists through such research; and the planning and coordination of such cooperative research efforts with other institutes and those other agencies and individuals as may contribute to the solution of mining and mineral resources problems.

§ 652.6 Eligibility.

Only institutions of higher learning (post-secondary institutions having graduate research programs) designated by the Secretary as the State Mining and Mineral Resources Research Institute are eligible to receive funds under this program. Only one institution may be designated per State. Such institutions must meet all the following criteria as determined by the Advisory Committee:

(a) Be either a public college or university or, in a State not having an eligible public college or university, a private college or university in that State.

(b) Be recommended by the Governor of the State, or designated by an act of the State legislature, as eligible.

(c) Have in existence a substantial program of graduate instruction and research in mining or mineral extraction or closely related fields which has a demonstrated history of achievement.

(d) Evidence institutional commitment for the purposes of the Act.

(e) Exhibit significant industrial cooperation in activities within the scope of the Act.

(f) Have in existence an engineering program in mining or minerals extraction that is accredited by the Accreditation Board for Engineering and Technology, or show evidence of equivalent institutional capability.

(g) Employ at least six full-time permanent faculty members in the department or component of the institution conducting instruction and research in mining and mineral extraction.

(h) Meet such other criteria as the Advisory Committee shall deem necessary or desirable.

§ 652.7 Responsibilities of mineral institutes.

(a) Each institution having a designated mineral institute shall appoint a mineral institute director from its faculty or staff, who is professionally qualified in minerals research and education.

(b) Mineral institute directors shall be responsible for the preparation of allotment grant proposals; for the technical administration of allotment grant agreements; for periodic reporting to the Bureau of Mines; for the preparation and transmission to the Bureau of Mines of an annual institute status report; for providing such coordination as may be necessary between various departments, units, and individuals at that institution to achieve a focused minerals program of value to the institute's State and region; for the coordination between and among the minerals programs of the several mineral institutes; for responding to requests for information regarding the minerals program at that institution from the Bureau of Mines, the Advisory Committee, and the public; and for the selection and transmission of the best research proposals from that institution for inclusion in the generic mineral technology center program.

§ 652.8 Applications for allotment grants.

Applications for annual allotment grants shall be submitted in response to a call for proposals issued by the Bureau of Mines, which will contain the forms and directions needed to apply for the grant, to designated Mining and Mineral Resources Research Institutes. To receive a new allotment grant, institutes must have submitted all reports due and shall not have been found by the Secretary to have improperly diminished, lost, or misapplied funds previously received. Such funds shall be replaced by the State concerned and until so replaced no subsequent grant shall be allotted or paid to the institute of that State. Each allotment grant application shall be reponsive to 30 U.S.C. 1221(b) and as a minimum shall consist of the following elements in duplicate:

(a) A completed Standard Form 424.

(b) A plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields.

(c) A budget to support that plan.

(d) Assurance that Federal funds will supplement and, to the extent practicable, increase the level of funds that would otherwise have been available for the purposes of the Act, and in no case supplant such funds.

(e) Such other information as is requested in the Call for Proposals.

The Secretary shall deny or reduce funds to institutes where proposals or portions thereof are not complementary to the mission of the Department or the goals of this program.

§ 652.9 Generic mineral technology centers.

All research supported under this program, except for that funded through allotment grants, is funded through established generic mineral technology centers (generic centers). Each generic center provides a focus for mineral research in a specific area of broad applicability across the minerals industry. Each generic center has the following characteristics:

(a) It is headquartered in one institute with participation by oe or more affiliate institutions.

(b) A generic center director supervises the operation of the center including the coordination of related projects; makes arrangements for an annual seminar; provides for operation of a reference center; makes recommendations to the Bureau of Mines on budget revisions, equipment purchases, and other grant modifications; and provides technical leadership for the center.

(c) A reference center serves as a centralized repository of literature concerning the generic research area and also is a repository of all periodic and final reports, theses, and contributions to the technical litrature resulting from generic center research.

(d) An annual seminar provides opportunity for students and princpal investigators to exchange ideas and present their latest research in the generic area.

(e) A Research Advisory Council, consisting of experts in the generic research area from industry, government and, where possible, academia, attends the annual seminars, receives periodic reports, evaluates research proposals, and provides advice to the Bureau of Mines on the program of the center.

(f) New proposals for research, submitted through generic center and mineral institute directors, are evaluated on a competitive basis, in writing, and through Council discussion.

§ 652.10 Applications for research grants.

Proposals may be submitted to the Bureau of Mines in any of the generic mineral technology areas through mineral institute and generic mineral technology center directors in response to an annual call for proposals which describes the format of the proposals. Proposals shall address the requirements of 30 U.S.C. 1222 (b)–(d) as detailed in the call for proposals. No portion of any research grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction preservation or repair of any building.

§ 652.11 Transfers of research and allotment funds.

Under 30 U.S.C. 1223(b), institutes are authorized to conduct cooperative programs with other institutes and with such other agencies and individuals as may contribute to the solution of the mining and mineral resource problems involved. Institutes may utilize their funds to pay for projects at other institutions under the following limitations:

(a) The mineral institute director (for allotment grants) or the generic mineral technology center director (for research grants) for the institution awarded the funds by the Bureau, or the desiganted representative of the above, shall administer, conduct and supervise all funded programs.

(b) All proposals to fund noninstitute activities shall be specifically set forth in the grant proposal applications required under §§ 652.8 and 652.10 and must be explicitly approved by the Bureau of Mines.

(c) All subgrants and subcontracts, service agreements, and interdivisional work authorizations shall be subject to the same terms and conditions as the grant.

(d) Copies of all agreements for funding of programs conducted by noninstitute organizations, unversities, or individuals shall be made available to the Bureau of Mines upon request.

§ 652.12 Governing provisions for grants.

Performance under all grants shall be in accord with the terms and conditions set forth in OMB Circulars A–110 (General Administration), A–21 (Cost Principles), A–88 (Indirect Cost Rates and Audit), and all other applicable laws and regulations. Designated mineral institutes only may obtain these OMB circulars from Divison of Procurement, Bureau of Mines MS 2140, 2401 E Street NW, Washington DC 20241. All developments under this program, with such exceptions as the Secretary may make, are to be made promptly available to the public. Patentable inventions shall be governed by the provisions of Pub. L. 96–519.

§ 652.13 Reports.

The following reports (report forms may be obtained by designated mineral institutes only from Division of Procurement, Bureau of Mines MS 2140, 2401 E Street NW., Washington DC 20241) are required from program participants:

(a) *Annual Institute Status Report (30 U.S.C. 1223 (a)(3)).* On or before September 1 of each year, the mineral institute director for each institute shall submit to the Office a written report on work accomplished; the status of projects underway; a listing of scholarship and fellowship holders supported under this program, their departmental affiliation, amount of award, and thesis title; if selected; and a statement of disbursements of funds received under this program.

(b) *Periodic Technical Reports.* Each institute and generic center director shall make brief periodic written reports as specified in the grant document to the Office describing progress made on each active project. Generic center directors shall also send their periodic reports to members of the applicable Research Advisory Councils.

(c) *Periodic Financial Reports.* Each institute and generic center shall submit completed Standard Form-269 reports concurrent with the periodic technical progress reports.

(d) *Annual Property Report.* Each institute and generic center shall submit by November 15 a completed Bureau of Mines Form 6–359 on nonexpendable property.

(e) *Final Reports.* The annual institute status report will serve as the final report for allotment grants. A final report is required for each approved generic center research project. Principal investigators are encouraged to publish in the technical literature any information developed in the course of carrying out a research project. A published journal article may be substituted for a final report, provided the Grantee delivers five copies of the reprint to the Office. If the findings of a research project are not published, five copies of a final report shall be furnished. An unpublished final report should be prepared in accordance with ANSI 239.18–1974, "American National Standard Guidelines for Format and Production of Scientific and Technical Reports."

(1) *Credits.* Every final research report or publication in the technical literature shall contain one of the following statements or the equivalent:

"This research has been supported by the Department of the Interior's Mineral Institute Program administered by the Bureau of Mines under allotment grant number _____."

"This research has been supported by the Department of the Interior's Mineral Institute Progam administered by the Bureau of Mines through the Generic Mineral Technology Center for _____ under research grant number _____."

§ 652.14 Information collection.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1032–0116. The information is being collected to evaluate the effectiveness of the programs and responses are required to obtain a benefit.

§ 652.15 Advisory Committee.

An Advisory Committee on Mining and Mineral Resources Research, appointed by the Secretary under 30 U.S.C. 1229 shall consult with and make recommendations to the Secretary on the operation of and the making of grants under this program and it shall determine the eligibility of a college or university to participate as a Mining and Mineral Resources Research Institute under the Act.

§ 652.16 Site visits.

In relation to the substantive scientific and administrative operations of grantees, the Bureau of Mines or the Advisory Committee may perform inspections of activities authorized and financed pursuant to these regulations. Such inspections may cover acceptability of progress, consistency with approved plans, and institute eligibility.

§ 652.17 Grant modifications.

(a) The mineral institute and generic center directors are responsible for promptly notifying the Office of events which may require modification of grant agreements, such as:

(1) Rebudgetings
(2) No-cost time extensions
(3) Changes in scope.

(b) Permission of the Office is also required for the following actions under a grant:

(1) Equipment purchase of $1000 or more
(2) Property transfer
(3) Foreign travel.

§ 652.18 Grant reduction and termination.

If a mineral institute or generic mineral technology center does not follow the provisions and terms of a grant or does not fully implement a grant program, the Director may reduce the size of or may suspend or terminate a grant.

James W. Ziglar,

Assistant Secretary of the Interior.

Date: July 8, 1988.

[FR Doc. 88–21439 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–53–M

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30 CFR Part 935

Ohio Permanent Regulatory Program; Public Comment Period and Opportunity for Public Hearing on Amendments; Liability Insurance

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

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing the receipt of proposed amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments concern requirements for liability insurance coverage of permit applicants and of agents performing reclamation for permit applicants.

This notice sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4:00 p.m. on October 21, 1988. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on October 17, 1988. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on October 6, 1988.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Ms. Nina Rose Hatfield, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSMRE's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Room 202, Columbus, Ohio 43232, Telephone: (614) 866–0578.

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

Ohio Department of Natural Resources, Division of Reclamation, Fountain Square, Building B–3, Columbus, Ohio 43224, Telephone: (614) 265–6675.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of Amendments

By letter dated August 23, 1988 (Administrative Record No. OH–1094), the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed amendments to the Ohio program at Ohio Administrative Code (OAC) Sections 1501:13–7–07 (A) and (B). The proposed changes were initiated by Ohio and are briefly summarized below:

(1) OAC Section 1501:13–7–07 paragraph (A): The word "permit" has been substituted for "license." Also, a requirement has been added that agents performing reclamation for a permit applicant must have a public liability insurance policy.

(2) OAC Section 1501:13–7–07 paragraph (B)(2): This paragraph has been rewritten to include the use of explosives under the mining and reclamation activities which are to be covered by liability insurance. Also, the minimum insurance coverage for both bodily injury and for property damage has been combined as $300,000 for each occurrence and $500,000 in the aggregate.

(3) OAC Section 1501:13–7–07 paragraph (B)(3): The word "renew" has been substituted for "reclaim" in reference to the failure to renew an insurance policy.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSMRE is now seeking comment on whether the amendments proposed by the Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by 4:00 p.m. on October 6, 1988. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSMRE representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."** All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **"ADDRESSES."** A written summary of each public meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 935

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

Date: September 9, 1988.

Carl C. Close,

Assistant Director, Eastern Field Operations.

[FR Doc. 88–21499 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–05–M

VETERANS ADMINISTRATION

38 CFR Part 3

Evidence Suitable To Establish Dependents

AGENCY: Veterans Administration.

ACTION: Proposed regulatory amendment.

SUMMARY: The Veterans Administration (VA) is proposing to amend its regulations regarding the acceptability of proofs to establish dependents or verify a death. The Department of the Army requested an expansion of the current regulation to permit its civilian, as well as military, personnel to authenticate photocopies of marriage, birth and death certificates. The effect of the change will be to facilitate processing by the military services, improving assistance to claimants for VA benefits.

DATES: Comments must be received on or before October 21, 1988. Comments will be available for public inspection until November 4, 1988. This amendment is proposed to be effective 30 days after the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, at the above address and only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until November 4, 1988.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, (202) 233–3005.

SUPPLEMENTARY INFORMATION: The regulation discussing the acceptability of photocopies of marriage, birth and death certificates is being expanded to permit civilian employees of the Department of Defense (DOD) (all

service branches) to authenticate such photocopies. Currently, 38 CFR 3.204(c)(2)(iii) permits only military personnel to perform the task.

The Department of the Army requested the expansion being proposed. It is common DOD practice to assign civilian as well as military personnel to duties associated with transition points for processing personnel changes at military installations. Thus, at certain installations, when few or no military personnel are assigned to such transition points, claimants seeking assistance to file VA claims, frequently at the time of separation from active duty, must go to more remote sites at the installation to arrange for authentication of photocopied evidence. The availability of appointing civilian employees of the DOD for this purpose will ease the burden on DOD, the VA and claimants. It will not compromise current regulatory standards for acceptable proofs and will not increase the VA programs' susceptibility to fraud and abuse.

The Administrator hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Administrator has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(The Catalog of Federal Domestic Assistance program numbers are 64.101, 64.104, 64.105, 64.109 and 64.110.)

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: September 2, 1988.

Thomas K. Turnage,

Administrotor.

PART 3—[AMENDED]

In 38 CFR Part 3, Adjudication, § 3.204 is amended by revising paragraph (c)(2)(iii) to read as follows:

§ 3.204 Evidence other than evidence of service.

* * * * * * *

(c) *Acceptability of photocopies.* * * *

(iii) Military or civilian personnel appointed on orders for this purpose by the commander of a military installation.

* * * * * * *

(Authority: 38 U.S.C. 210(c))

[FR Doc. 88–21479 Filed 9–20–88; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, 58

[AD FRL–3451–3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Clarification notice; extension of public comment period.

SUMMARY: On April 26, 1988 (53 FR 14926), EPA proposed not to revise the national ambient air quality standards (NAAQS) for sulfur oxides (sulfur dioxide). That notice also asked for public comment on an alternative of adding a 1-hour primary standard of 0.4 ppm as well as other revisions to the remaining standards. In addition, it announced proposed revisions to the Significant Harm Levels and associated episode contingency plan guidance (40 CFR Part 51), the Pollutant Standards Index for sulfur dioxide (40 CFR Part 58), and certain monitoring and reporting requirements (40 CFR Part 58).

As a part of that notice, EPA stated its view that "the block averaging convention was intended for these standards (OAQPS, 1986), and block averages have generally been used in implementing the standards"(see 53 FR 14934). In addition, EPA concluded that, based on its evaluation of the health protection accorded by the existing standards using the block averaging convention, no change in those standards was necessary, but proposed clarifying language to the regulations, to retain the block averaging convention. However, the notice also discussed use of a running averaging convention, which would represent a tightening of the standards, and asked for comment on whether EPA should adopt a running average convention for the 24-hour and 3-hour standards.

Since publication of that notice, questions have arisen concerning the scope of the Agency's solicitation of comment on the block versus running averaging question. Additionally, the D.C. Circuit issued an opinion in *NRDC v. Thomas*, No. 86–1305 (May 3, 1988), a lawsuit challenging the Agency's interpretation of the existing standards as block standards, and the Natural Resources Defense Council has requested the Agency to conduct rulemaking on this issue. As a result, EPA is today clarifying that the issues concerning the block versus running averaging convention should be fully aired in the sulfur dioxide rulemaking initiated by the April 26, 1988 notice. Today's notice is intended to clarify that the intent of the sulfur dioxide rulemaking notice was not to exclude comment on these issues, but to solicit a full range of comment, including comment on the underlying conclusion that the existing standards are interpreted as block standards. EPA intends to resolve this matter fully in the sulfur dioxide rulemaking. However, unless persuaded otherwise in the sulfur dioxide rulemaking, EPA will continue to view the interpretation of the averaging convention as block standards.

To assure that the public has ample opportunity to fully comment on these issues, as well as on the other matters in the proposals, today's notice also extends the period of public comment from September 23, 1988 to November 22, 1988.

DATE: Written comments on these issues, as well as on the other matters in the proposals, must be received by November 22, 1988.

ADDRESSES: Submit comments on the proposed action on the NAAQS (40 CFR Part 50) (duplicate copies are preferred) to: Central Docket Section (A–130), Environmental Protection Agency, Attn: Docket No. A–84–25, 401 M Street SW., Washington, DC 20460. Comments on the proposed revisions to the monitoring and reporting requirements and Pollutant Standards Index (40 CFR Part 58) should be separated from those on the standards and sent to the same address, Attn: Docket No. A–87–06. Comments on the proposed revisions to the Significant Harm Level and associated episode criteria (40 CFR Part

51) also should be sent separately to the same address, Attn: Docket No. A–87–12. These dockets are located in the Central Docket Section of the U.S. Environmental Protection Agency, South Conference Center, Room 4, 401 M Street SW., Washington, DC. The docket may be inspected between 8:00 a.m. and 3:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

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

Date: September 15, 1988.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 88–21503 Filed 9–20–88; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PP 8E3583/P460; FRL–3450–8]

Pesticide Tolerances for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for the combined residues of the insecticide permethrin and the sum total of its metabolites in or on the raw agricultural commodities dry bulb onions and garlic. The proposed regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments identified by the document control number [PP 8E3583/P460], must be received on or before October 21, 1988.

ADDRESS: By mail, submit written comments 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: Room 246, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

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

FOR FURTHER INFORMATION CONTACT:
By mail:
Hoyt Jamerson, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.
Office location and telephone number: Room 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers Unversity, New Brunswick, NJ 08903, has submitted pesticide petition 8E3583 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Stations of New York and Oklahoma.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the insecticide permethrin [(3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and the sum of its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethycylclopropane cargboxylic acid (DCVA) and (3-phenoxyphenyl)-methanol (3–PBA) in or on the raw agricultural commodities dry bulb onions and garlic at 0.1 parts per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for wich the tolerances are sought. The toxicological data considered in support of the proposed tolerances were discussed in a final rule document (PP 8F2099/R422), published in the **Federal Register** of October 13, 1982 (47 FR 45008). Tolerances for residues of the insecticide on various raw agricultural commodities have been previously established ranging from 0.05 to 60.0 ppm.

The acceptable daily intake (ADI) is calculated to be 0.05 mg/kg of body weight (bw)/day, based on a 2-year chronic feeding/oncogenicity study in rats with a no-observed-effect level (NOEL) of 5.0 mg/kg/day and using a 100-fold safety factor. The theoretical maximum residue contribution (TMRC) from existing tolerances is calculated to be 0.015461 mg/kg/day; the current action will increase the TMRC by 0.000057 mg/kg/day (a 0.4 percent increase in the TMRC).

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available in the *Pesticide Analytical Method* (PAM), Vol. II, for enforcement purposes. No secondary residues in meat, milk, poultry, or eggs are expected from use of permethrin on dry bulb onions and garlic; these commodities are not considered livestock feed items. There are currently no actions pending against the continued registration of this chemical.

Based on the above information and data considered by the Agency, the tolerances established by amending 40 CFR 180.378 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

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

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 8E3583/P460]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: September 6, 1988.

Edwin F. Tinsworth,

Acting Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. Section 180.378 is amended by adding and alphabetically inserting the raw agricultural commodities dry bulb onions and garlic to paragraph (b), to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Garlic	0.1
* * * * *	
Onions, dry bulb	0.1
* * * * *	

[FR Doc. 88-21507 Filed 9-20-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 412, and 413

[BERC-375-P]

Medicare Program; Changes in Payment Policy for Direct Graduate Medical Education Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This rule sets forth proposed changes in Medicare policy concerning payment for direct graduate medical education costs of providers associated with approved residency programs in medicine, osteopathy, dentistry and podiatry. The changes would implement section 1886(h) of the Social Security Act, which was added by section 9202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended by section 9314 of the Omnibus Budget Reconciliation Act of 1986. Also, we are proposing a conforming change that would affect the indirect medical education payments of hospitals that came under the prospective payment system during the period October 1, 1983 through December 31, 1983.

DATE: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5:00 p.m. on November 21, 1988.

ADDRESSES: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-375-P, P.O. Box 26676, Baltimore, Maryland 21207

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC; or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC-375-P. Comments will be available for public inspection as they are received, generally beginning about three weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202-245-7890).

FOR FURTHER INFORMATION CONTACT:

Joel Bobula, (301) 966-4531

Bernadette Schumaker (ESRD exception criteria), (301) 966-4568.

SUPPLEMENTARY INFORMATION:

I. Background

Medicare has historically paid a share of the net cost of approved medical education activities. Our regulations at 42 CFR 413.85(b) currently define approved educational activities to mean formally organized or planned programs of study usually engaged in by providers in order to enhance the quality of care in an institution. These activities include approved training programs for physicians, nurses, and certain paramedical health professionals (sometimes referred to as allied health professionals), for example, physical therapists. The allowable costs of these activities include the direct costs of salaries and fringe benefits of interns and residents, salaries attributable to the supervisory time of teaching physicians, other teachers' salaries, and the indirect costs (that is, institutional overhead, for example, employee health and welfare benefits) that are appropriately allocated to the particular medical education cost center.

The Medicare program has shared in the costs of approved medical education activities, as defined above, on a reasonable cost basis. Section 1861(v)(1)(A) of the Social Security Act (the Act) defines reasonable cost as the cost actually incurred, excluding any cost unnecessary in the efficient delivery of needed health services to Medicare beneficiaries. Section 413.85 of the regulations further specifies that the allowable cost of approved educational activities is the net cost, which is determined by deducting tuition revenues from total costs.

Under sections 1886 (a)(4) and (d)(1)(A) of the Act, and § 412.113 of the regulations, direct medical education costs are excluded from the definition of operating costs and, accordingly, are not included in the calculation of payment rates under the prospective payment system for inpatient hospital services or in the calculation of the target amount for hospitals excluded from the prospective payment system and subject to the rate-of-increase ceiling. These costs are separately identified and "passed-through," that is, paid on a reasonable cost basis.

We note that section 1886(d)(5)(B) of the Act and § 412.115(b) of our regulations specify that hospitals with "indirect costs of medical education" will receive an additional payment amount under the prospective payment system. As used in section 1886(d)(5)(B) of the Act, "indirect costs of medical education" means those additional operating (that is, patient care) costs incurred by hospitals with graduate medical education programs. The indirect costs of medical education might, for example, include added costs resulting from an increased number of tests ordered by residents as compared to the number of tests normally ordered by experienced physicians. (See § 412.118.)

Generally, except for hospitals whose first cost reporting period began during the period October 1, 1983 through December 31, 1983, this proposed rule would not apply to indirect medical education payments. It also would not apply to the costs of approved nursing and allied health training programs. It would apply only to the costs associated with approved medical, osteopathic, dental, and podiatric residency programs as currently governed by § 413.85. We are proposing to add a new § 413.86 that would govern approved

medical, osteopathic, dental, and podiatric residency programs. In order to avoid confusion, we use the term "direct graduate medical education costs" to refer to the costs of the activities governed by the proposed new § 413.86. We are also proposing conforming changes to § 413.85. However, none of these changes represent policy changes with regard to the reasonable cost reimbursement of approved nursing and paramedical training programs.

This proposed rule would apply to graduate medical education (GME) costs in all hospitals and hospital-based providers and subproviders. Although providers other than hospitals may participate in approved GME programs that Medicare supports, the majority of these programs are concentrated in hospitals and health care complexes. The latter are complexes that include, in addition to a hospital, subproviders such as psychiatric units and other hospital-based providers such as skilled nursing facilities or home health agencies. The allowable costs of GME on which the per resident amounts established by this proposed rule are based include GME costs attributable to nonhospital portions of a health care complex. These costs are not separable in such a manner as to permit per resident amounts based exclusively on the GME costs of the hospital. For example, it would not be unusual for a resident in family practice to see patients in both the acute care portion of a hospital and in the hospital-based skilled nursing facility on his or her daily rounds. To require a tracking of a resident's time in each entity of the hospital complex would not be practical.

A. The July 1985 Final Rule

In a final rule published in the **Federal Register** on July 5, 1985 (50 FR 27722), we modified § 413.85 (formerly § 405.421(a)(2) but redesignated on September 30, 1986 (51 FR 34790)) to revise our method of paying for allowable direct medical education costs by imposing a one-year limit on these costs. Under that final rule, for cost reporting periods beginning on or after July 1, 1985 but before July 1, 1986, a provider's allowable direct medical education costs were to have been limited, under the authority of section 1861(v)(1)(A) of the Act, to the lesser of the provider's actual cost of its program or programs for that particular cost reporting period or the provider's allowable costs incurred during a base period (the provider's cost reporting period that began on or after October 1, 1983 but before October 1, 1984).

B. Public. Law 99–272

Section 9202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272) enacted on April 7, 1986 set forth new provisions, generally effective for cost reporting periods beginning on or after July 1, 1985, for Medicare payment of direct GME costs. One of these provisions, codified in a new section 1861(v)(1)(Q) of the Act, in effect, nullified the July 1985 final rule. Section 9202 of Pub. L. 99–272 also added a new section 1886(h) of the Act, which is effective for cost reporting periods beginning on or after July 1, 1985. Consequently, the provisions of this proposed rule would be applied retroactively to cost reporting periods beginning on or after July 1, 1985. It applies to all hospitals, whether or not they are subject to the prospective payment system. As an interim step, pending issuance of this proposed rule, we informed the public in the **Federal Register** of May 6, 1986 (51 FR 16776) that the July 1985 final rule had been rescinded.

Section 9202 of Pub. L. 99–272 and its accompanying conference report established two distinct components of the direct medical education pass-through that would be used in determining Medicare payment for the costs of approved educational activities—

- Nursing and paramedical health professional (allied health) program; and
- Graduate medical, osteopathic, dental, and podiatric residency programs.

- The statutory language of section 1886(h) of the Act, as enacted by Pub. L. 99–272, does not specifically address Medicare payment for the costs of approved nursing and paramedical health professional programs. However, the conference report accompanying Pub. L. 99–272, (H.R. Rep. No. 453, 99th Cong., 1st Sess. 484 (1985)) indicates that the Medicare program will continue to pay hospitals for the direct medical education costs associated with nursing and allied health training activities. In addition, section 1861(v)(1)(Q) of the Act, as added by section 9202(i) of Pub. L. 99–272, prohibits the Secretary from limiting the rate of increase on allowable costs of approved medical education activities other than as authorized by statute. Thus, section 9202 of Pub. L. 99–272 does not establish a new payment methodology regarding Medicare's payment for approved nursing and paramedical health professional programs. The effect of section 1861(v)(1)(Q) of the Act and the conference report, as cited above, is to restore the Medicare payment policy for these costs to the policy that existed prior to the publication of the July 1985 rule. Medicare will continue to pay a share of the allowable costs of approved nursing and paramedical health professional programs using Medicare's principles of reasonable cost reimbursement.

In this proposed rule, we would remove paragraph (a)(2) from § 413.85 since section 9202(i) of Pub. L. 99–272 has overturned the limitation set forth in this paragraph. We are also proposing to revise § 413.85(e) to make changes to the list of approving bodies for certain nursing and paramedical programs. These changes would conform the regulations to existing policy, as described in chapter 4 of the Provider Reimbursement Manual (HFCA Pub 15–1).

Section 1886(h) of the Act revises the method for calculating Medicare payment for the direct cost of approved GME activities effective for cost reporting periods beginning on or after July 1, 1985. Section 1886(h) of the Act requires the calculation of hospital-specific approved per resident amounts for each provider, which are to be determined based on the provider's allowable costs for its cost reporting period beginning during Federal fiscal year (FY) 1984 (that is cost reporting periods beginning on or after October 1, 1983 and before October 1, 1984). For most hospitals, that cost reporting period was their first period under the prospective payment system. For cost reporting periods beginning on or after October 1, 1983 but before June 30, 1984, the average per resident amounts will be updated by the Consumer Price Index in order to reflect inflation occurring in the intervening cost reporting period between the base period and the first cost reporting period to which the new methodology would apply. There would be no update factor applied to cost reporting periods beginning from July 1, 1984 through September 30, 1984, since there is no intervening period between the base period and the first period to which the new methodology applies.

For cost reporting periods beginning on or after July 1, 1985 (that is, the first cost reporting period to which section 1886(h) of the Act applies), the per resident amount determined for the base period (that is, cost reporting periods beginning on or after October 1, 1983 but before October 1, 1984) is to be updated by one percent. For subsequent periods, the per resident amounts are to be updated annually based on changes in the Consumer Price Index.

The updated per resident amount is to be multiplied by the weighted average

number of full-time equivalent (FTE) residents in the hospital's programs during the cost reporting period in order to obtain an aggregate approved amount. Two weighting factors are involved. The first weighing factor to be used is to apply an overall limitation on the number of years that a resident may be counted as an FTE in calculating aggregate approved amounts. This limitation is to be based on an initial residency period (that is, the minimum number of years necessary to achieve board eligibility in a specialty plus one year) not to exceed five years. Participation for up to two years in certain programs in geriatrics would not be counted in determining this limitation. Residents who are no longer in initial residency periods are to be counted as .75 FTE beginning July 1, 1986 and .50 FTE beginning July 1, 1987.

A second weighting factor to be applied is one regarding residents who are graduates of foreign medical schools. Effective July 1, 1986, residents who are graduates of foreign medical schools will not be counted at all unless they have passed the Foreign Medical Graduate Examination in Medical Science (FMGEMS) or have received certification from or have previously passed the examination of the Educational Commission for Foreign Medical Graduates. However, section 1886(h)(4) of the Act provides a one-year transition period (July 1, 1986 through June 30, 1987) for residents who do not meet one of the above qualifying criteria but were in an approved program prior to July 1, 1986. During this one year period, such residents would be counted at a rate equal to one-half of the rate they would otherwise be counted.

Section 1886(h) of the Act provides that the aggregate approved amount is to be multiplied by the proportion of Medicare hospital inpatient-bed-days to total hospital inpatient-bed-days in order to determine Medicare's share of direct GME costs. Medicare's share of the costs is then to be apportioned between Medicare's Part A (Hospital Insurance) and Part B (Supplementary Medical Insurance) in such a manner as reasonably reflects the GME costs associated with the provision of services under each part.

Section 1886(h)(2)(E) of the Act provides that if a hospital did not have an approved GME program or did not participate in Medicare for its cost reporting period beginning in Federal FY 1984, then the Secretary is to determine the appropriate per resident amount.

C. Public Law 99–509

Section 9314 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–509), enacted on October 21, 1986, added section 1886(h)(4)(E) to the Act to allow a hospital, for purposes of determining FTEs, to count the time residents spend in patient care activities outside the hospital setting if the hospital incurs all or substantially all of the training costs in the outside setting. This change is effective as of July 1, 1987.

To implement both this legislative change and the changes made by Pub. L. 99–272, we are proposing to add a new § 413.86 that would deal with payment for GME costs and we would revise § 413.85 for the purpose of making conforming changes.

II. Specific Provisions of Public Law 99–272 and Public Law 99–509 and Proposed Implementing Regulations

A. Removal of Limit on Costs

As discussed above, the new section 1861(v)(1)(Q) of the Act prohibits the Secretary from imposing limits on the rate of increase on allowable costs of medical education other than as specifically prescribed by law. Section 413.85(a)(2) of the regulations imposes a limit on providers' net costs of approved educational activities for cost reporting periods beginning on or after July 1, 1985 and before July 1, 1986. In order to comply with this statutory prohibition on limits, we are removing paragraph (a)(2) from § 413.85.

B. Medicare Payment for Approved GME Programs

Section 1886(h) of the Act establishes a new methodology that is to be used for the purpose of determining Medicare's payment for the part of the direct medical education pass-through attributable to approved GME programs (that is, programs for training interns and residents, hereinafter referred to as residency programs) in medicine, osteopathy, dentistry, or podiatry. Section 9202(b) of Pub. L. 99–272 specifies that this new methodology is to apply to cost reporting periods beginning on or after July 1, 1985.

The new methodology provides for the determination of a hospital-specific base period per resident amount to be calculated by dividing a hospital's allowable costs of graduate medical education for a base period by its number of interns and residents in the base period. The base period is the cost reporting period beginning in Federal FY 1984 (that is, the period October 1, 1983 through September 30, 1984). We would update the hospital-specific base period amount yearly as described below.

The updated base period amount would be multiplied by the hospital's weighted number of FTE residents during each cost reporting period beginning on or after July 1, 1985 to determine an aggregate approved amount for the period. The aggregate approved amount would represent the basis for Medicare's support of approved residency programs for the period, with no consideration given to actual costs incurred for these programs during a cost reporting period. Medicare's share of the aggregate approved amount would be determined by the Medicare patient load as measured by the ratio of Medicare hospital inpatient days to total hospital inpatient days, and would be apportioned between Part A and Part B based on the ratio of Medicare's share of reasonable costs, excluding GME costs, attributable to each part.

1. Determining Base Period per Resident Amounts

A. *Methodology.* We would determine an average FTE per resident amount for each hospital during its base cost reporting period. This hospital-specific FTE per resident amount would be determined based on data reported on the cost reports for that base period with respect to direct GME costs and the number of residents. Thus, we would determine the base-period per resident amount for each hospital by dividing the allowable GME costs for the hospital's cost reporting period beginning in Federal FY 1984 by the number of FTE residents (exclusive of those employed to replace nonphysician anesthetists) reported by the hospital on its cost report for that cost reporting period.

In establishing the base-period per resident amount for a specific hospital based on Federal FY 1984 GME costs, it is important that the amount determined to be an accurate reflection of legitimate GME costs incurred during the Federal FY 1984 base period. Because the payment methodology required by section 1886(h) of the Act sets future payments using the Federal FY 1984 base-period amounts as the initial starting point, we believe that it is very important that inappropriate costs not be included in the base-period amount. We are concerned that, in the past, there have been some questionable costs erroneously reimbursed through the direct medical education pass through. In particular, we are concerned with misclassified costs and nonallowable costs.

Misclassified costs are those costs that were treated as allowable GME costs but that if properly classified would be considered allowable operating costs, such as physicians' compensation costs for services to the

hospital that are not specifically and directly related to approved educational activities. We do not believe that such a misclassification of costs should be perpetuated in the Federal FY 1984 base-period amount.

The second category of costs that could erroneously be included in the GME base-period amounts are costs that were claimed on the cost report but that were, in reality, nonallowable costs. Examples of these types of costs would be the costs of a medical school related to a hospital by common ownership or control (within the meaning of § 413.17) that are not directly and specifically related to patient care furnished in the hospital, and physician compensation costs that a hospital claims with respect to services furnished to individual patients that should be paid on a Part B reasonable charge basis.

Therefore, we would instruct Medicare intermediaries, in conjunction with Part B carriers, as necessary, to reexamine Federal FY 1984 GME costs and to request appropriate supporting documentation in those cases in which reported costs seem questionable. Generally, we believe that this review activity would be limited to hospitals and health care complexes that claimed either direct GME costs or indirect medical education payments for cost reporting periods beginning in either Federal FY 1984 or 1985. Cost reports should be amended to remove nonallowable and misclassified costs from the GME base-period costs used to establish per resident amounts. We propose to initiate this review and reaudit activity prior to the publication of a final rule, so that as soon as possible after a final rule is published, intermediaries will be able to notify hospitals of their base-period average per resident amounts. We are not proposing any specific time schedules for this activity, however, in view of budgetary restraints that have been placed on Mediare contractors.

Hospitals whose base-period GME costs appear to be in order would be notified of their base-period per resident amounts. Hospitals could appeal this determination within the later of 180 days of their receipt of this notice concerning their per resident amounts or of receipt of an original or revised Notice of Program Reimbursement for the GME base period. All appeals of average per resident amounts must be appeals of the FY 1984 GME costs or resident counts. Section 1886(h) of the Act specifies that period as the base-period for determination of such amounts. In other words, a provider could not appeal its base period per resident amount in connection with an appeal for the cost reporting period beginning in FY 1986 or later.

For teaching hospitals whose base-period GME costs appear to include misclassified or nonallowable costs or whose per resident amounts appear to be unreasonably high, intermediaries will notify these hospitals that their base-period costs will be reaudited. During the reaudits, hospitals would have an opportunity to present documentation of any factors that should be taken into account in the final determination of their base-period average per resident amounts. If the basis for the disallowance of costs from the base-period GME costs is the nonallowability, rather than the misclassification of costs, recoupment of overpayments should be made for cost reporting periods beginning in Federal FY 1984 and any prior or subsequent cost reporting period in which similar circumstances exist and which may still be reopened under the limitations of § 405.1885.

A provider whose base-period GME costs are reduced because of a misclassification of operating costs as GME costs may want to reexamine the classification of the affected costs in its prospective payment system base year and request revisions to the prospective payment base year cost report. We are proposing that if the prospective payment system base year cost report is no longer subject to reopening under § 405.1885, it may nevertheless be reopened, but only for the sole purpose of correcting a misclassification of operating costs as GME costs. A request from a hospital for a reopening under this special rule must be made within 180 days of the notice to the hospital by the intermediary of the hospitals' GME base-period average per resident amount.

If the costs in question were similarly treated in the prospective payment base year, the provider may want to receive the benefit of consistent treatment of the costs in question as operating costs for the purpose of modifying its hospital-specific rate (HSR). We are proposing that a provider's cost report for the prospective payment system base year that may no longer be reopened under § 405.1885, may nevertheless be reopened but only for the sole purpose of modifying its HSR. This modification would be based on a recalculation of the hospital's prospective payment system base-year costs. However, no overpayment would be recovered or underpayment paid for the prospective payment system base-year costs if the provider's cost report for its prospective payment system base year is no longer subject to reopening under § 401.1885. The modification of prospective payment system base-year costs would be used solely to adjust the provider's HSR for cost reporting periods under the prospective payment system.

Under § 405.1885 there is a three-year restriction on reopenings of settled cost reports. We would create a special exception to this time limit so that a provider could request modification of its HSR. The provider must request this special reopening within 180 days of the notice to the hospital by the intermediary of the hospital's GME base-period average per resident amount. The provider would bear the burden of proof to document the appropriate treatment of the costs in the prospective payment base year. If the provider can demonstrate to the satisfaction of the intermediary that this change should be made, the intermediary would appropriately modify retroactively the provider's base-year cost report used to determine the HSR with respect to operating costs misclassified as GME.

We point out that permitting this adjustment is a special exception to our policy concerning modification of the prospective payment system base-year costs, as specified in §§ 412.71 and 412.72. (That policy is that an intermediary's original estimate of the HSR for puproses of the prospective payment system may not be revised unless the estimate was erroneous based on information available to the intermediary at the time of the estimate.) Therefore, we emphasize that this policy change is a one-time adjustment, solely for purposes of calculating GME costs. This change is necessary in order to properly implement section 1886(h) of the Act, which prescribes the new GME payment methodology. In addition, § 412.113(b) requires that the allowable costs involved in setting the HSR should be recognized consistently as either GME costs or operating costs through the prospective payment system transition period.

We stress again that this policy change relating to the prospective payment system base year costs that are used to establish the HSR would be limited to inpatient operating costs that were misclassified as GME costs. Any adjustments to the HSR that are made as a result of this policy change could not include other elements of costs that may have been omitted from the original determination of a provider's HSR.

We have also been made aware of the fact that, at the time the prospective

payment system base year costs were being determined, some providers misclassified some or all of their GME costs as operating costs. Even though this apparently was not a widespread problem, we are aware of the need to rectify this situation. If a hospital similarly misclassified any of its GME costs as operating costs in Federal fiscal year 1984 (the GME base period), the methodology prescribed in section 1886(h) of the Act would preclude this hospital from receiving Medicare payment for the misclassified GME costs. Therefore, in these situations, we are again proposing that, if a hospital wants the benefit of the appropriate classification of these legitimate GME costs for the purpose of determining its per resident amount, and if the hospital's cost report for the prospective payment system base year is no longer subject to reopening under § 405.1885, the cost report may nevertheless be reopened. The hospital would need to present its intermediary with sufficient evidence in order to satisfy the intermediary that a change in classification of costs is necessary. If the intermediary is satisfied that such a change is appropriate, the intermediary would modify the provider's HSR and recompute the per resident amount in order to reflect the change. Any provider requesting such a change would have to accept the consequences of a reduced HSR retroactive to the first cost reporting period subject to the prospective payment system. A provider that believes its fiscal year 1984 GME costs were inappropriately low based on misclassification of costs would have up to 180 days after notification by its intermediary of its base-period average per resident amount to present this additional information. This special reopening provision would be available to providers for the sole purpose of correcting a misclassification of GME costs as operating costs.

In both of the above situations involving the adjustment of HSRs, the action is taking place at the request of the hospital or health care complex to mitigate certain negative, though unintended, results of the enactment of section 1886(h) of the Act. Therefore, we are proposing that, notwithstanding the provisions of § 405.1885 (a) and (c), all cost reporting periods beginning with the period that served as the prospective payment base year that are no longer subject to reopening may nevertheless be subject to this special reopening. The practical implication of this proposal is to permit reopening in some cases and for a limited purpose after the usual three-year limitation on reopening of settled cost reports. We emphasize that this special reopening procedure would only apply at the request of the provider and only to operating costs misclassified as GME costs or GME costs misclassified as operating costs. All other elements of the Medicare cost reports for the years in question would remain settled.

While we recognize that this reaudit activity will cause additional work for intermediaries and teaching hospital personnel, we believe that a conscientious implementation of section 1886(h) of the Act requires the proposed steps. Prior to its enactment, we had never required intermediaries to assess GME costs in terms of amounts per resident. The concept of per resident amounts has caused us to examine GME costs that have been reimbursed in the past and to question the significant variation in costs that have been allowed.

Specifically, we would like to learn why the range of per resident amounts for the GME base year varies from below $10,000 to over $100,000 per resident. Some of this difference can be explained by differing practices concerning fee-for-service billing by teaching physicians; however, we believe, based on situations that have been brought to our attention, that misclassification of costs and questionable physician allocation agreements are contributory factors. Further, the provisions of section 1886(h) of the Act would seem to require that we correct these discrepancies in the base period since there is no provision in the law for correcting them later. While we would prefer not to adjust HSRs, we believe that it would not be fair to the hospitals involved to disallow costs in the GME base without at the same time allowing these legitimate, although misclassified, costs through the HSR. We also believe that our proposed approach would avoid a great deal of litigation that would surely result from simply disallowing misclassified costs in the GME base with no provision for paying the hospital for these otherwise allowable costs.

For purposes of this rule we are proposing to use the number of residents reported on the Federal FY 1984 cost report under indirect GME payment rules as the denominator in calculating base-period average per resident amounts. Because of the enactment of section 1886(h) of the Act, we are also proposing to modify the criteria governing the counting of interns and residents in approved programs for those hospitals that first entered the prospective payment system during the period October 1, 1983 through December 31, 1983. For these hospitals, we are proposing to use the counting criteria adopted in the January 3, 1984 prospective payment rule (49 FR 234) for the purpose of calculating the base period average per resident amount. We believe this change is necessary because, for hospital cost reporting periods beginning in Federal FY 1984 (the first prospective payment system year for most hospitals), there were two methods of counting interns and residents in approved programs for the purpose of the indirect GME payment. Which of the two methods the hospital used depended on the date the hospital's cost reporting period began.

The September 1, 1983 interim final rule that implemented the prospective payment system provided that, in calculating the ratio of interns and residents to inpatient hospital beds, a prospective payment system hospital could count only those interns and residents in approved programs that were employed by the hospital and who furnished services at that hospital (48 FR 39829). However, in the final rule, published January 3, 1984, we modified this policy as a result of the comments received on the September 1, 1983 interim final rule. As discussed in the preamble of the January 3, 1984 final rule (49 FR 268), we changed our counting policy to allow hospitals to include in their indirect GME intern and resident count, those residents employed by an organization with a long-standing historical medical relationship with the hospital. The organization had to be the sole employer of substantially all of the interns and residents furnishing services at the hospital. This change was effective for cost reporting periods beginning on or after January 1, 1984. This prospective application of the revised policy was determined to be appropriate at that time because of the prospective nature of the prospective payment system.

However, we believe that there is a genuine program interest in using a uniform counting method for purposes of determining per resident average amounts. Therefore, we are proposing to adopt the policy of counting interns and residents that was described in the January 3, 1984 prospective payment final rule retroactively to the onset of the prospective payment system. We would include in a hospital's indirect GME count those interns and residents employed by an organization that has a long-standing relationship with a hospital to furnish substantially all of a hospital's residents. This policy would apply to all hospitals that entered the

prospective payment system in Federal FY 1984.

While this proposal would result in an increase in indirect GME payments for a few hospitals entering the prospective payment system during the period October 1, 1983 through December 31, 1983, we believe that the long-term benefit to the Medicare program of calculating appropriate base period average per resident amounts on a uniform basis for all hospitals outweighs one-time additional increases in indirect GME program payments. (We note that it is not necessary that we propose a change to regulations text regarding the counting of interns and residents because section 2307 of the Deficit Reduction Act of 1984 (Pub. L. 98–369) eliminated the employment criteria effective for cost reporting periods beginning on or after October 1, 1984. Thus the current regulations text (that is, § 413.118) is correct as is.)

If a hospital's base period reflects GME costs for a period other than a full year, the intermediary would convert the allowable costs for the base period to a monthly figure and multiply this figure by 12 in order to derive the approved per resident amount for a 12-month cost reporting period. This adjustment to costs would be permissible only if either—

- The length of the base-period cost reporting period is shorter than 50 weeks or longer than 54 weeks; or
- The hospital's GME program began after the first month of the provider's base period.

If a hospital has more than one cost reporting period beginning during Federal FY 1984 (because of a short cost reporting period), the latest period would serve as the base period since it is likely that it is more representative of future GME costs. If the latest period is also a short period, allowable GME cost would also be converted to a monthly figure and multiplied by 12 as discussed above.

Section 1886(h)(2)(B) of the Act requires that, for providers whose cost reporting periods began between October 1, 1983 and June 30, 1984, the amount derived for the base year be updated by the percentage increase in the Consumer Price Index (CPI) between the provider's cost reporting period that began during Federal FY 1984 (the GME base period) and the first cost reporting period to which this provision applies. In making this adjustment, we propose, as discussed in the conference agreement that accompanied section 9202 of Pub. L. 99–272, (H.R. Rep. No. 453, 99th Cong., 1st Sess. 484(1985)), to use the Consumer Price Index for All Urban Consumers (CPI–U), a generally accepted measure of inflation.

Without this adjustment, a provider whose first cost reporting period subject to this provision began January 1, 1986, for example, would have its allowable costs limited to the costs it incurred for its base period of January 1, 1984 through December 31, 1984 (that is, two years previously), plus a one percent increase as required by section 1886(h)(2)(C) of the Act. Assuming that 1985 direct GME costs were higher than 1984 costs in most hospitals, this provider would have had its costs rolled back to the lower 1984 level plus one percent.

In order to avoid these rollbacks, section 1886(h)(2)(B)(ii) of the Act provides for an adjustment to base period costs for those providers whose base period began during the period October 1983 through June 1984. The base-period costs of these providers would be updated to reflect the increase in the overall rate of inflation that occurred between the base period and the first cost reporting period to which this provision would apply.

However, if the provider's base-period cost reporting period began on or after July 1, 1984 and before October 1, 1984, updating is not necessary. Providers whose cost reporting periods begin in July, August and September are not subject to a potential rollback of costs since their base period occurred immediately prior to the first cost reporting period to which this provision would apply.

The base-period costs would be updated using an inflation factor tied to the month that the cost reporting period began. Included below are the updating factors that would be used. Once this adjustment is made, no further distinction will be made based on the dates cost reporting periods begin. The CPI-U factors shown below apply only to 12-month periods that begin and end in the same month for both years. If this is not the case, we propose that intermediaries contact HCFA Central Office as to the approprite factor to use.

Cost reporting period	Update Factor [1] (percent)
10/1/83 to 9/30/84	4.20
11/1/83 to 10/31/84	4.03
12/1/83 to 11/30/84	3.95
1/1/84 to 12/31/84	3.57
2/1/84 to 1/31/85	3.52
3/1/84 to 2/28/85	3.74
4/1/84 to 3/31/85	3.66
5/1/84 to 4/30/85	3.75
6/1/84 to 5/31/85	3.73

[1] The inflation factor represents the 12-month average change in the CPI-U during the intervening period between the provider's base period and the first cost reporting period beginning on or after July 1, 1985.

b. *Updating for cost reporting periods that begin from July 1, 1985 through June 30, 1986.* The base period FTE amount, discussed above, is increased by one percent (that is, multiplied by 1.01) for purposes of determining the approved per resident amount applicable to the hospital's cost reporting period that began on or after July 1, 1985 but before July 1, 1986.

c. *Updating for cost reporting periods that begin on or after July 1, 1986.* Section 1886(h)(2)(D) of the Act states that, for subsequent cost reporting periods (that is, those beginning on or after July 1, 1986), "* * * the approved FTE resident amount for the hospital is equal to the amount determined under this paragraph for the previous cost reporting period updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index." We propose to use the CPI-U to implement this provision. Thus, for cost reporting periods beginning on or after July 1, 1986, the FTE resident amount would be determined by applying the 12-month average change in the CPI-U to the per resident amount applicable in the previous cost reporting period. The 12-month average change in the CPI-U represents inflation through the midpoint relative to 12-months earlier.

We propose that the intermediary use the projected percentage change for interim payment purposes only and adjust the final settlement amount based on the actual average CPI-U percentage change for the months comprising the cost reporting period. The reference to over- and under-estimations is necessary for purposes of interim payments since the actual inflation rate is not known in advance. However, the actual inflation rate generally becomes available shortly after the end of the cost reporting period and thus the actual rate would be used for settlement purposes. Also, it will be necessary for providers to notify intermediaries of their best estimates of the number of resident FTEs that should be counted for the cost reporting period for purposes of interim payments.

d. *Per resident amounts for certain providers.* Section 1886(h)(2)(E) of the Act requires us to provide a method for determining an appropriate per resident amount for "* * * a hospital that did

not have an approved medical residency training program or was not participating in * * *" Medicare during a cost reporting period that began on or after October 1, 1983 and before October 1, 1984.

In order to implement this provision we are proposing that a hospital's intermediary would establish an average per resident amount for the hospital based on the lower of—

(1) The actual direct graduate medical education costs of the hospital during its first year of operation; or

(2) The mean value of per resident amounts of hospitals located in the same wage area, as that term is used for purposes of the prospective payment system in §§ 412.62 and 412.63, for cost reporting periods beginning in the same fiscal year.

We believe that, since the major component of direct GME costs is the salaries of residents and teaching physicians, it is appropriate to use the geographic wage area classifications as used by the Medicare prospective payment system as a guide in making these determinations. However, the amounts paid to hospitals for new GME programs should bear some relationship to the actual costs of the program, especially the first year's costs. Therefore, we believe that it is a reasonable approach to consider both the hospital-specific costs of the program and the costs of programs of other teaching hospitals located in the same geographic area to establish imputed per resident amounts for hospitals that did not have approved medical residency training programs or were not participating in Medicare during a cost reporting period that began on or after October 1, 1983 and before October 1, 1984.

The intermediaries would determine an average per resident amount for these hospitals based on the hospital's actual cost for the first year of its program. For the purpose of this calculation, residents would be counted as set forth in this proposed rule except that the weighting factors would not be applied. The intermediary would compare this amount with the mean value of per resident amounts of other teaching hospitals located in the same wage area (as that term is used in the prospective payment system) for cost reporting periods beginning in the same fiscal year. The intermediary would then base its payment on the lower of these amounts (that is, actual per resident amount based on actual allowable costs for the first year, or per resident amounts of other teaching hospitals in the same wage area). If there are fewer than three amounts in the wage area, we are proposing that the intermediary write HCFA Central Office for a determination of the per resident amount to use. The per resident amount used for the first year would be updated in future years without regard to actual costs.

By using this approach, these hospitals would not be disadvantaged by the fact that their programs were not in operation during the base period. This provision would not be applied to hospitals that expand existing programs or that establish residency programs in additional specialties during the base period. The statute specifically provides for both expansions and contractions in the size of a hospital's residency program by establishing payment based on a per resident amount converted to an aggregate amount to reflect the number of FTE residents in the particular cost reporting period that are subject to the provisions of section 1886(h) of the Act. This provision would not apply to certain hospitals in States that were formerly paid under a waiver from the Medicare inpatient hospital prospective payment system that incurred GME costs but did not allocate these costs to the intern and resident cost center. (See the discussion in item 10, below.)

2. Determining Full-Time Equivalency (FTE)

Section 1886(h)(4) of the Act bases payment for direct GME costs on a hospital's number of full-time equivalent (FTE) residents multiplied by a hospital-specific per resident amount. Normally, in assessing an FTE employment situation, one looks at the number of hours worked by an employee. Usually, these considerations are made in terms of a 35- or 40-hour work week. It is well-recognized that this standard would not generally apply to the activities of residents since they often have a work schedule the hours of which are far in excess of the average number of work week hours of most employees. Further, residents' salaries are generally not reflective of the volume of services they furnish or the hours they work, but rather represent a stipend that is paid for their period of training.

In determining payments in accordance with section 1886(h) of the Act, it is necessary to devise a means to define FTEs. We believe that it is not appropriate to assign a threshold of hours for determining FTEs since there is no generally acceptable standard number of hours to use. For example, we would not want to define an FTE as one who works 35 hours per week since some residents may spend 70 hours a week in the hospital. On the other hand, we would not want to set a threshold that is too high such as 70 hours per week, since there may be programs in which residents normally spend fewer than 70 hours per week in the hospital. Further, there is the problem of how to account for the time a resident is considered to be "on-call" for purposes of making an FTE determination. Since our main concern in the counting of residents is that no individual be counted as more than one FTE, we are not defining a FTE based on a specific number of hours worked per week or per year. Rather, FTE status would be based on the total time necessary to fill a residency slot.

The number of hours involved would vary from specialty program to specialty program within a hospital and could vary from hospital to hospital for the same type of program. For example, if a resident spends all of his or her time in one hospital and is considered by the approved residency program to meet all the requirements of a full-time resident, the resident would always be counted as one FTE (before application of any applicable weighting factors.) However, if a resident spends time in more than one hospital, that resident would not be counted as one FTE for either hospital regardless of the actual hours worked. Rather, that resident's time should be prorated between or among the hospitals to total no more than one FTE.

Section 1886(h)(4)(B) of the Act requires us to take into account, in determining FTEs, individuals who serve as part-time residents. We would count these part-time residents based on the proportion of time worked as compared to the average time spent by others in the same year working in the same specialty program. For example, if a part-time resident spends only sixty percent of the time spent by others in the same program, the part-time resident would be counted as .6 FTE. Similarly, in situations in which two residents "share" one residency slot, no more than one FTE would be counted for the two individuals for the duration of the shared residency. Neither of the above policies would apply to full-time residents who spend time sequentially, in more than one hospital. They also would not apply to a full-time resident who drops out of a program. In both of these cases, the individuals are considered full-time residents whose assignments to hospitals would be prorated on a monthly basis.

In determining resident FTEs, we would first determine whether the resident is to be counted by the hospital at all. We find no evidence that Congress enacted section 1886(h) of the

Act as an expansion of Medicare's support for GME. To the contrary, section 1886(h)(1) of the Act is designated a "substitution" of special payment rules. Similarly, we believe that section 9202 of Pub. L. 99–272 should be implemented in such a way that Medicare does not pay for residents who would not have been paid for before, except for certain residents in geriatric programs. Accordingly, although section 9202 of Pub. L. 99–272 replaces actual costs with a different payment basis, we believe it appropriate not to include in a hospital's resident FTE count those residents for whom no provider participating in Medicare incurs salary/stipend and fringe benefit costs (hereinafter referred to as salary costs). For example, it would be inappropriate for the Medicare program to make a per resident payment for residents who are already employed by the Federal government, such as residents in Veterans Administration or Department of Defense programs who are on rotation at civilian hospitals and whose salaries/stipends are fully paid by those respective Federal entities.

The payment methodology set forth in section 1886(h) of the Act produces many complexities because of the various types of arrangements that exist within residency programs. A situation in which a resident spends all of his or her time in one hospital during its cost reporting period will be a relatively simple matter. Generally, the resident would be counted as 1.0 FTE for the hospital's cost reporting period. Frequently, however, residents spend a portion of a residency year in two or more hospitals in turn. The determination of which hospital should be credited with an individual resident's FTE in whole or in part is the most complicated aspect of implementing section 1886(h) of the Act.

We are proposing to prorate FTEs based on the time spent among hospitals by individual residents on a monthly basis. When resident rotations to hospitals are for periods of time other than monthly segments, the hospital in which the resident spent the majority of the month will receive full credit for the month and the other hospitals will receive no credit for that month.

Residency programs are based in hospitals in some cases and in medical schools with affiliated hospitals in others. Although the information on the counting of residents must come from the teaching hospitals claiming payment, we think that it would be helpful, and facilitate payment, if program officials would voluntarily furnish the requisite data on resident assignments to all hospitals involved. The hospitals could then verify the accuracy of their respective FTE count and retain the information for review by the intermediary as needed.

In order to ensure that all residents are properly counted and that no resident is counted as more than one FTE, we would require that each hospital maintain and have available the following information for each resident whom it counts toward its number of FTEs:

- The name and social security number of the resident.
- The type of residency program in which the resident participates and the number of years the resident has completed in all types of residency programs.
- The dates the resident was assigned to the hospital during the cost reporting period.
- The dates, if any, the resident was assigned to other hospitals.
- The name of the medical, osteopathic, dental, or podiatric school from which the resident graduated and date of graduation
- In the case of graduates of foreign medical schools, the resident's status concerning the Foreign Medical Graduate Examination in the Medical Sciences, or certification by the Education Commission for Foreign Medical Graduates, and the appropriate date.

We would require that this information be certified by an official of the hospital and, if different, an official responsible for administering the residency program.

3. Counting Residents in Nonprovider Settings

Prior to July 1, 1987, the time a resident spends in nonprovider settings (that is, settings that are not considered part of a provider for Medicare purposes) is not counted toward a hospital's FTE count. For example, if the normal GME program commitment for a third-year resident in Family Practice at Hospital A is 80 hours per week and a resident spends 20 of those hours per week in a freestanding family practice clinic, that resident is counted as .75 FTE in Hospital A's count.

Effective July 1, 1987, in accordance with section 1886(h)(4)(E) of the Act, we propose to count the time a resident spends in nonprovider settings if there is a written agreement between the hospital and the freestanding clinic to the effect that the hospital bears substantially all the training costs in the outside setting. However, section 1886(h)(4)(E) of the Act specifies that only time spent in activities relating to patient care may be counted toward the hospital's FTE count. Therefore, we are specifically soliciting comments on methods under which intermediaries can ensure that the portions of residency training programs that are spent in settings that are not a part of a hospital are spent in activities related to patient care. Such suggestions should adress the data that hospitals would need to maintain to substantiate the nature of assignments to settings that are not a part of a hospital.

(This provision has no impact on resident counts for the purpose of the indirect medical education adjustment.)

4. Determining the Number of FTE Residents

The number of FTE residents for medical education payment purposes would be determined by applying a weighing factor to each FTE resident, as explained below.

a. *Initial residency period and weighting factor.* Subject to special rules provided below concerning certain foreign medical graduates, in general, the weighting factor that would apply to each resident in an initial residency period would be 1.0. Under section 1886(h)(5)(F) of the Act, an initial residency period means the period of board eligibility plus one year, not to exceed a total of five years.

Section 1886(h)(5)(G) of the Act defines the term "period of board eligibility" as it applies to a resident to mean the minimum number of years of formal training necessary to satisfy the requirements for initial board eligibility in the particular specialty for which the resident is training. The statute specifically requires that the 1985–1986 Directory of Residency Training Programs published by the American Medical Association (AMA) be used in determining the period of board eligibility. This directory indicates that most specialty boards no longer use the term "board eligible." However, we believe that it is clear from the language of the statute that, for the purpose of determining initial residency periods, it is the intent of Congress that we use the minimum number of years of training required to qualify for a specialty board's certifying examination plus one year.

We believe that the definition of resident in section 1886(h)(5)(H) of the Act is intended to include residents in approved programs in osteopathy, dentistry, and podiatry as well as to residents who have a doctor of medicine (MD) degree. This intent is demonstrated by section 1886(h)(5)(D) of

the Act which defines foreign medical graduates as those who have not graduated from a school of medicine, osteopathy, dentistry, or podiatry that is recognized by Medicare. There would be no need for such a definition unless residents in those disciplines were included in the definition of a resident. The Directory of Residency Training Programs (the Directory) can be used as a source document only for determining the lengths of initial residency periods for the types of medical programs accredited by the Accreditation Council for Graduate Medical Education (ACGME). Therefore, for approved programs in osteopathy, dentistry, and podiatry, we contacted the appropriate accrediting organizations for these specialties and based our determinations of initial residency periods on the information they furnished to us. Whenever these accrediting bodies establish standards for new types of specialty programs, we encourage them to notify HCFA so that this information can be disseminated to our fiscal intermediaries.

Our determination of initial residency periods for medical residency programs is based on the sections of the Directory entitled, "Essentials of Accredited Residencies" and "Requirements for Certification." The chart that follows includes the "medical" specialties for which Medicare pays a share and the maximum number of years within each specialty for which a resident would be counted as 1.0 FTE. The initial residency period number includes years in a qualifying prior program. The four years of full funding for the internal medicine subspecialties includes the three years of a prerequisite general internal medicine program plus one additional year. The second year of a subspecialty training program receives a reduced weighting factor since it is in excess of the initial board eligibility plus one year criterion.

Specialities	Initial residency period
Allergy and immunology	4
Diagnostic laboratory immunology	4
Anesthesiology	5
Colon and rectal surgery	5
Dermatology	5
Dermatopathology	5
Emergency medicine	4
Family practice	4
Internal medicine	4
Cardiology	4
Endocrinology and metabolism	4
Gastroenterology	4
Hematology	4
Infectious disease	4
Medical oncology	4
Nephrology	4
Pulmonary disease	4
Rheumatology	4
Neurological surgery	5
Nuclear medicine	5
Obstetrics and gynecology	5
Ophthalmology	5
Orthopaedic surgery	5
Otolaryngology	5
Pathology	5
Blood banking	5
Chemical pathology	5
Dermatopathology	5
Forensic pathology	5
Hematology	5
Immunopathology	5
Medical microbiology	5
Neuropathology	5
Radioisotopic pathology	5
Pediatrics	4
Pediatric cardiology	4
Pediatric endocrinology	4
Pediatric hematology-oncology	4
Pediatric nephrology	4
Neonatal-perinatal medicine	4
Physical medicine/rehabilitation	5
Plastic surgery	5
Preventive medicine	4
Psychiatry and neurology	5
Child psychiatry	5
Radiology	5
Nuclear radiology	5
Surgery	5
General vascular surgery	5
Pediatric surgery	5
Thoracic surgery	5
Urology	5

Although the Directory lists the minimum number of years for surgical residencies as five or more, we would attach a weight of 1.0 to a surgical resident for five years, but not for an additional year, because section 1886(h)(5)(F) of the Act specifies five years as the maximum period we can count a resident as 1.0 FTE. Similarly the Directory lists the minimum number of years for a residency in family practice as three. Thus, a family practice resident who specializes further in an approved program would be counted fully for the fourth year of GME training and partially for a fifth or subsequent year. In both situations residents would be counted partially after their initial residency periods (that is, .75 from July 1, 1986, through June 30, 1987, and .5 thereafter).

In addition, a resident who has used up the time allotted to an initial residency period before July 1, 1986, and then participates in either the same or a different program would be counted only partially thereafter. This would also apply to the situation in which a resident spends some time in one residency program and decides to change specialties before completing that residency. For example, if a resident spends two years in a family practice residency program and changes to a surgical residency program, we would count that resident for only two years in the surgical residency since the initial residency period for family practice is four years and the resident had already completed two years. On the other hand, if a resident starts out in a surgical residency program with an initial residency period of five years, the five-year limit would remain in effect even though the resident switches to another speciality program with a shorter residency period. We believe that this approach is consistent with Congressional intent since section 1886(h)(5)(F) of the Act requires the determination of an initial residency period at the time the resident enters the training program. Section 1886(h)(5)(F)(i) provides that, "in no case shall the initial period of residency exceed an aggregate period of formal training or more than five years * * *." This would seem to preclude beginning a new initial residency period every time an individual changes programs.

Some of the programs listed in the chart above are subspecialty programs of other programs listed. For example, cardiology is a subspecialty of internal medicine. As noted, section 1886(h)(5)(F) of the Act states that the initial residence period must be determined at the time the resident enters the residency training program. All of the subspecialties of internal medicine require that the subspecialty training be preceded by completion of an accredited program of internal medicine. Thus, the internal medicine residency program controls the length of the initial residency period. That is, the initial residency period would consist of a three-year program in internal medicine plus one additional year of an appropriate subspecialty program.

Similarly, only one year of an accredited allergy and immunology residency would be included in an initial residency period since this program requires a three-year residency in internal medicine as a prerequisite. As soon as a physician enters a basic internal medicine program, whether immediately after medical school or after a transitional year (see discussion below), the three-year duration of the internal medicine program governs the length of time the resident is counted as 1.0 FTE. In this case, the initial residency period would be three years for the internal medicine program plus one year (either a transitional year or a year of a subspecialty program, but not both).

Section 1886(h)(5)(F)(ii) of the Act provides for an exemption (up to two years) from the initial residency period

limitation for individuals enrolled in a "* * * geriatric residency or fellowship program which meets the criteria as the Secretary may establish * * *." Currently, there is no private sector program of accreditation or approval for graduate programs of physician training in geriatric medicine. Accordingly, we have not been able to obtain extensive information on geriatric programs. We are, thus, especially soliciting comments on our approach to implementing this provision of the law.

The information we have to date indicates that there are programs described as geriatric programs that are actually approved programs in internal medicine, family practice, or psychiatry with an emphasis on geriatrics. Many of these programs are rotations (for periods of one month or more) in the three specialties cited. It is our view that participation in these programs should continue to be treated as participation in the approved programs of the specialties involved and should be counted as such as determining initial residency periods. We believe that this treatment should not cause any disruptions in these programs since the residents would be fully counted as FTEs in approved programs. For example, if a medicial school graduate enters a family practice program with a geriatric rotation, the individual would be fully counted for the three years of the family practice program plus an additional year in an approved program, if necessary.

On the other hand, we believe that geriatric fellowship programs, which an individual enters upon completion of a basic specialty program, should be the focus of the geriatric exception to initial residency periods established by section 1886(h)(5)(F) of the Act. It is our understanding that these fellowship programs are normally of one to two years' duration, and they are undertaken by residents upon completion of approved programs in internal medicine, family practice, and other basic specialty programs. Thus, if a resident completes a three-year family practice program and enters a two-year geriatric fellowship program, the latter would not be counted against the individual's initial residency period of four years. In fact, that individual could still have one additional year in another type of approved program upon completion of the geriatric fellowship program in which to be fully counted. Thus, that individual's initial residency period would be computed as follows: Three years in a family practice residency program plus two years in a geriatric fellowship (not counted) plus one year in another unspecified approved program. In this way, the individual would be fully counted for six years of actual training even though his or her initial residency period consists of only four years.

It is our understanding that the ACGME will soon be establishing the criteria under which fellowship programs will be accredited as geriatric training programs for residents who have completed specialty programs in internal medicine or family practice. We are proposing to use ACGME's criteria for purposes of determining what constitutes an approved geriatric fellowship program for these specialties. We are also proposing that once the ACGME accredits a program in one of these specialties, HCFA will treat that program as an approved residency program for the purpose of including the participants of the program in the direct graduate medical education FTE count. We would treat the program as approved retroactively to the later of—

- The date the program was established; or
- The cost reporting period beginning on or after July 1, 1985.

We would recognize these programs retroactively to the effective date of section 1886(h) of the Act (that is, cost reporting periods beginning on or after July 1, 1985) since Congress expressly provided for a geriatric exception in section 1886(h) of the Act. We will consider expanding the exception to geriatric fellowship programs in other specialties when the appropriate national organization establishes criteria for approving these programs.

In the last few years, ACGME has begun to accredit transitional year programs. The Directory indicates that these programs are provided for medical school graduates who—

- Have chosen a career specialty that requires as a prerequisite an entry year of fundamental clinical education;
- Desire a broader base of clinical experience than is initially provided by their chosen specialty; or
- Plan to enter active duty in the military.

These programs are apparently different from other ACGME accredited programs in that there is no board certification, and for intitial residency period purposes, they must be considered in conjunction with other types of programs as set forth below. For these programs, there is no transitional year initial residency period limitation.

Several types of specialties, for example, anethesiology, require a "clinical base year" or other type of fundamental training as an integral part of the accredited training program. In these cases, the transitional year program is counted as part of the medical speciality program for the purposes of determining the initial residency period and does not count as the additional year beyond initial board eligibility. For example, in anesthesiology, the one "clinical base year" is added to the three years of training in clinial anethesia to compromise a four-year training programs. The additional year allowed by section 1886(h)(5)(F) of the Act would then be added to total a five-year initial residency period (1+3+1=5).

In the case of a medical school graduate desiring a broader base of clinical experience, the transitional year is an additional year of training undertaken by a resident beyond the requirements for certification in a speciality. In these cases, participation in the transitional year program would count as the additional year beyond the minimum number of years of training that is required for board certification. (Transitional year + number of years of training required for board certification = initial residency period, provided that the total does not exceed five years).

In the case of the medical graduate planning to enter active duty in the military, there is a single year of broad-based clinical training in an ACGME accredited program before the resident enters active duty in the military. If the resident in this type of program is in his or her first residency program after graduation from medical school or has not exceeded the limits of an initial residency period in another specialty, the resident is counted as 1.0 FTE for that one year. If the resident subsequently leaves the military and enters a residency program, the transitional year would be counted towards that resident's initial residency period at that time. However, any training in a residency program operated by the military that may be counted towards board certification would also count towards the initial residency period.

As previously stated, we are interpreting the statutory use of the term "medical" in section 9202 of Pub. L. 99-272 to include osteopathic, dental, and podiatric residents. Section 1886(h)(5)(A) of the Act defines approved residency programs as those programs that count toward certification in a specialty or subspecialty.

It is our understanding that in most osteopathic graduate medical education programs, the first year of training is a rotating internship that is required prior to acceptance in a residency program.

Specialized residency training does not begin until the second year of postgraduate training, which is counted as the first year of residency training in the osteopathic profession. Therefore, we are proposing to treat the first year of osteopathic graduate medical education in the same fashion as the transitional year programs in medical programs. That is, since the rotating internship is required for further training in a all programs, it counts as the first year of an initial residency period. Thus, the first year would not be counted as the additional year beyond board eligibility as specified in the 1985–1986 Yearbook and Directory of Osteopathic Physicians. For example, the Directory of Osteopathic Physicians specifies a three-year residency for osteopaths entering internal medicine. We would count such a resident for five years, the one year rotating intership plus three years, plus one additional year if that resident enters another year of approved training. In no case would any resident be counted as 1.0 FTE beyond five years.

The following charts include the programs in osteopathy and dentistry and the maximum number of years for which a resident would be counted as 1.0 FTE. Please note that for osteopathic residents, the chart includes the intership year which is counted for the purpose of determining the five year limit.

Specialties	Initial residency period
Osteopathy Residency Period Limitation:	
Aerospace Medicine	4
Anesthesiology	5
Angiography and Interventional Radiology	5
Cardiology	5
Clinical Allergy and Immunology	5
Dermatology	5
Diagnostic Radiology	5
Osteopathic Manipulative Medicine	3
Emergency Medicine	4
Endocrinology	5
Gastroenterology	5
General Practice	3
General Surgery	5
General Vascular Surgery	5
Hematology	5
Hematology/Oncology	5
Infectious Disease	5
Internal Medicine	5
Medical Diseases of the Chest	5
Neonatal Medicine	5
Nephrology	5
Neurology	5
Neuroradiology	5
Neurosurgery	5
Nuclear Medicine	4
Nuclear Radiology	5
Obstetrics—Gynecology	5
Obstetrics & Gynecological Surgery	5
Occupational Medicine	4
Oncology	5
Ophthalmology	5
Orthopedic Surgery	5
Otorhinolaryngology	5
Otorhinolaryngology/Oro-Facial Plastic Surgery	5
Pathology	5
Pathology, Anatomical	5
Pediatrics	4
Plastic and Reconstructive Surgery	5
Proctology	4
Psychiatry, General and Child	5
Public Health and Preventive Medicine	4
Radiation Oncology	5
Radiological Imaging	5
Radiology	5
Rehabilitation Medicine	5
Reproductive Endocrinology	5
Rheumatology	5
Thoracic Surgery	5
Urological Surgery	5
Podiatry Residency Period Limitation:	
Rotating Podiatric Residency	2
Podiatric Orthopedic Residency	2
Podiatric Surgical Residency	2
Dentistry Residency Period Limitation:	
Dental Public Health	3
Endodontics	3
Oral Pathology	4
Oral and Maxillofacial Surgery	4
Orthodontics	3
Pediatric Dentistry	3
Periodontics	3
Prosthodontics	3
Prosthodontics Maxillofacial	4

Approximately one-half of all dental residents are in one or two-year general practice residencies. The information we have received from the American Dental Association indicates that general practice is neither a recognized dental specialty nor required or counted towards meeting and the board eligibility requirement for dental specialties. Therefore, a strict application of the definition of an "approved medical residency training program" as set forth in section 1886(h)(5)(A) of the Act would preclude our recognizing these programs as approved programs under section 1886(h) of the Act. However, since we can find no evidence in the conference report that accompanied section 9202 of Pub. L. 99–272 that Congress intended a reduction in the types of programs Medicare supports, we are proposing to continue to recognize dental general practice programs as approved programs under the authority of section 1861(b)(6) of the Act. However, the payment methodology to be used would be that proposed for implementation of section 1886(h) of the Act.

There are two other options for the treatment of general practice dentistry programs, but we are not proposing to select either option for the reasons indicated below. The first of these options would be to continue to reimburse teaching hospitals for the costs they incur in connection with these programs on a reasonable cost basis. This would be based on the rationale that, while the programs do not meet the necessary definition of an approved program as set forth in section 1886(h) of the Act, they continued to be approved programs under section 1861(b) of the Act. While section 1886(h) was a substitution for the payment policy in section 1861(v) of the Act, it was not a substitution for the coverage policy in section 1861(b). We are not proposing this option, even though we believe it to be statutorily supportable, because we believe that all GME pass-through payments should be made on the same basis.

The second nonselected option rests on the presumption that section 1886(h) of the Act was intended to replace section 1861(b)(6) of the Act even though section 1861(b)(6) was not deleted from the Act. If, as a consequence, general practice dentistry programs were treated as unapproved programs, the costs incurred for the salaries of these residents would then be reimbursable as Part B costs under section 1832(a)(2)(B)(i)(I) of the Act. However, we were unable to identify in the legislative history to section 1886(h) of the Act any congressional intent to delete this type of residency program from payment under the direct medical education pass-through provision. (For a more detailed discussion of section 1861(b)(6) of the Act, see section 9 below.)

Since section 1886(h)(5)(F) of the Act specifically provides for the consideration of board eligibility as a requirement in applying the initial residency period limitation, we are not proposing to establish an initial residency period for dental general practice programs. We are proposing to treat dental general practice programs in the same way that we would treat transition year medical residency programs, as discussed in this proposed rule. A resident in a one or two-year general practice program would be counted as a resident in an approved program for the purpose of this section. However, if an individual enters a specialty program at a later date, the year(s) of general practice residency would be counted toward the initial residency period for the specialty training. In the case of two-year approved general practice residency programs, both years would count toward completion of the initial residency period for the specialty involved.

b. *Resident not in an initial residency period.* The weighting factor for residents who are not in a period of initial residency (limited to five years) would be .75 during any portion of a provider's cost reporting period occurring from July 1, 1986 through June 30, 1987 and thereafter would be .50.

5. Special Rule for Foreign Medical Graduates

a. *Definition of a foreign medical graduate.* Under section 1886(h)(5)(D) of the Act, the term foreign medical graduate (FMG) means an individual who is not a graduate of one of the following:

- A medical school accredited by the Liaison Committee on Medical Education of the American Medical Association which accredits medical schools in the United States and Canada (or approved by the committee as meeting the standards necessary for accreditation).
- An osteopathy school accredited (or approved as meeting the standards necessary for such accreditation) by the American Osteopathic Association or,
- A dental or podiatry school that is accredited by an organization (or meets the standards for accreditation) recognized by the Secretary.

b. *Requirement for application of 1.0 weighting factor.* Under section 1886(h)(4)(D)(i) of the Act, effective July 1, 1986, a resident who is an FMG and who otherwise qualifies by being in an initial residency period would be considered to have a weighting factor of 1.0 only if the individual—

- Has passed Day 1 and Day 2 of the Foreign Medical Graduate Examination in Medical Sciences (FMGEMS); or
- Has received certification from, or has passed an examination of, the Educational Commission for Foreign Medical Graduates (ECFMG) before July 1, 1986.

c. *Transition period rule.* During a transition period from July 1, 1986 through June 30, 1987, the otherwise applicable weight for an FMG, who was a resident both before and after July 1, 1986 but who has not passed FMGEMS or met the ECFMG requirements would be multiplied by .5. Thus, any such resident who is no longer in an initial residency period would be counted as .375 FTE (.5×.75=.375). Any FMG whose residency begins on or after July 1, 1986, and who by the date the residency begins has not passed FMGEMS or received certification from or passed an examination of ECFMG, would not be counted at all. Once the FMG passed the test, he or she would be counted on the same basis as any other resident in an approved program for the remainder of his or her graduate medical education training in approved programs.

d. *Counting FMGs who pass FMGEMS.* As was pointed out above in the discussion of the transition period rule, once the FMG passes FMGEMS, the FMG is counted on the same basis as any other resident in an appoved program. Thus, the FMG counted as 1.0 if the FMG is in an initial residency period. For the period July 1, 1986 through June 30, 1987, an FMG who is not in an initial residency period would be counted as .75 and as .5 for the period beginning on July 1, 1987. The counting of FMGs is complicated by the fact that the time spent in an approved residency program counts toward the completion of an initial residency period regardless of whether the FMG who has not pased FMGEMS is partially counted or not counted at all. The definition of an initial residency period in section 1886(h)(5)(F) of the Act does not require that training be subsidized by Medicare in order for the training to be counted towards the completion of an initial residency period. Thus, any training that can be counted toward certification in a speciality, including any training outside the United States that has been deemed acceptable, is counted in the determination of the initial residency period.

Example. Dr. Smith graduated from a foreign medical school in June 1976 and entered an approved family practice residency program on July 1, 1986. Dr. Smith passed both parts of FMGEMS effective July 1, 1987. Dr. Smith is not counted at all for the period of time prior to July 1, 1987, since he had not passed FMGEMS and is not covered by the transition period rule. However, he is fully counted for the second and third year of his residency program beginning July 1, 1987 and July 1, 1988 respectively. As of July 1, 1989, Dr. Smith would have completed three years of a four-year initial residency period in family practice despite the fact that Medicare shared in the funding of his training for only the second and third year. If Dr. Smith then entered a subspeciality training program, he would be counted as 1.0 for one additional year.

6. Medicare Patient Load

Section 1886(h)(3)(C) of the Act defines "Medicare patient load" during a cost reporting period as "* * * the fraction of the total number of inpatient-bed-days (as established by the Secretary) during the period which are attributable to patients with respect to whom payment may be made under part A." This definition provides the basis for determining Medicare's share of GME costs that would be paid to a hospital or health care complex using the payment methodology proposed in this rule. We are proposing that the calculation by made by dividing total Part A inpatient days by total inpatient days (that is, Medicare and non-Medicare inpatient days) to determine the Medicare patient load. In the case of a health care complex, we propose that the Medicare patient load for the hospital part of the complex be used as the Medicare payment share for the complex as a whole. We believe this to be a reasonable approach since it would not be possible to determine Medicare's share of GME costs for a hospital-based home health agency based on bed days since this would not be a relevant factor. In addition, we note that section 1886(h) of the Act refers specificially to hospitals. Therefore, we believe that use of the Medicare patient load of the hospital would seem an appropriate measure for apportioning payment between Medicare and non-Medicare. The inpatient days would include inpatient days of the hospital that are payable under Part A, which include special care units of the hospital along with its subproviders, including distinct part psychiatric, rehabilitation, and alcohol/drug units that are excluded from the prospective payment system. (We note that alcohol/drug units were excluded from the prospective payment system for cost reporting periods beginning before October 1, 1987.) As is the case with other apportionment issues, hospital inpatient days of Medicare beneficiaries whose hospital stays are paid by risk basis health maintenance organizations are recorded as non-Medicare days. Inpatient days applicable to hospital-based skilled nursing facilities and intermediate care facilities would not be counted for the purpose of determining the Medicare patient load.

7. Apportionment between Part A and Part B

Although 1886(h)(1) of the Act provides for the "allocation" of Medicare payment between Part A and Part B, we interpret this to mean that Medicare's liability for direct GME payment must be apportioned between the respective trust funds from which payments are made. We are proposing that payment under Part A and payment under Part B be based on the ratio of Medicare's share of reasonable costs excluding graduate medical education costs attributable to each part for the individual provider as determined through normal Medicare cost finding rules. If this proposal is adopted, appropriate changes will be made to the cost reporting forms in order to identify GME costs payable under Part B.

8. Example

Following is an example of how the payment methodology described above would work. A hospital's base cost reporting period is January 1 through December 31, 1984. Its audited cost report for that period shows total allowable GME costs of $2,000,000 and 50 residents. The hospital has 48 FTE residents for the cost reporting period from Janauary 1 through December 31, 1986, reflecting reductions for FMGs and residents who are no longer in initial residency periods during the second half of the cost reporting period.

Step one—Determine the hospital's approved per resident amount by dividing total allowable costs of GME by the number of interns and residents in approved programs as shown on the cost report. $2,000,000 divided by 50 = $40,000 = base period per resident amount.

Step two—Update the amount determined in step one by the CPI-U for 12/31/84 hospitals, which is 1.0357. Thus, $40,000 x 1.0357 = $41,428 = updated base period amount.

Step three—Determine the per resident amount for the next cost reporting period beginning on or after July 1, 1985 (that is, the cost reporting period beginning January 1, 1986) by increasing the updated base period amount computed in step two by one percent. Thus, $41,428.00 x 1.01 = $41,842.28 = per resident amount for the cost reporting period from Janaury 1 through December 31, 1986.

Step four—Calculate the aggregate approved amount by multiplying the per resident amount determined in step three by the weighted number of FTEs. The hospital has 48 FTE residents during the cost reporting period for Janaury 1 through December 31, 1986. Thus, $41,842.28 x 48 FTEs = $2,008,429.44 = aggregate approved amount for cost reporting period from January 1 through December 31, 1986.

Step five—Multiply the aggregate approved amount determined in step four by the Medicare patient load. The hospital has 7000 Medicare inpatient days and 20,000 total inpatient days, or utilization of 35 percent (7000 divided by 20,000) in the cost reporting period. Thus, $2,008,429.44 x .35 = $702,959.30 = Medicare's share of GME costs.

Step six—Apportion Medicare's share between Part A and Part B using the proportion of Medicare's share of reasonable costs excluding GME costs payable under each Part.

It has been determined that the hospital's Medicare reasonable costs, less GME costs, for the cost reporting period ending December 31, 1986 are $50,000,000. Through normal cost finding, it was determined that $42,500,000 was reimbursable under Part A and $7,500,000 was reimbursable under Part B. These amounts break down to an 85/15 split respectively, which would then be applied to Medicare's share of GME costs as determined in step 5.

$702,950.30—Medicare's share of GME costs
× .85 — % of Meidcare costs payable under Part A
$597,507.76—Payable under Part A

$702,950.30—Medicare's share of GME costs
× .15 — % of Medicare costs payable under Part B
$105,442.55—Payable under Part B.

9. Identifying Approved Teaching Programs

In addition to the changes required by section 1886(h) of the Act that are discussed above, we are proposing to clarify what constitutes an approved program for the purpose of payment for direct GME costs. Program experience indicates that in the past there has been a problem in identifying approved teaching programs for certain medical subspecialties. These programs are sometimes called "fellowship" programs. However, a problem arises because the term "fellow" can also be used to denote an individual who has received a faculty appointment or who is involved in a research project, as opposed to one who is furnishing services to hospital patients.

In some areas of medical specialty, subspecialty training programs have traditionally been accredited independently of general programs in the specialty. Examples of this are thoracic and neurological surgery programs which are accredited independently of general surgery programs. In other specialties, however, individual subspecialty programs were not accredited although they were given in conjunction with an accredited general specialty program. The most notable example of this situation is in the specialty of internal medicine. A resident completed a three-year program in general internal medicine and entered a fellowship program (for example, cardiology, nephrology, or oncology) for which the resident received a certificate of special competence by the appropriate board. Prior to 1986, these subspecialty programs were not individually accredited, and we have received several inquiries as to whether these programs should be treated as approved programs.

Historically, section 1861(b)(6) of the Act has provided the statutory basis for determining approval of GME programs. It cites approving bodies for graduate programs in medicine, osteopathy, dentistry, and podiatry. The approving body for GME programs in medicine is currently the ACGME. (Section 1861(b)(6) of the Act cites the Council on Medical Education of the American Medical Association. This association has been replaced in this function by the ACGME. Section 1873 of the Act permits the recognition of successor oganizations at the discretion of the Secretary.)

The Medicare program has generally treated fellowship programs as if they were accredited and paid for the services of residents in these programs as residents in approved programs. We believe that it was not the intent of Congress, in adding section 1886(h)(5)(A) to the Act, to change that practice. The law and conference report do not indicate that section 1886(h)(5)(A) of the Act was intended to change the types of residency programs that Medicare supports except to expand the coverage to programs in geriatric medicine.

Section 1886(h)(5)(A) of the Act sets forth a new definition of an approved medical residency program that largely resolves any question about the status of these fellowship programs in past years. It defines an approved medical residency program as "a residency or other postgraduate medical training program participation in which may be counted toward certification in a speciality or subspecialty * * *." Thus, for the purpose of determining direct GME costs, Congress has shifted the emphasis from the accreditation of the program to the acceptability of the training for the purpose of attaining certification in a specialty or subspecialty. Further, the internal medicine subspecialty programs are now individually accredited by the ACGME.

However, section 1886(h)(5)(A) of the Act did not change the existing reference in section 1861(b)(6) of the Act with respect to approved programs. Therefore, we are faced with the rather complicated situation of having two statutory definitions of an approved residency program for cost reporting periods beginning on or after July 1, 1985. We propose to resolve this matter by defining an approved program as a residency program in medicine, osteopathy, dentistry, or podiatry that is approved by one of the national accrediting bodies set forth in section 1861(b)(6) of the Act or that may be counted toward certification in a medical specialty or subspecialty cited in the 1985–1986 Directory of Residency Training Programs. Furthermore, any

fellowship program that meets the requirements of an approved program in geriatric medicine as defined by the Secretary will also be included in this definition.

In the case of residents or fellows in programs that meet none of these criteria, Medicare would pay its share of the costs of residents not in approved programs as described in § 405.523 of our regulations regarding residents not in approved teaching programs. Under § 405.523, hospitals are paid under Part B for up to 80 percent of the reasonable costs of services (that is, salaries and salary-related fringe benefits) of interns and residents who are not in approved programs, after payment of the Part B deductible by the Medicare beneficiary. No program costs in connection with such residents are payable. The Medicare beneficiary incurs the expense of deductible and coinsurance amounts as determined on the basis of the hospital's charges under Part B of the Medicare program.

The costs relating to patient care services of licensed physicians who are classified as "fellows" but who are not in an identifiable formal program leading to certification as defined in section 1886(h)(5) of the Act but remain at a teaching hospital/medical school complex to enhance their expertise in a field of study are payable on a Part B reasonable charge basis as physicians' services.

10. Special Treatment for States Formerly Under a Waiver From Medicare's Hospital Reimbursement System

Under the authority of section 1886(d)(5)(C)(iii) of the Act, effective for cost reporting periods beginning on or after January 1, 1986, providers with direct medical education cost centers (including approved nursing and paramedical training programs) in States that formerly had a waiver under section 402 of the Social Security Amendments of 1967 or section 222(a) of the Social Security Amendments of 1972 for the operation of State reimbursement control systems will be permitted to change the order in which they allocate administrative and general costs to the order specified in the Medicare cost report.

Of the two States that terminated their waivers, New York is the only State affected by this provision. Most hospitals in New York, including hospitals with direct medical education cost centers, allocate administrative and general costs in a manner that differs from the recommended order prescribed in the Medicare cost report. Many of these hospitals use an order of allocation in which the administrative and general cost center follows, rather than precedes, the direct medical education cost centers. As a result of this methodology, none of the hospital's administrative and general costs were allocated to the direct medical education cost centers. This has had the effect of increasing the Medicare inpatient operating costs for teaching hospitals in New York and reducing the amount of medical education costs including the GME costs upon which the resident amounts are to be based. Because of concerns about this matter, Congress enacted section 9202(j) of Pub. L. 99-272, but because New York never had a reimbursement control program approved under section 1886(c) of the Act, as specified in that section of Pub. L. 99-272, we provided for the same adjustments under the general exception and adjustment authority of section 1886(d)(5)(C)(iii) of the Act.

Under that authority, we provided for—

- An adjustment of Federal regional prospective payment system rates for region 2 based on the assumption that all teaching hospitals in New York use the allocation order prescribed in the Medicare cost report; and
- An adjustment of the hospital-specific rate for hospitals that choose to follow the order of allocation prescribed by the Medicare cost report.

Also under that authority, we propose to provide an adjustment of direct GME costs for the cost reporting period beginning in Federal FY 1984 for the purpose of determining per resident amounts.

The first two of these adjustments were discussed in detail in the June 3, 1986 proposed rule concerning changes to the prospective payment system (52 FR 20027-20028) and in the September 3, 1986 final rule governing changes to the prospective payment system (51 FR 31522-31523). In order to accommodate the third adjustment described above, we are proposing to allow hospitals in New York that have GME costs in the cost reporting period beginning in Federal FY 1984 to change the method by which they allocate administrative and general costs to the method specified in the Medicare cost report for Federal FY 1984 for the purpose of establishing per resident amounts. The intermediary will have to ensure that the shifted costs are properly allocated between cost of residency programs and costs of other medical education programs, since only the former go into the base used to determine the per resident amounts. These amounts should be updated as indicated for the cost reporting periods beginning on or after July 1, 1985, even though the per resident amounts will not serve as the bases of Medicare payment in these hospitals until January 1, 1986. Since the New York waiver ended for all hospitals effective December 31, 1985, the per resident amounts will be applied to cost reporting periods or portions of cost reporting periods effective January 1, 1986. As of that date, direct GME costs of New York hospitals would be payable on the same basis that applies to providers in other States. It is important to note that this proposed provision would not affect payments for cost reporting periods or parts of cost reporting periods that fall before January 1, 1986. The New York teaching hospitals will have to continue to follow the specified allocation order to apportion costs between Part A and Part B thereafter.

11. Teaching Hospitals That Elect Cost Payments for Physicians' Direct Medical and Surgical Services Furnished to Medicare Beneficiaries

Section 1861(b)(7) of the Act provides that if all the physicians who furnish medical or surgical services to Medicare beneficiaries in the hospital agree not to bill charges for these services, a teaching hospital may elect to be paid on a reasonable cost basis for those services. This provision, as added by section 227 of the Social Security Amendments of 1972 (Pub. L. 92-603), was intended in part to simplify the administration of the program by eliminating the need for the hospital to document what portion of the physician's time is attributable to "medical and surgical services," and what portion constitutes "supervision of interns and residents." This documentation would otherwise be necessary in order to establish whether the "attending physician" criteria were met, which would allow the physicians to bill charges under Part B for their medical and surgical services. (See S. Rep. No. 1230, 92d Cong., 2d Sess. 198 (1972).)

We do not believe that section 1861(b)(7) is inconsistent with section 1886(h) of the Act, which, as discussed above, provides that effective with cost reporting periods beginning on or after July 1, 1985, the direct costs of GME will be paid on the basis of per resident amounts, rather than reasonable cost. The per resident amount will be based on GME costs included in the hospital's intern and resident cost center in a specified base year.

For those hospitals that made the election under section 1861(b)(7) for cost reporting periods beginning prior to

October 1, 1983, both physicians' medical and surgical services, and any supervision of interns and residents incident to furnishing the medical and surgical services in a hospital, were treated separately and paid through a special payment arrangement during the base year. Moreover, as explained above, there is no documentation that would provide the basis for distinguishing between the time spent on medical services as opposed to supervision. Accordingly, the supervision of interns and residents under these circumstances will not be reflected in the per resident amounts for payment of direct GME costs under section 1886(h) of the Act, but will be reimbursed separately, on a reasonable cost basis pursuant to the election provided by section 1861(b)(7) of the Act.

However, if a hospital made the section 1861(b)(7) election after the Federal FY 1984 base year, the costs of supervising interns and residents would have been included in the intern and resident cost center, and therefore were included in the calculation of the per resident amount. Thus, the effect of the 1861(b)(7) election would be a duplicate payment for the supervisory services. Accordingly, for hospitals that elect the special payment method for cost reporting periods beginning on or after the Federal FY 1984 base year, we propose to adjust the per resident amounts for GME to reflect proportionately lower costs from those that are represented in the amounts determined for other teaching hospitals, in order to avoid duplicate payments.

12. End Stage Renal Disease (ESRD) Exception Criteria

Currently, payment for educational costs is included in the composite rate payment system for outpatient dialysis services. A hospital-based ESRD facility that incurs costs attributable to an approved residency or nursing education program may request an exception to its composite rate payment. To qualify, a hospital-based ESRD facility must incur costs above its composite rate payment that are attributable to its educational program, as described in § 413.170(g)(3). Section 1881(b)(1) of the Act requires Medicare to pay for institutional dialysis services and supplies. Section 1881(b)(2)(B) of the Act determines how these outpatient dialysis services are paid. Neither of these sections requires Medicare to pay for medical educational costs under the composite rate payment system. Under section 1886(h) of the Act, however, payment for GME costs in hospital-based ESRD facilities would be payable through per resident amounts. Therefore, we are proposing that any costs attributable to approved residency, nursing, and paramedical training programs be excluded from the composite rate. Costs associated with approved residency programs would be payable through the per resident amounts. Costs incurred in connection with approved nursing and paramedical training programs would be reimbursable on a reasonable cost basis under the authority of § 413.85. Such treatment of these costs would eliminate the need for exception criteria for the cost of approved educational activities. This proposal would be applicable to cost reporting periods beginning on or after July 1, 1985, the effective date of section 1886(h) of the Act.

In conjunction with this proposal, in order to avoid duplicate payments that might result because of this statutory effective date, it will be necessary to recover or offset any exception amounts already paid that are related to GME programs for cost reporting periods beginning on or after July 1, 1985, since these amounts would be payable through the per resident payment established by section 1886(h) of the Act. To prevent overpayments from continuing, HCFA would not approve any new composite rate educational exceptions once the regulations contained in this rule are published in final.

IV. Regulatory Impact Analysis

A. Introduction

Executive Order (E.O.) 12291 requires us to prepare and publish an initial regulatory impact analysis for any proposed regulation that meets one of the E.O. criteria for a "major rule"; that is, that would be likely to result in: An annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or 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 estimate tha this proposed rule would have an annual effect of more than $100 million over the next five fiscal years. Therefore, we are required under E.O. 12291 to prepare a regulatory impact analysis.

In addition, we generally prepare an initial 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 proposed regulation would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all hospitals as small entities. Also, section 1102(b) of the Social Security Act requires the Secretary to prepare an initial regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hosptials. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside of a Metropolitan Statistical Area.

The following discussion, in combination with the rest of this proposed rule, constitutes a combined regulatory impact analysis and regulatory flexibility analysis. However, because there are so few small rural hospitals with approved graduate medical education programs, we have determined, and the Secretary certifies that this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

B. Affected Entities

We estimate that approximately 1,000 acute care hospitals in the 50 States and in Puerto Rico have approved programs for which they are receiving Medicare reimbursement for GME costs. In 1984, there were approximately 74,500 interns and residents enrolled in approved programs.

The following chart shows the distribution of short-term acute care hospitals with approved GME programs, and interns and residents by census division.

PERCENT OF ACUTE CARE HOSPITALS WITH APPROVED GRADUATE MEDICAL EDUCATION PROGRAMS IN FEDERAL FY 1984 AND RESIDENTS ON DUTY ON SEPTEMBER 1, 1984 BY CENSUS DIVISION

	Teaching hospitals (percent)	Residents [1] (percent)
New England	6.9	7.3
Middle Atlantic	20.8	23.7
South Atlantic	13.1	14.7
East North Central	22.5	17.7
East South Central	5.4	4.4
West North Central	8.8	6.8
West South Central	6.7	9.1

PERCENT OF ACUTE CARE HOSPITALS WITH APPROVED GRADUATE MEDICAL EDUCATION PROGRAMS IN FEDERAL FY 1984 AND RESIDENTS ON DUTY ON SEPTEMBER 1, 1984 BY CENSUS DIVISION—Continued

	Teaching hospitals (percent)	Residents [1] (percent)
Mountain	3.3	3.1
Pacific	11.3	12.1
Puerto Rico	1.3	1.1
Total	[2] 100.1	100.0

[1] Source: 1985 Directory of Residency Training Programs; Accreditation Council of Graduate Medical Education.
[2] Total does not add to 100 percent due to rounding.

The chart shows that the distributions of teaching hospitals and residents paralled each other fairly closely. The Middle Atlantic division has the greatest number of teaching hospitals and residents while the Mountain census division has the smallest number of teaching hospitals and residents.

It should be noted that while data presented in the chart represent only general acute care hospitals (primarily those hospitals under the prospective payment system), these regulations would apply to all participating Medicare hospitals and hospital care complexes having residents. These include long-term care hospitals, children's hospitals, psychiatric facilities, alcohol/drug treatment hospitals, and rehabilitation hospitals.

C. Savings

These proposed regulations would implement the statutory requirement to control the growth in payments to providers with currently approved GME programs by limiting payment increases for direct GME costs to increases in the CPI–U, rather than paying these costs on the basis of the provider's allowable reasonable costs. We also expect to achieve some small savings by reducing the per resident amount paid for residents not in an initial residency period. The following table presents the estimated savings expected to be achieved from implementing this proposed rule, relative to what we estimated would be paid for the direct cost of GME under Medicare reasonable cost principles. The statutory provision requiring this regulation effectively negated the July 5, 1985 regulation that placed cost limits on GME payments and resulted in greater savings than those shown below.

SAVINGS

[Rounded to the nearest $10 million]

FY 1989	FY 1990	FY 1991	FY 1992	FY 1993
[1] $360	[1] $420	[1] $500	$430	$520

[1] These amounts include an additional $180 million in estimated savigs for retroactive application of this rule back to the date of July 1, 1985, the effective date of section 1886(h) of the Act and ending September 30, 1988. Thus, amounts in excess of the proposed limits for the period July 1, 1985 through September 30, 1988 would be recognized and adjusted over a three year period following date if implementation.

It should be noted that while apportionment of total GME costs to Medicare under section 1886(h)(3) of the Act is made on the basis of the proportion of inpatient days attributable to Medicare, our savings estimates are based on the method of apportioning costs to Medicare as used in the Medicare cost report. Ancillary and outpatient service costs are apportioned on the basis of charges, whole routine and special care services are apportioned on the basis of patient days. Thus, the actual impact of the proposed rule may vary significantly from our projections depending on the degree to which inpatient days is an accurate representation of overall utilization.

D. Expected Effects

Affected providers would view our proposal as having an adverse effect on their GME programs. Providers are likely to claim that the proposal will seriously impair their teaching programs and may even have detrimental effect on the quality of care furnished to patients. However, we are only implementing the provisions of section 9202 of Pub. L. 99–272, and section 9314 of Pub. L. 99–502, and we do not believe that there will be an adverse effect either on the educational programs offered by providers or on the quality of care provided to patients. We see no reason for a hospital to curtail any of its prinicpal teaching activities or programs that would affect the quality of either education or patient care because of this proposal. Since the rule would affect primarily the rate at which payment for GME costs increase, in our view, the major impact would be on future cost increases of such items as residency stipends and administrative cost. Moreover, the magnitude of the impact on a particular provider would be tied to the proportion of Medicare patients being treated in the facility. A hospital with relatively low Medicare utilization would experience less of a decrease in total revenue than would a hospital with high Medicare utilization.

Depending on the degree to which payment for GME costs is affected, a hospital may respond to the proposed rule in one or more of the following ways:

- Seek increased program funding through fund raising, endowments or research grants.
- Review program expenses and tighten program budgets.
- Limit increases in salaries and stipends.

A hospital that views itself as having to reduce its stipends because of our proposal conceivably could be disadvantaged in competing for residents against hospitals able to grant higher stipends. However, we believe this would be a highly unusual circumstance since prospective residents select programs generally on the merits of the program rather than the stipend amount offered by the hospital. Further, it is our understanding that residents' salaries do not vary to a significant degree across programs.

E. Alternatives Considered

Prior to the enactment of section 9202 of Pub. L. 99–272, we had considered several alternatives that were based on the July 5, 1985 final rule establishing a ceiling on payment for all direct medical education expenses. The alternatives would have maintained the ceiling for either one or two more years and then permitted the payment amount to increase by the CPI–U. Also, we considered eliminating all payment for nursing and allied health professional education programs. The enactment of section 9202 of Pub. L. 99–272, however, precluded further consideration of these alternatives.

Under E.O. 12291 and the RFA we are also required to consider the consequences of not taking the proposed action. The consequence of not issuing the proposed rule would be the failure to implement duly enacted legislation. The changes being proposed, to provide full payment only for residents who are in an initial residency period and, in the case of FMGs, only those who have passed FMGEMS, are mandated by statute.

F. Conclusion

It is unclear, at this time, what effect our proposal to revise Medicare payment for GME will have if adopted. We believe it would have relatively little effect on quality of care furnished to Medicare patients in teaching facilities. However, we also anticipate that some providers may have to adopt measures either to control their GME costs or find alternative income sources.

V. Other Required Information

A. Paperwork Burden

Under section 9202(h) of Pub. L. 99–272, information required for purposes of implementation of the new section 1886(h) of the Act, as enacted by Pub. L. 99–272, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Other provisions of this proposed rule do not contain reporting requirements. Therefore, it is not necessary that the rule be reviewed by the Executive Office of Management and Budget under the latter Act.

B. Public Comment

Because of the large number of items of correspondence we normally received on a proposed rule, we are not able to acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments that we receive by the date and time specified in the "**DATES**" section of this preamble, and we will respond to the comments in the preamble of that rule.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 412

Health facilities, Medicare.

42 CFR Part 413

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Chapter IV would be amended as set forth below:

A. Part 405, Subpart E is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervisory Physicians

1. The authority citation for Subpart E continues to read as follows:

Authority. Secs. 1102, 1814(b), 1832, 1833(a), 1842(b) and (h), 1861(b) and ~~(v)~~, 1862(a)(14), 1866(a), 1871, 1881, 1886 and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395k, 1395l(a), 1395(b) and (h), 1395x(b) and (v), 1395y(a)(14), 1395cc(a), 1395hh, 1395rr, 1395ww and 1395xx.

2. In § 405.521, the last sentence of paragraph (a) and the last two sentences of paragraph (d)(1) are removed; at the end of the last sentence of amended paragraph (d)(1) the phrase, "as described in § 413.86." is inserted; and paragraph (d)(2) and (d)(3) are revised to read as follows:

§ 405.521 Services of attending physicians supervising interns and residents.

* * * * *

(d) * * *

(2) For cost-reporting periods beginning after June 30, 1973, a hospital with an approved teaching program (see § 405.522(a)) may elect to receive reimbursement on a reasonable cost basis for the direct medical and surgical services of its physicians in lieu of any payment on the basis of reasonable charges that might otherwise be payable for such services. A hospital may make this election to receive cost reimbursement only if all physicians who furnish services in the hospital that are covered under Medicare agree not to bill charges for such services (or if all the physicians are employees of the hospital and as a condition of employment they are precluded from billing for such services). If the requirements of this paragraph (d)(2) are satisfied by a hospital, the reimbursement provisions of § 405.465 are applicable.

(3) For cost reporting periods beginning on or after July 1, 1985, a teaching hospital that elects payment for the direct medical and surgical services of its physicians in accordance with paragraph (d)(2) of this section must, for purposes of calculating the per resident amounts described in § 413.86(d) of this chapter, remove from its graduate medical education base period costs, as defined in § 413.86(d) of this chapter, those costs relating to the supervision of interns and residents in approved programs related to the care of individual patients.

* * * * *

§ 405.522 [Amended]

3. In § 405.522, the phrase "Council on Medical Education" in paragraph (a) is replaced by the phrase "Accreditation Council for Graduate Medical Education".

B. Part 412, Subpart H is amended as set forth below:

PART 412—PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES

Subpart H—Payments to Hospitals Under the Prospective Payment System

1. The authority citation for Part 412 continues to read as follows:

Authority: Secs. 1102, 1122, 1871 and 1886 of the Social Security Act (42 U.S.C. 1302, 1320a–1, 1395hh, 1395ww).

2. Section 412.113 is amended by revising paragraph (b) to read as follows:

§ 412.113 Payments determined on a reasonable cost basis.

* * * * *

(b) *Direct medical education costs.* (1) Payment for the direct medical education costs of interns and residents in approved programs for cost reporting periods beginning prior to July 1, 1985, and for approved education activities of nurses and paramedical health professionals is made as described in § 413.85 of this chapter.

(2) For cost reporting periods beginning on or after July 1, 1985, payment for the direct medical education costs of interns and residents in approved programs is made as described in § 413.86 of this chapter.

(3) Except as provided in § 413.86(e)(2) of this chapter, for cost reporting periods during the prospective payment transition period, the costs of medical education must be determined in a manner that is consistent with the treatment of these costs for purposes of determining the hospital-specific portion of the payment rate as provided in Subpart E of this part.

* * * * *

C. Part 413, Subpart F is amended as set forth below:

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES

Subpart F— Special Categories of Costs

1. The authority citation for Part 413 continues to read as follows:

Authority: Sections 1102, 1122, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, and 1886 of the Social Security Act as amended (42 U.S.C. 1302, 1320a–1, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr and 1395ww).

2. In § 413.85, paragraphs (a) and (e) are revised to read as follows:

§ 413.85 Cost of educational activities.

(a) *Reimbursement*—(1) *General rule.* Except as provided in paragraph (a)(2) of this section, a provider's allowable cost may include its net cost of approved educational activities, as calculated under paragraph (g) of this section. The net cost is subject to apportionment for Medicare utilization as described in § 413.50.

(2) *Exception.* For cost reporting periods beginning on or after July 1, 1985, payment for approved residency programs in medicine, osteopathy, dentistry, and podiatry is determined as provided in § 413.86.

* * * * *

(e) *Approved programs.* Recognized professional and paramedical educational training programs now being conducted by provider institutions, and their approving bodies, include the following:

(1) Cytotechnology.	Committee on Allied Health, Education, and Accreditation in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.
(2) Dietetic internships.	The American Dietetic Association.
(3) Hospital administration residencies.	Members of the Association of University Programs in Hospital Administration.
(4) Inhalation therapy.	Committee on Allied Health, Education, and Accreditation in collaboration with the Board of Schools of Inhalation Therapy.
(5) Medical records.	Committee on Allied Health, Education, and Accreditation in collaboration with the Committee on Education and Registration of the American Association of Medical Records Librarians.
(6) Medical technology.	Committee on Allied Health, Education, and Accreditation in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.
(7) Nurse anesthetists.	The American Association of Nurse Anesthetists.
(8) Professional nursing.	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(9) Practical nursing.	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(10) Occupational Therapy.	Committee on Allied Health, Education, and Accreditation in collaboration with the Council on Education of the American Occupational Therapy Association.
(11) Pharmacy residencies.	American Society of Hospital Pharmacists.
(12) Physical therapy.	Committee on Allied Health, Education, and Accreditation in collaboration with the American Physical Therapy Association.
(13) X-ray technology.	Committee on Allied Health, Education, and Accreditation in collaboration with the American College of Radiology.

* * * * *

3. A new § 413.86 is added to read as follows:

§ 413.86 Direct graduate medical education payments.

(a) *Statutory basis and scope*—(1) *Basis.* The cost of a provider's direct graduate medical educational activities is paid for, as described in this section, under the authority of sections 1832(a)(2), 1861(b), 1861(v)(1)(A), 1861(v)(1)(C), 1861(v)(1)(Q), and 1886(h) of the Act.

(2) *Scope.* This section applies to Medicare payments to providers for the costs of approved residency programs in medicine, osteopathy, dentistry, and podiatry for cost reporting periods beginning on or after July 1, 1985.

(b) *Definitions.* For purposes of this section, the following definitions apply:

"Approved geriatric program" means a fellowship program of one or more years in length that is approved by the Accreditation Council for Graduate Medical Education (ACGME) under the ACGME's criteria for geriatric fellowship programs in internal medicine and family practice.

"Approved medical residency program" means a program that meets one of the following criteria:

(1) Is approved by one of the national organizations listed in § 405.522(a) of this chapter.

(2) May count towards certification of the participant in a specialty or subspecialty listed in the *Directory of Residency Training Programs* published by the American Medical Association.

(3) Is approved by the Accreditation Council For Graduate Medical Education (ACGME) as a fellowship program in geriatric medicine.

"Base period" means a cost reporting period that began on or after October 1, 1983 but before October 1, 1984.

"CPI–U" stands for the Consumer Price Index for All Urban Consumers as compiled by the Bureau of Labor Statistics.

"Foreign medical graduate" means a resident who is not a graduate of a medical, osteopathy, dential, or podiatry school, respectively, accredited or approved as meeting the standards necessary for accreditation by one of the following organizations—

(1) The Liaison Committee on Medical Education of the American Medical Association;

(2) The American Osteopathic Association;

(3) The Commission on Dental Accreditation; or

(4) The Council on Podiatric Medical Education.

"FMGEMS" stands for the Foreign Medical Graduate Examination in the Medical Sciences (Days I and II).

"FTE" stands for full-time equivalent.

"Medicare patient load" means, with respect to a hospital's cost reporting period, the fraction of the total number of hospital inpatient bed-days during the cost reporting period that are attributable to patients for whom payment is made under Medicare Part A.

"Resident" means an intern, resident, or fellow who participates in an approved medical residency program, including programs in osteopathy, dentistry, and podiatry, as required in order to become certified by the appropriate specialty board.

(c) *Payment for graduate medical education costs—General rule.* Except as provided in paragraph (i) of this section, beginning with cost reporting periods starting on or after July 1, 1985, hospitals and hospital-based providers are paid for the costs of approved graduate medical education programs as described in paragraphs (d) through (h) of this section.

(d) *Calculating payment for graduate medical education costs.* A provider's Medicare payment for the costs of an approved residency program is calculated as follows:

(1) *Step one.* The provider's updated per resident amount (as determined under paragraph (e) of this section) is multiplied by the actual number of FTE residents (as determined under paragraph (f) of this section). This result is the aggregate approved amount for the cost reporting period.

(2) *Step two.* The product derived in step one is multiplied by the Medicare patient load. In a health care complex, the Medicare patient load for the hospital in the complex applies to the entire complex.

(3) *Step three.* The product derived in step two is apportioned between Part A and Part B of Medicare based on the ratio of Medicare's share of reasonable costs excluding graduate medical education costs attributable to each part as determined through cost finding.

(e) *Determining per resident amounts*—(1) *For the base period.* (i) Except as provided in paragraph (e)(5) of this section, a base-period per resident amount is determined for each provider by dividing the allowable graduate medical education costs for the provider's cost reporting period beginning on or after October 1, 1983 but before October 1, 1984 by the number of FTE residents reported on the provider's cost report for that cost reporting period.

(ii) The costs used in making these determinations must be legitimate graduate medical education costs. If the average base-period per resident amount appears unreasonably high to the intermediary based on the intermediary's knowledge of the hospital's residency program, the intermediary must verify the provider's base-period costs and, if necessary, consult with the appropriate Part B carrier. Nonallowable and misclassified costs, including those previously deemed reimbursable under § 412.113(b) of this chapter must be excluded from the base-period costs.

(iii) Intermediaries will notify each hospital or health care complex that had either direct graduate medical education costs or received indirect medical education payments in cost reporting periods beginning in either fiscal year 1984 or 1985 of its base-period average per resident amount. Providers may appeal these amounts within 180 days of such notice.

(2) *Modification of the prospective payment hospital-specific rate.* (i) If a provider has its fiscal year 1984 base-period graduate medical education costs reduced under paragraph (e)(1) of this section because those costs included misclassified operating costs, the provider may request that the intermediary reexamine the classification of the affected costs in its prospective payment base year. This request must take place within 180 days of the notice by the intermediary that its base-period average per resident amount reflects the exclusion of cost from the base period because of misclassification. The provider must demonstrate to the intermediary that a modification to the hospital-specific rate is appropriate. If the provider satisfies the intermediary that a modification of the hospital-specific rate is appropraite, the intermediary will approve the request and modify the hospital-specific rate retroactively to the provider's first cost reporting period under the prospective payment system.

(ii) If costs that should have been classified as graduate medical education costs were treated as operating costs during both the graduate medical education base period and the prospective payment base year and the provider wishes to receive benefit for the appropriate classification of these costs as graduate medical education costs, the provider must provide the intermediary with sufficient evidence to justify such a change. The provider must present this information to the intermediary within 180 days of notification of its base-period average per resident amount by the intermediary. If the intermediary is satisfied that a change is justified, the intermediary will modify the provider's hospital-specific rate retroactively to the time of the intermediary's initial estimation of prospective payment base year costs.

(3) *For cost reporting periods that began July 1, 1985 through June 30, 1986.* (i) The base period per resident cost providers whose base period began during the period October 1, 1983 through June 30, 1984, is adjusted for inflation by the change in the CPI–U that occurred in the intervening cost reporting period between the base period and the first cost reporting period to which this section applies. This adjusted cost is increased by one percent.

(ii) The base period per resident cost of providers whose cost reporting period began during the period July 1, 1984 through September 30, 1984 is increased by one percent.

(4) *For cost reporting periods that begin on or after July 1, 1986.* For cost reporting periods beginning on or after July 1, 1986, each provider's per resident amount for the previous cost reporting period is adjusted by an updating factor based on the projected change in the CPI–U, for the 12-month cost reporting period. This adjustment is revised during the settlement of the cost report to reflect actual changes in the overall rate of inflation that occurred during the cost reporting period.

(5) *Exceptions*—(i) *Base period for certain providers.* If a provider did not have an approved medical residency training program or did not participate in Medicare during the base period, but either condition changes in a cost reporting period beginning on or after July 1, 1985, the provider's intermediary establishes a per resident amount for the period based on the lower of—

(A) The provider's actual costs, incurred in connection with the first year of the graduate medical education program; or

(B) The mean value of per resident amounts of hospitals located in the same wage area, as that term is used in the prospective payment system under Part 412 of this chapter, for cost reporting periods beginning in the same fiscal years. If there are fewer than three amounts that can be used to calculate the mean value, the intermediary must contact HCFA Central Office for a determination of the appropriate amount to use.

(ii) *Short or long base period cost reports.* If a hospital's FY 1984 cost reporting period reflects medical education costs for a period shorter than 50 weeks or longer than 54 weeks, the intermediary will convert the allowable costs for the base period to a monthly figure. The monthly figure is then multiplied by 12 to derive the approved per resident amount for a 12-month cost reporting period. If a hospital has two cost reporting periods beginning in FY 1984, the later period will serve as the base period.

(iii) *Short or long cost reporting periods beginning on or after July 1, 1985.* If a hospital's cost reporting period is shorter than 50 weeks or longer than 54 weeks, the hospital's intermediary should contact HCFA Central Office to receive a special CPI–U update factor.

(f) *Determining FTE status.* In determining the FTE status of a provider's residents for a particular cost reporting period, the provider must furnish the following information for each resident so that the resident may be included in a hospital's FTE count. (Any resident who is employed by a Federal entity is excluded from the FTE count.) The information must be certified by an official of the hospital and, if different, an official responsible for administering the residency program.

(1) The name and social security number of the resident.

(2) The type of residency program in which the individual participates and the number of years the resident has completed in all types of residency programs.

(3) The dates the resident is assigned to the hospital.

(4) The dates the resident is assigned to other hospitals during the cost reporting period if any.

(5) The name of the medical, osteopathic, dental, or podiatric school

from which the resident graduated and the date of graduation.

(6) If the resident is an FMG, documentation concerning whether the resident has satisfied the requirements of paragraph (h) of this section.

(g) *Determining the number of FTE residents.* Subject to the rules in paragraph (h) of this section, HCFA determines a provider's number of FTE residents by applying a weighting factor to each resident and then summing the resulting numbers that represent each resident. The weighting factor is determined as follows:

(1) For purposes of this section, an initial residency period is the number of years necessary to satisfy the minimum requirements for certification in a specialty or subspecialty, plus one year. An initial residency period may not exceed five years in order to be counted toward determining FTE status except in the case of fellows in an approved geriatric program whose initial residency period may last up to two additional years.

(i) For residency programs other than those specified in paragraphs (g)(1)(ii) and (g)(1)(iii) of this section, the initial residency period is the minimum number of years of formal training necessary to satisfy the requirements for initial board eligibility in the particular specialty for which the resident is training, as specified in the 1985–1986 Directory of Residency Training Programs.

(ii) For residency programs in osteopathy, dentistry, and podiatry, the minimum requirement for certification in a specialty or subspecialty is the minimum number of years of formal training necessary to satisfy the requirements of the appropriate approving body listed in § 405.522(a) of this chapter.

(iii) For residency programs in geriatric medicine approved by the ACGME, as set forth in later editions of the directory specified in paragraph (g)(1)(ii) of this section, these programs are considered approved programs retroactively to the latter of—

(A) The starting date of the program within a hospital; or

(B) The provider's costs reporting period beginning on or after July 1, 1985.

(iv) The time spent in residency programs that do not lead to certification in a specialty or subspecialty, but that otherwise meets the definition of approved programs, as described in paragraph (b) of this section, is counted towards the initial residency period limitation.

(2) If the resident is in an initial residency period, the weighting factor is one.

(3) If the resident is not in an initial residency period, the weighting factor is .75 during the period from July 1, 1986, through June 30, 1987, and is .50 thereafter without regard to the hospital's cost reporting period.

(4) Effective July 1, 1987, the time residents spend in nonprovider settings such as freestanding clinics, nursing homes, and physicians' offices in connection with approved programs is not excluded in determining FTE status in the calculation of a provider's resident count if the following conditions are met:

(i) The resident spends his or her time in patient care activities.

(ii) There is a written agreement between the hospital and the outside entity that states that the resident's compensation for training time spent outside of the hospital setting is to be paid by the hospital.

(h) *Special rules for foreign medical graduates.* (1) If a foreign medical graduate has passed FMGEMS or has previously received certification from, or has passed an examination of, the Educational Committee for Foreign Medical Graduates prior to July 1, 1986, the weighting factor for a comparable resident under paragraph (g) of this section is applied.

(2) During a one-year transition period from July 1, 1986 through June 30, 1987, for a graduate of a foreign medical school who was in a residency program both before and after July 1, 1986 but who has not passed FMGEMS or has not previously received certification from, or passed a previous examination of, the Educational Commission for Foreign Medical Graduates, a weighting factor of .50 times the weight for a comparable resident under paragraph (g) of this section is applied.

(3) During the cost reporting period in which a foreign medical graduate passes FMGEMS, the weighting factor under paragraph (g) of this section for a comparable resident is applied for the parts of the cost reporting period beginning with the month the resident passes the test.

(i) *Special rules for States that formerly had a waiver from Medicare reimbursement principles.* (1) Under the authority of section 1886(d)(5)(C)(iii) of the Act, effective for cost reporting periods beginning on or after January 1, 1986, providers in States that, prior to becoming subject to the prospective payment system, had a waiver for the operation of a State reimbursement control system, under section 402 of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1) or section 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b–1 (note)) are permitted to change the order in which they allocate administrative and general costs to the order specified in the instructions for the Medicare cost report.

(2) For providers making this election, the base year costs for the purpose of determining the per resident amount are adjusted to take into account the change in the order by which they allocate administrative and general costs to interns and residents in approved program cost centers.

(3) Per resident amounts are determined for the base period and updated as described in paragraph (e) of this section. For cost reporting periods beginning on or after January 1, 1986, payment is made based on the methodology described in paragraph (d) of this section.

§ 413.170 [Amended]

4. In § 413.170, paragraph (g)(3) is removed and reserved.

(Catalog of Federal Domestic Assistance program No. 13.773, Medicare-Hospital Insurance)

Dated: February 11, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: April 28, 1988.

Otis R. Bowen,

Secretary.

[FR Doc. 88–21433 Filed 9–20–88; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88–397, RM–6326]

Radio Broadcasting Services; Essex, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Howard B. Anderson seeking the allotment of FM Channel 255B to Essex, California, as its first local broadcast service. However, the proponent is requested to provide additional information in an effort to establish that Essex is a *bona fide* "community" for allotment purposes. Reference coodinates utilized for this proposal are 34–45–51 and 115–15–07.

DATES: Comments must be filed on or before October 28, 1988, and reply comments on or before November 14, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Nadine S. Samter, Esq., Hogan & Hartson, Columbia Square, 555 13th Street NW., Washington, DC 20004–1109.

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. 88–387 adopted August 1, 1988, and released September 7, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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. 88–21492 Filed 9–20–88; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 80993–8193]

Shrimp Fishery of the Gulf of Mexico

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). This proposed rule provides that the minimum size landing and possession limits of the State where landed apply to white shrimp taken in the exclusive economic zone (EEZ). The rule, as proposed, is intended to foster cooperation with the States in the management of white shrimp by providing for consistency between State and Federal management measures, facilitate enforcement, and enhance yield from the fishery by deferring harvest of small white shrimp, thus allowing growth and promoting efficient use of the resource. The Secretary of Commerce (Secretary) has not yet determined that Amendment 4 and this proposed rule comply with the requirements of the Magnuson Act and other applicable laws, and requests information that will be of assistance in making that determination. The Secretary also requests comments concerning alternatives available to the State and the Gulf of Mexico Fishery Management Council (Council) to effectively manage the white shrimp fishery.

DATE: Written comments must be received on or before October 5, 1988.

ADDRESS: Comments on this proposed rule and requests for copies of Amendment 4 to the FMP, the environmental assessment, and the regulatory impact review should be sent to Michael E. Justen, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813–893–3722.

SUPPLEMENTARY INFORMATION:

Background

The shrimp fishery is managed under the FMP and its implementing regulations at 50 CFR Part 658 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). This proposed rule would implement Amendment 4 to the FMP, prepared by the Council. The shrimp fishery managed by the FMP contains brown shrimp, white shrimp, pink shrimp, rock shrimp, seabobs and royal red shrimp. Amendment 4 was submitted by the Council in December 1987. It was preliminarily disapproved on January 4, 1988 because it did not contain enough information to justify the proposed management measure for white shrimp, and because the economic analyses regarding the catch of small white shrimp taken in association with the directed fishery for seabobs and the directed fishery for white shrimp in the EEZ were not adequate. Amendment 4 was resubmitted by the Council on August 21, 1988, with limited additional information.

Amendment 4 identifies additional problems which have developed in the fishery and revises the objectives of the FMP accordingly. The annual review process for the Tortugas sanctuary is simplified, and the period for annual review of the Texas closure is extended to February 1. A program to assist in the recovery of endangered and threatened species of sea turtles is recommended. A previously approved measure for addressing obstructions to shrimp trawling is broadened to reflect consideration of underwater and surface obstructions as hazards to trawling and navigation. Amendment 4 also updates the habitat information in the FMP by including readily available information regarding habitat significant to the fishery and the effects changes in that habitat may have upon the fishery. The amendment does not impose a requirement for use of unsafe (or other) gear, nor does it direct fishing effort to periods of adverse weather conditions.

The only measure proposed in Amendment 4 that would necessitate a regulatory change is the requirement that white shrimp taken in the EEZ conform to the minimum-size landing and possession limits of the State where landed. According to the Council, this action would provide consistency between State and Federal regulations, facilitate enforcement, and enhance yield in volume and value from this fishery by deferring harvest of small shrimp, thus allowing growth and promoting efficient use of the resource. Because of the existence of a seasonal fishery for seabobs off Louisiana in which small white shrimp often occur as an unavoidable bycatch, this measure would not be implemented until Louisiana provides for retention of white shrimp as allowable bycatch, which reduce or avoid disruption of its seabob fishery. The Department of Wildlife and Fisheries of the State of Louisiana indicates that a legislative measure to provide such a bycatch allowance will be considered by the Louisiana legislature when it convenes in April 1989.

Analysis and Justification

Louisiana has established a minimum size limit for possession of whole white shrimp of 100 shrimp to the pound (100-count). Shrimp smaller than 100-count have low value and have not achieved their growth potential. Fishing for white

shrimp smaller than 100-count results in growth overfishing.

In December and January, small white shrimp are driven by cold fronts from the inshore water to warmer waters offshore. While Louisiana protects these shrimp, which are smaller than 100-count, within its waters, the possible presence of small shrimp in the EEZ has made Louisiana law difficult to enforce. Fishermen can claim that undersized shrimp were caught in the EEZ and, thus, are not subject to Louisiana's jurisdiction. Effective enforcement by Louisiana requires a costly at-sea presence to counter such claims. This proposed rule would facilitate enforcement by Louisiana.

The amount of white shrimp smaller than 100-count caught in the EEZ varies by year according to environmental conditions. In 1985, approximately 1.7 million pounds of white shrimp smaller than 100-count were caught in the EEZ. This represented approximately 3 percent of the entire U.S. catch of white shrimp from the Gulf of Mexico. All but about 30,000 pounds came from the EEZ off Louisiana. Based on these data, this proposed rule would defer the harvest of approximately 1.67 million pounds of small white shrimp harvested from the EEZ off Louisiana plus unknown quantities previously illegally harvested from the waters of Louisiana. Allowing these shrimp to grow to a larger, more valuable size is expected to result in increased yield from the fishery.

The FMP for white shrimp specifically rejected establishing a minimum shrimp count size in the EEZ because imposition of a minimum size count with a forced discard "is unnecessary and would result in increased biological waste due to the culling of shrimp smaller than permitted * * *". The FMP also asserts that since Louisiana has a developed market for the small size ranges of shrimp, size regulation without area closures to protect undersized shrimp would be expected to result in greater fishing effort in nearshore and inland waters on juvenile shrimp. The FMP also purports to "encourage states to permit the landing of any size shrimp from open areas". The application of existing and future State minimum-size landing and possession limits to white shrimp harvested from the EEZ under Amendment 4 represents a departure from the existing management regime contained in the FMP. However, a minimum size limit can be effective if it prevents fishing mortality on small shrimp. Large shrimp are uncommon inshore in December and January in the areas where the small white shrimp found. Small white shrimp occur in schools and would constitute a directed fishery rather than an unwanted bycatch during the January–December period. Therefore, it is unlikely that they would be culled and discarded in a fishery directed at larger shrimp.

Minimum-size limits established for whole white shrimp taken in the waters of other States are 47 to the pound in Florida, and 68 to the pound in Alabama and Mississippi. Texas has no minimum size limit, but closes its waters out to 7 fathoms from December 16 through February 1 to protect small white shrimp. This proposed rule would enable Alabama, Florida, Louisiana, Mississippi or Texas to alter State regulations to apply to all white shrimp landed in its jurisdiction. According to Amendment 4 and this proposed rule, regulatory changes by the States would become effective immediately for white shrimp harvested in the EEZ. Amendment 4 cannot analyze what effects the alteration of specific minimum-size and possession regulations by the States would have on catch and revenue of vessels fishing for white shrimp in the EEZ. Also not addressed is the number of vessels in the fishery for small white shrimp which would be affected or the extent of that effect by a 100-count or other specific minimum size limit in the EEZ.

A traditional winter fishery for seabobs (a small species of shrimp averaging 120 to the pound) exists off Louisiana during the same months that small white shrimp occur in the EEZ. Small white shrimp, about the same size as the seabobs, are regularly taken as bycatch in this fishery. In accordance with Amendment 4, this rule, which applies the minimum-size landing and possession limits of the State where landed to white shrimp taken in the EEZ, will not be implemented until Louisiana provides for an allowable bycatch of small white shrimp in the seabob fishery in its landing and possession limits. Amendment 4 anticipates that the level of allowable bycatch so provided reduces or avoids disruption of the seabob fishery, but the economic data and analysis for determining that Amendment 4 and the proposed rule comply with the Regulatory Flexibility Act or E.O. 12291 is very limited.

Accordingly, the Secretary requests public comment on the following areas in order to supplement the economic data and analyses contained in Amendment 4:

(a) The extent to which mixed catches of seabobs and small white shrimp are caught when fishing for seabobs or small white shrimp. During what months does this occur and which of these two kinds of shrimp account for most of the catch?

(b) What portion of annual revenue comes from seabobs?

(c) What portion of annual revenue comes from small white shrimp caught in Federal waters that would be illegal if caught in Louisiana waters?

(d) How easy or difficult is it to sort seabobs or small white shrimp?

(e) When fishing for seabobs, are small white shrimp always sorted, or do you sometimes sell mixed catches for a single price per pound?

(f) How will catch and revenue change if the Gulf States other than Louisiana revise their minimum size limits and possession regulations for white shrimp?

Furthermore, the Secretary is concerned whether the proposed white shrimp management measure is the most cost effective and beneficial method to achieve the objectives of the FMP and Amendment 4. Therefore, the Secretary also requests public comment for the Secretary's and Council's benefit to identify the options available for effective management of the white shrimp fishery.

Since most of the white shrimp fishery occurs in State waters, options for effective management of the white shrimp fishery may include:

(1) Apply the minimum-size landing and posession limits of the State where landed to white shrimp harvested in the EEZ. (This is the option proposed by the Council in Amendment 4 and for which additional information, comments and economic analysis are being sought before the Secretary determines whether this option complies with the Magnuson Act and other applicable law). In response to requests made to the Council, Amendment 4 and the proposed rule applying State regulations to white shrimp caught in the EEZ would not become effective until Louisiana provides for a bycatch of small white shrimp, which would reduce or avoid disruption of the seabob fishery.

(2) Amend the FMP and regulations to provide for a minimum shrimp count size in the EEZ.

(3) Recommend that the States revise their regulations to more fully exercise State powers.

(4) Remove white shrimp from the fishery managed by the FMP so that Louisiana and other States have fewer Federal constraints in managing their white shrimp and seabob fisheries. Most of the white shrimp occurring in the EEZ are larger than 100-count and Louisiana's enforcement problems stem primarily from a representation by

fishermen attempting to avoid Louisiana's minimum-size landing and possession limits by claiming that catches containing white shrimp smaller than 100-count were from the EEZ. By removing white shrimp from management under the FMP, this option would provide States the opportunity to expand minimum-size regulations to apply to all white shrimp landed in a State, regardless of whether the white shrimp were caught in State waters or in the EEZ.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Pub. L. 99–659, requires the Secretary to publish regulations proposed by a Council within 15 days of receipt of the amendment to a fishery management plan and its implementing regulations. At this time, the Secretary has not determined that Amendment 4 to the FMP, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment (EA) for this amendment that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a regulatory impact review which concludes that this rule will have the following economic effects. The value of white shrimp harvested at a larger size is expected to exceed the value that would be harvested in the absence of this rule. Enforcement by Louisiana of its size limits would be more efficient and effective. A copy of this review may be obtained at the address listed above.

This rule is exempt from the procedure of E.O. 12291 under section 8(a)(2) of that order. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of the order.

A determination as to whether or not this proposed rule has a significant economic impact on a substantial number of small entities will be made in conjunction with publication of the final rule. Comments are invited particularly concerning the number, size and revenue of vessels participating in the seabob fishery; the number, size and revenue of vessels participating in the smaller than 100-count white shrimp fishery in the EEZ; the effect of 100-count or other minimum-size regulations applicable to white shrimp harvested in the EEZ; and the effects on catch and revenue from the EEZ if landing laws in any of the Gulf States were to change by increasing or decreasing size limits on white shrimp.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Council has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Florida, Alabama, Mississippi and Louisiana. Texas does not have an approved coastal zone management program. These determinations have been submitted for review by the responsible State agencies under Section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 658

Fisheries, Fishing.

Dated: September 16, 1988.

William Matuszeski,

Executive Director, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 658 is proposed to be amended as follows:

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

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

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

2. Section 658.26 is revised to read as follows:

§ 658.26 Size restrictions.

There are no minimum size restrictions for shrimp taken in the EEZ except that the minimum-size landing and possession limits of the State where landed will apply to white shrimp taken in the EEZ.

[FR Doc. 88–21590 Filed 9–16–88; 4:53 pm]
BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 53, No. 183
Wednesday, September 21, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 16, 1988.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatments. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) As estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250 (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Existing

- Rural Electrication Administration
- 7 CFR Part 1750–Acquistions, Mergers, and Consolidations—Telephone Program
- REA Form 507
- On occasion
- Small businesses or organizations; 30 responses; 480 hours
- Monte Heppe, Jr. (202) 382–8530

Extension

- Agricultural Marketing Service
- Grapes Grown in a Designated Area of Southeastern California, Marketing Order No. 925
- Committee forms used
- On occasion; Annually
- Farms; Businesses or other for-profit; Small businesses of organizations;
- 466 responses; 36 hours
- Virginia M. Olson (202) 447–5057
- Agricultural Marketing Service
- Lemons Grown in California and Arizona, Marketing Order No. 910
- On occasion; Weekly Annually
- Farms; Businessess or other for-profit; 80,119 responses; 11,605 hours
- Virginia Olson (202) 447–5057

Revision

- Farmers Home Administration
- 7 CFR Part 1980–E, Business and Industrial Loan Program 449–2, 4, 22
- Recordkeeping; On occassion; Monthly; Quarterly
- State or local governments; Businesses or other for-profit; Small businesses or organizations; 18,681 responses; 76,655 hours
- Jack Holston (202) 382–9736
- Agricultural Marketing Service
- Navel Oranges Grown in Arizona and Designated Part of California, Marketing Order No. 907
- Recordkeeping; On occasion; Weekly; Annually; Daily
- Farms; Businesses or other for-profit; Small businesses or organizations;
- 210,309 responses; 25,177 hours
- Virginia M. Olson (202) 447–5057

Donald E. Holcher,

Acting Departmental Clearance Officer.

[FR Doc. 88–21500 Filed 9–20–88; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Forest Arterial Route; Uinta National Forest, UT

AGENCY: Uinta National Forest, USDA, Utah and Wasatch Counties, Utah.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an environmental impact statement for a proposal to develop a Forest Arterial Route running north-south within the Uinta National Forest. This proposal is in response to direction established in the Uinta National Forest Land and Resource Management Plan and increasing recreation use. The proposed route consists of existing road segments linked into a single travel route that would provide scenic vistas, expanded interpretive services and facilities, and increased driving for pleasure use opportunities. Such a roadway would respond to growing demand for such access facilities within the Forest, help disperse user concentrations from the Wasatch Front, and facilitate implementation of the Forest Plan.

A range of alternatives for this proposal will be considered. One of these will be nondevelopment. Other alternatives will consider travel routes that service existing use facilities, interpretative services, enhanced economic opportunities for area communities, improved access, and facilitate planned future resource developments.

Federal, State, and local agencies, potential developers, organizations, landowners, and individuals who may be interested in or affected by this proposal will be invited to participate in the scoping process. This process will include:

1. Identification of potential public issues, management concerns, and resource development opportunities.

2. Identification of issues to be analyzed in depth.

3. Elimination of insignificant issues or those which have been covered by previous environmental analyses and reviews.

4. Exploring additional alternatives.

5. Identifying potential environmental effects of the proposed action and

alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

6. Determination of potential cooperating agencies, organizations, groups, and individuals, and the assignment of responsibilities.

The Fish and Wildlife Service, Department of the Interior, and the Federal Highway Administration will be invited to participate as cooperating agencies in evaluating potential impacts on threatened and endangered species habitat if any are found to exist along the proposed route alignment.

DATE: The Supervisors Office in Provo, Utah, and the Ranger District offices in Heber City, Pleasant Grove, and Spanish Fork, Utah, will hold open houses during the hours of 1:00 p.m. to 6:30 p.m. on Friday, October 14, 1988, to explain the alternatives studied in detail and receive comments.

The analysis is expected to be concluded in December of 1988. The draft environmental impact statement should be available for public review by February of 1989.

The comment period on the draft environment impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register. It is very important that those interested in the management of the proposed Forest Arterial Route participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' positions and contentions, *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

The final environmental impact statement is scheduled to be completed by April of 1989.

ADDRESSES: Don. T. Nebeker, Forest Supervisor of the Uinta National Forest is the responsible official. Written comments and suggestions concerning the analysis should be sent to him at the Uinta National Forest, PO Box 1428, 88 West 100 North, Provo, Utah, 84602, by December 5, 1988.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and environmental impact statement should be directed to Larry B. Call, Forest Planner, Uinta National Forest, phone (801) 337–5780.

SUPPLEMENTARY INFORMATION: The Uinta National Forest Land and Resource Management Plan was approved in 1985. Standards and guidelines of the Plan direct the use of existing and future developed base areas and jumping-off points for dispersed recreation activities; the expansion of auto interpretation tours; the continued management of areas to the highest density possible to meet Forest objectives; and to supply the Uinta's portion of recreation opportunities consistent with the coordinated State-wide program.

Date: September 12, 1988.

Don T. Nebeker,

Forest Supervisor.

[FR Doc. 88–21585 Filed 9–20–88; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Subcommittee on Export Administration of the President's Export Council; Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration will be held October 20, 1988, 9:00 a.m. to 3:00 p.m. The open session will be held at the Herbert C. Hoover Building, in Room 4830, 14th & Constitution Ave., NW., Washington, DC from 9:00 a.m. until 11:15 a.m. The remainder of the morning session (11:15–11:45) as well as the entire afternoon session will be closed. All sessions will be held at the same site.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

General Session

9:00–11:15 a.m. Update on Export Administration initiatives and selected status reports by Ad Hoc Working Group Chairpersons.

Executive Sessions

11:15–11:45 a.m. and 1:30–3:00 p.m. Discussion of matters properly classified under Executive Order 12356 pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Amendments Act of 1979, as amended. The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 27, 1987, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Subcommittee, 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. 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.

For further information, contact Sharon Gongwer, (202) 377–3856.

Date: September 15, 1988.

Michael E. Zacharia,

Assistant Secretary for Export Administration.

[FR Doc. 88–21531 Filed 9–20–88; 8:45 am]

BILLING CODE 3510–DT–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment, Amendment and Correction of Imports Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Pakistan

September 16, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing, amending and correcting limits.

EFFECTIVE DATE: September 23, 1988.

AUTHORITY: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6498. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION: The Governments of the United States and Pakistan agreed to amend the current bilateral textile agreement to establish and amend 1988 limits. The limits for categories 338 and 339 also include adjustments for carryforward used in 1987.

A copy of the current agreement, as amended, is available from the Textiles Division, Economic Bureau, U.S. Department of State, (202) 647–1998.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, published on December 16, 1987). Also see 53 FR 51, published on January 4, 1988.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 16, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 30, 1987 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the period which began on January 1, 1988 and extends through December 31, 1988.

Effective on Sept. 23, 1988, the directive of December 30, 1987 is being amended to establish new and amend current limits for certain cotton, man-made fiber, silk blend and other vegetable fiber textile products in Groups I, II and III and to amend the limit for Group II.

Also, Category 369–R, not currently in group, is being added to Group I. Categories 200, 201, 222–225, 227, 229 and 239 are being removed from Group II, and, as of the effective date of this directive, are no longer subject to import control. Categories 218, 219 and 220 are being moved from Group II to Group III. All import charges in Categories 200, 201, 218–225, 227, 229 and 239 made on or after January 1, 1988, and up to but not including the effective date of this directive, shall be removed from Group II. All import charges in Categories 218, 219 and 220 made on or after January 1, 1988, and up to but not including the effective date of this directive, shall be charged to the limits established in this directive for Categories 218, 219 and 220 in Group III.

Category	New and amended limits [1]
Levels in Group I:	
226/313	75,484,147 square yards.
338	2,707,224 dozen.
339	650,000 dozen.
369–R [2]	11,956,522 pounds.
Group II:	
300, 301, 314, 317, 326, 330, 332, 333, 337, 345, 349, 350, 353, 354, 359, 360–362, 369–S [3] and 369–0 [4], as a group.	72,200,000 square yards equivalent.
Sublevel in Group II:	
317	6,000,000 square yards.
Levels in Group III:	
218	2,700,000 square yards.
219	4,500,000 square yards.
220	4,000,000 square yards.
607	1,000,000 pounds.
617	4,200,000 square yards.
650/850	55,000 dozen.
659	400,000 pounds.
666	3,250,000 pounds.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1987.
[2] In Category 369–R, only TSUSA number 366.1955.
[3] In Category 369–S, only TSUSA number 366.2840.
[4] In Category 369–0, all TSUSA numbers except 365.6615, 366.1720, 366.1740, 366.1955, 366.2020, 366.2040, 366.2420, 366.2440, 366.2840 and 366.2860.

Textle product in Categories 607, 617 and 650/850 which have been exported to the United States prior to January 1, 1988 shall not be subject to this directive.

Textitle product in Categories 607, 617 and 650/850 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1884(b)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Import charge already made to Categories 226 and 313 shall be applied to nearly merged Categories 226/313.

You are directed to charge the following amounts to the limits established in this directive for Categories 607, 617 and 650/850. These charges are for goods imported during the period January 1, 1988 through May 31, 1988.

Category	Amount to be charged
607	178,906 pounds.
617	1,254,829 square yards.
650	0.
850	0.

In addition, you are directed to correct the current limit for Category 331 to 695,500 dozen pairs (directive dated December 30, 1987).

The Committee for the Implementation of Textile Agreements has determined that these actions fall with in the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreement.

[FR Doc. 88–21530 Filed 9–20–88; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Manufacturing Board; Meeting

AGENCY: Under Secretary of Defense (Acquisition), DoD.

ACTION: Notice of 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: Defense Manufacturing Board (DMB).

Dates of Meeting: 12 October 1988.

Time: 0800–1600.

Place: Hyatt Regency Crystal City, 2799 Jeff Davis Hwy, Arlington, Va.

SUMMARY: The Defense Manufacturing Board was established to advise the SECDEF and other key officials in DoD on the proper directions to take in maintaining technological leadership in the areas of manufacturing, industrial productivity, quality control, and the industrial base. The Board is comprised of top-notch leaders from industry and the academic community. The agenda for this meeting will focus on the problems facing the manufacturing sector. The DMB Administrative Officer,

Mrs. Sherry Fitzpatrick, may be contacted for further information at (703) 756–2310.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 16, 1988.

[FR Doc. 88–21557 Filed 9–20–88; 8:45 am]

BILLING CODE 3810–01–M

Defense Policy Board Advisory Committee; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMAMRY: The Defense Policy Board Advisory Committee will meet in closed session on 20–21 October 1988 in the Pentagon, Washington, DC.

The mission of the Defense Policy Board is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinon concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters dealing with evolution of tactical nuclear planning in NATO, US space policy, Soviet strategic programs, and facilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this Defense Policy Board meeting concerns matters listed in 5 U.S.C. 552b (c)(1)(1982), and that accordingly this meeting will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 16, 1988.

[FR Doc. 88–21558 Filed 9–20–88; 8:45am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Advanced Naval Warfare Concepts; Meeting Change

ACTION: Change in date of Advisory Committee meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Advanced Naval Warfare Concepts scheduled for September 22–23, 1988, as published in the **Federal Register** (Vol. 53, No. 80, Page 14833–14834, Tuesday, April 26, 1988, FR Doc. 88–9135) will be held on November 16–17, 1988. In all other respects the original notice remains unchanged.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 16, 1988.

[FR Doc. 88–21559 Filed 9–20–88; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Use of Commercial Components in Military Equipment—Revisit; Cancellation of Meeting

SUMMARY: The meeting notice for the Defense Science Board Task Force on Use of Commercial Components in Military Equipment—Revisit scheduled for September 13, 1988, as published in the **Federal Register** (Vol. 53, No. 140, Page 27549, Thursday, July 21, 1988, FR Doc. 88–16428) has been cancelled.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 16, 1988.

[FR Doc. 88–21560 Filed 9–20–88; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Strategic Force Modernization Program; Meeting Change

ACTION: Change in date of Advisory Committee meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Strategic Force Modernization Program scheduled for November 8–9, 1988, as published in the **Federal Register** (Vol. 53, No. 140, Page 27549, Thursday, July 21, 1988, FR Doc. 88–16434) will be held on November 2–3, 1988. In all other respects the original notice remains unchanged.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 16, 1988.

[FR Doc. 88–21561 Filed 9–20–88; 8:45 am]

BILLING CODE 3810–01–M

DELAWARE RIVER BASIN COMMISSION

Meeting And Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, September 28, 1988, beginning at 1:00 p.m. at the University of Delaware's Capt. John Penrose Virden Residential Conference Center in Lewes, Delaware. The hearing will be part of the Commission's regular business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. at the same location and is scheduled to include a Status Report on the Upper Delaware Ice Jam Project and a discussion of the Commission's 1988 Water Resources Program.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Philadelphia District, Corps of Engineers (Flood Protection at Tamaqua) D–70–55 CP (Revised).* An application to extend Commission approval for a flood control project in the Borough of Tamaqua and Walker Township in Schuylkill County, Pennsylvania, until October 30, 1991. Since its approval on October 30, 1985, the project has been delayed due to lack of financing. The applicant is now ready to proceed and has requested renewal of docket approval. The project is intended to provide 100-year flood protection to 315 residential and commercial buildings in the Borough of Tamaqua. The buildings are affected by flooding of Wabash Creek, a tributary to the Little Schuylkill River. The project includes construction of a diversion structure and a 2,917 foot long tunnel/conduit system to convey floodwaters from Wabash Creek, upstream of the flood prone area, to the little Schuylkill. In addition, a 56 foot high dry dam will be constructed on North Ward, a tributary to Wabash Creek.

2. *Myerstown Water Authority D–81–67 CP RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 33 million gallons (mg)/30 days of water to the applicant's distribution system from Well Nos. 6 and 8. Commission approval on October 26, 1983 was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain limited to 33 mg/30 days. The project is located in Jackson Township and Myerstown Borough, Lebanon County, Pennsylvania.

3. *Homestead Water Utility Company, Inc. D–81–73 CP RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 12.8 mg/30 days of water to the applicant's distribution system from Well Nos. 1 and 2. Commission approval on June 23, 1982 was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain

limited to 12.8 mg/30 days. The project is located in Mansfield Township, Burlington County, New Jersey.

4. *Borough of Kutztown D–83–23 CP RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 17.93 mg/30 days of water to the applicant's distributmon system from Well Nos. 3A and 5. Commission approval on September 14, 1983 was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain limited to 60 mg/30 days. The project is located in Maxatawny Township, Berks County, Pennsylvania.

5. *Telford Borough Authority D–86–7 CP.* An application for approval of a ground water withdrawal project to supply up to 3.60 mg/30 days of water from new Well No. 6 to augment the applicant's existing public water system. The project is located approximately 800 feet southeast of the intersection of Township Line Road and Route 309 in Hilltown Township, Bucks County and is located in the Southeastern Pennsylvania Ground Water Protected Area.

6. *Camelback Ski Corporation D–86–21 (Revised).* A revised application to construct a 0.4 million gallons per day (mgd) sewage treatment plant to serve the Camelback Ski Area and Camelback Village in Pocono Township, Monroe County, Pennsylvania. The revision involves a change in the discharge location from an unnamed tributary of Pocono Creek to a direct discharge to Pocono Creek via force main. This change resulted in the relaxation of NPDES permit limitations. Thus, the 0.4 mgd "A/O process" approved by D–86–21 is no longer necessary. The applicant plans to construct the plant in two phases. The first phase provides for high quality secondary treatment of 0.2 mgd, and the second phase is designed to provide tertiary treatment of 0.4 mgd. The existing 0.14 mgd plant will be abandoned.

7. *Chalfont-New Britain Township Joint Sewage Authority D–86–35 CP (Revised).* An application to revise an approved expansion and upgrading of a sewage treatment plant to reflect a rerated flow. The applicant operates a 2.0 mgd, secondary treatment plant in Doylestown Township, Bucks County, Pennsylvania. The applicant obtained DRBC approval to expand the plant to treat an annual average flow of 3.8 mgd and to provide high quality secondary treatment, but the plant was not constructed. Now, the applicant requests approval to construct the plant to treat 4.0 mgd and has submitted the necessary data to justify the rerating. The revised plant is designed to serve an equivalent population of 40,000 persons in Chalfont and New Britain Boroughs, plus New Britain, Buckingham, Plumstead, and Doylestown Township, Bucks County. In addition, the plant is designed to serve a portion of Montgomery Township, Montgomery County, Pennsylvania, through the year 1995. Treatment plant effluent will continue to be discharged to Neshaminy Creek at River Mile 115.63–37.4.

8. *Washington Township Municipal Utilities Authority D–86–40 CP.* A revision of the previously submitted application for approval of a ground water withdrawal project to supply up to 9.72 mg/30 days of water to the applicant's distribution system from new Well No. 10 and to increase the withdrawal limit from all wells to 172.3 mg/30 days. The project is located in Washington Township, Gloucester County, New Jersey.

9. *Northeastern Power Company D–86–53 (Revised).* An application to modify an approved water withdrawal and wastewater discharge for a proposed steam/electric cogeneration project located in Kline Township, Schuylkill County, Pennsylvania. The refuse coal-to-energy plant is designed to generate about 45 MW of electricity. The applicant previously planned to pump 0.84 mgd of mine water from subsurface mining shafts and consumptively use approximately 0.64 mgd. Now, the applicant proposes to withdraw only about 0.112 mgd from the Silverbrook Mine outfall, and to discharge only approximately 15,000 gpd to the Little Schuylkill River. The water conservation resulted from a change to "dry" cooling.

10. *Hickory Water Company D–87–31 CP.* An application for approval of a ground water withdrawal project to supply up to 6.92 mg/30 days of water to the applicant's distribution system from new Well No. 5 and existing Well Nos. 3 and 4 not previously approved by the Commission, and to increase the existing withdrawal limit from all wells to 10.58 mg/30 days. The project is located in Delaware Township, Pike County, Pennsylvania.

11. *North Penn Water Authority D–87–81 CP.* An application for a new ground water withdrawal from Well No. 69 to augment existing ground water supplies for the North Penn Water Authority. Approval is requested to pump 4.32 mg/30 days from Well No. 69. The well is located about 1650 feet southeast of the intersection of Broad and Main Streets in Souderton Borough, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

12. *Smithfield Township Board of Supervisors D–88–42 CP.* An application to construct a 0.1 mgd sewage treatment plant to process the year 2005 flow from 1,250 residents of Smithfield Township, Monroe County, Pennsylvania. The proposed treatment plant is designed to provide high quality secondary treatment. Plant effluent will be discharged to an unnamed tributary of Sambo Creek in the Brodhead Creek Basin. The plant is located off Lake Valhalla Drive in Smithfield Township.

13. *Panther Creek Energy, Inc. D–88–46.* An overhead cable crossing to provide 69/115 KV of electrical supply to the Metropolitan Edison Company for distribution in the Tilden Township, Berks County, Pennsylvania area. The proposed crossing will extend for a distance of approximately 300 feet from Port Clinton Borough, Schuylkill County, Pennsylvania across the Schuylkill River to Tilden Township, Berks County, Pennsylvania. The proposed transmission line crossing is located adjacent to a Conrail bridge at the confluence of the Little Schuylkill River with the Schuylkill River in the Wild and Scenic River Area.

14. *Upper Saucon Township Municipal Authority D–88–47 CP.* An application to construct a 2.0 mgd (peak month) sewage treatment plant to serve Coopersburg Borough and Upper Saucon Township in Lehigh County, Pennsylvania. The plant is designed to provide high quality secondary treatment via the innovation A/O process which features microbiological treatment in anaerobic and oxic zones. Plant effluent will be discharged to Saucon Creek in the Lehigh River Basin. The proposed plant is designed to treat the year 2005 flow from predominantly residential sources.

15. *G.R.O.W.S., Inc. D–88–54.* An application to modify the service area of the G.R.O.W.S., Inc. wastewater treatment plan to include leachate flows from expanded landfill facilities at the applicant's Falls Township, Bucks County, Pennsylvania site and from the nearby, new landfill in Tullytown Borough. In addition, the applicant desires approval to treat state-approved nonhazardous wastewater and sludges from other sources without exceeding flow or effluent quality limitations. Although the sources have not been determined, the applicant acknowledges that some of this waste material may originate from locations that are outside of the Delaware River Basin. The treatment plant is designed with the Best Practicable Control Technology

and will continue to discharge to a man-made, tidal inlet along the Delaware River in Water Quality Zone 2.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

September 13, 1988.

[FR Doc. 88-21509 Filed 9-20-88; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER88-570-000 et al.]

Canal Electric Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Canal Electric Company

[Docket No. ER88-570-000]

September 14, 1988.

Take notice that on August 19, 1988, Canal Electric Company (Canal) tendered for filing a Participation Agreement (Participation Agreement) between itself, Cambridge Electric Light Company and Commonwealth Electric Company which implements the terms of the Capacity Acquisition Agreement (FERC Rate Schedule No. 21) and the Capacity Acquisition Commitment for Phase I of the Hydro-Quebec Project (FERC Rate Schedule No. 21, Supplement No. 5). Such Participation Agreement recognizes the purchase of electric energy by certain New England utilities, including Canal, from Hydro-Quebec, a utility operating within the Province of Quebec, Canada. Canal has requested that the Commission waive its notice requirements pursuant to § 35.11 of the Commission's Regulations in order to allow the tendered rate schedule to become effective as of October 1, 1986, the date on which Phase I of the Project began commercial operation.

Comment date: September 22, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. New York State Electric & Gas Corporation

[Docket No. ER88-467-000]

September 14, 1988.

Take notice that on August 29, 1988, New York State Electric & Gas Corporation (NYSEG) tendered for filing information and an amendment to Article 3.2 of the May 2, 1988 agreement filed in this docket requested by the Commission, after finding the agreement between NYSEG and Long Island Lighting Company (LILCO) for the sale by NYSEG of firm capability and energy to LILCO was deficient with respect to the Commission's Regulations.

NYSEG requests that the 60-day filing requirements be waived and that June 1, 1988 be allowed as the effective date of the filing.

Comment date: September 22, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. New York State Electric & Gas Corporation

[Docket No. ER88-468-000]

September 14, 1988.

Take notice that on August 29, 1988, New York State Electric & Gas Corporation (NYSEG) tendered for filing information and an amendment to Article 3.2 of the May 2, 1988 agreement filed in this docket requested by the Commission, after finding the agreement between NYSEG and Orange & Rockland Utilities, Inc. (O&R) for the sale by NYSEG of firm capability and energy to O&R was deficient with respect to the Commission's Regulations.

NYSEG requests that the 60-day filing requirements be waived and that June 1, 1988 be allowed as the effective date of the filing.

Comment date: September 22, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Delmarva Power & Light Company

[Docket No. ER87-556-000 and EL86-11-005]

September 15, 1988.

Take notice that on September 6, 1988, Delmarva Power & Light Company (Delmarva Power) tendered for filing, in accordance with the Commission's letter Order of July 26, 1988, a compliance report. Delmarva has refunded the excess revenues collected with interest through August 23, 1988. Interest was refunded in accordance with § 35.19a of the Commission's Regulations. Delmarva has also filed exhibits in which is shown for the affected resale Customers the monthly billing determinates and revenues under prior and interim rates, the monthly revenue refund and the monthly interest computed, with a summary of such information for the total refund period. Such refund was made on August 23, 1988 with interest calculated through that date.

Comment date: October 3, 1988, in accordance with Standard Paragraph E at the end of this notice.

5. Kansas Gas and Electric Company

[Docket No. ER80-259-012]

September 15, 1988.

Take notice that on September 2, 1988, Kansas Gas and Electric Company tendered for filing, in response to the Order on Remand, issued June 2, 1988, a compliance filing reflecting changes to reserve margin requirement to the City of Augusta and demand and energy allocation factors reflecting minimum billing demand.

Comment date: October 3, 1988, in accordance with Standard Paragraph E at the end of this notice.

6. Upper Peninsula Power Company

[Docket No. EC88-30-000]

September 15, 1988.

Take notice that on September 8, 1988, Upper Peninsula Power Company (Power Company) tendered for filing an application pursuant to section 203(a) of the Federal Power Act seeking an order granting authorization to reorganize. Power Company has created a new corporation named Northern Michigan Energy Corporation (NMECO) for the purpose of becoming the parent of Power Company and a second new corporation named UPPCO Merger Company (Merger Co.) for the purpose of effecting the reorganization. Presently, Power Company owns all the outstanding stock of NMECO and NMECO owns all the outstanding stock of Merger Co. Power Company is not a member of any other holding company system. This application is for whatever authorization may be held to be required under section 203 of the Federal Power Act in order to accomplish the reorganization, including the indirect "disposition" of Power Company's facilities.

The Power Company is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. It is engaged in the generation, transmission and distribution of electric energy in all or parts of ten counties in the Upper Peninsula of Michigan.

Comment date: October 3, 1988, in accordance with Standard Paragraph E at the end of this notice.

7. Arizona Public Service Company

[Docket No. EC88-29-000]

September 15, 1988.

Take notice that on September 1, 1988, Arizona Public Service Company (APS) tendered for filing an Application for the sale of APS' 19.5% ownership share of the Westwing 500/345kV Transformer, which consists of four (4) single phase power autotransformers located in the vicinity of Sun City West, Maricopa County, Arizona (Transformer). APS has determined that its ownership share of the Transformer is excess and has no potential for future use in the APS system; therefore, APS intends to permanently dispose of and sell same to Tucson Electric Power Company (TEP). TEP presently owns 80.5% of the Transformer and has determined that it needs the remainder. No customer of either Party will be effected by the proposed sale.

Copies of the filing were served upon TEP and the Arizona Corporation Commission. Approval of the Application is requested within forty-five (45) days from the date of filing.

Comment date: October 3, 1988, in accordance with Standard Paragraph E at the end of this document.

8. Idaho Power Company

[Docket No. ES88-58-000]

September 16, 1988.

Take notice that on September 9, 1988, Idaho Power Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $150,000,000 of short-term debt or other evidence of indebtedness on or before December 31, 1989, with a final maturity no later than December 31, 1990.

Comment date: October 7, 1988, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commisison's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88-21545 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER88-600-000 et al.]

Florida Power Corp. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

September 14, 1988.

Take notice that the following filings have been made with the Commission:

1. Florida Power Corporation

[Docket No. ER88-600-000]

Take notice that on September 8, 1988, Florida Power Corporation (Company) tendered for filing a prefiling Settlement Agreement made and entered into between the Company and its wholesale customers, the Seminole Electric Cooperative, Inc., the municipal electric utilities of the Cities of Alachua, Bartow, Chattahoochee, Fort Meade, Gainesville, Havana, Homestead, Key West, Kissimmee, Lakeland, Mount Dora, Newberry, New Smyrna Beach, Quincy, Starke, St. Cloud, Tallahassee, Vero Beach, Wauchula and Williston, Florida, Florida Municipal Power Agency, Fort Pierce Utilities Authority, Jacksonville Electric Authority, Lake Worth Utilities Authority, Orlando Utilities Commission, Sebring Utilities Commission, Florida Power & Light Company, Reedy Creek Improvement District, Tampa Electric Company and Florida Crushed Stone Company. The Settlement Agreement effects a rate reduction to track a retail rate reduction. The Company requests an effective date for the settlement rates of January 1, 1988.

Comment date: September 29, 1988, in accordance with Standard Paragraph E at the end of this document.

2. Pennsylvania Power & Light Company

[Docket No. ER88-407-000]

Take notice that Pennsylvania Power & Light Company (PP&L) tendered for filing on August 10, 1988, and supplemented on September 2, 1988, the First Supplement to a Capacity and Energy Sales Agreement (Agreement), dated January 28, 1988, between PP&L and Baltimore Gas and Electric Company (BG&E), which was filed with the Federal Energy Regulatory Commission on May 20, 1988.

The First Supplement, and supporting material, specify certain charges under the Agreement, provide support for those charges and provide an explanation of certain other terms in the Agreement. Under the Agreement, PP&L will sell and deliver to BG&E 5.94 percent of the net capacity and energy output of each unit of PP&L's Susquehanna Steam Electric Sation; and PP&L will sell to BG&E Daily Generating Capacity Megawatts for Pennsylvania-New Jersey-Maryland Interconnection installed capacity accounting purposes. PP&L proposes that the First Supplement become effective when the Agreement becomes effective.

Copies of the filing were served upon BG&E, the Pennsylvania Public Utility Commission, and the Maryland Public Service Commission.

Comment date: September 21, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-21546 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER88-565-000 et al.]

Southern Company Services et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Southern Company Services, Inc.

[Docket No. ER88-565-000]

September 15, 1988.

Take notice that on August 15, 1988, Southern Company Services, Inc. acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company (Southern Companies)

tendered for filing an amendment to an Interchange Contract between Southern Companies and the City of Tallahassee, Florida (City).

The Amendment to the Interchange Contract reflects that City has elected to reduce the amount of long term capacity it will purchase from Southern Companies during the years 1989 through 1992. The Amendment also provides that City may increase the amount of long term capacity to be purchased from Southern Companies up to 25 megawatts in the same years if Southern Companies agreed to such increase.

Comment date: September 23, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Pennsylvania Power & Light Compnay

[Docket No. ER88-545-000]

September 16, 1988.

Take notice that on September 8, 1988, Pennsylvania Power & Light Compnay (PP&L) tendered for filing (1) a Settlement Agreement reached with its wholesale customers affected by the filing and (2) revised rate schedules in accordance with the Settlement Agreement. The Settlement Agreement is filed as a supplement to the rate schedules. The affected wholesale customers are the Boroughs of Watsontown, Duncannon, Blakely, Weatherly, Schuylkill Haven, Perkasie, St. Clair, Catawissa, Ephrata, Lehighton, Hatfield. Mifflinburg, Quakerstown, Kutztown, Olyphant, Lansdale, and to Sullivan County REA and Citizens' Electric Company of Lewisburg.

THe Settlement Agreement does not change the level of the rates filed herein but defers the proposed effective date of the filing from September 30, 1988 to December 1, 1988. The Settlement Agreement additionally provides for (1) billing credits for certain demand and energy purchased by the wholesale customers, (2) a moratorium on rate increase and rate complaint filings, (3) the wholesale customers' commitment to purchase certain demand and energy from PP&L, and (4) approval of certain accounting and ratemaking treatment relating to depreciation and early redemption premiums.

Comment date: October 3, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Gulf States Utilities company

[Docket No. ES88-59-000]

September 16, 1988.

Take notice that on September 12, 1988, Gulf States Utilities Company (Applicant) filed a request under section 204(a) of the Federal Power Act that (i) the Commission grant an exemption under § 34.2(a)(1)(iv) with respect to a Nuclear Fuel Financing Arrangement not to exceed $200,000,000 in the aggregate, and (ii) the Commission authorize the Application to proceed without obtaining three proposals for the nuclear fuel financing arrangement as permitted under § 34.2(b)(2)(B).

Comment date: October 7, 1988, in accordance with Standard paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88-21575 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8133-004]

B. S., Inc.; Availability of the Environmental Assessment

September 16, 1988.

In accordance with the National Environmental Policy Act of 1969 and the Federal Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for major license for the proposed East Fork Ditch Hydropower Project and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigation measures, would not constitute a major federal action significantly affected the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 1000, of the Commission's offices at 825 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 88-21574 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-698-000, et al.]

ANR Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP88-698-000]

September 14, 1988.

Take notice that on August 19, 1988, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP88-698-000 a request, as amended August 26, 1988, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act 18 CFR 157.205, for authorization to construct and operate a new sales delivery point to Michigan Gas Company (MiGas) in Cass County, Michigan under the blanket certificate issued in Docket No. CP82-480-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

It is stated that ANR's sales to MiGas are made pursuant to a service agreement dated February 10, 1983, and that MiGas has requested the additional sales delivery point in order to extend natural gas service to the Baldwin Lake area of Michigan. It is asserted that the maximum daily deliveries at the delivery point, which would not exceed 1,000 dt, would be within MiGas' currently existing peak day and annual entitlements from ANR.

Comment date: October 30, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Great Lakes Gas Transmission Company

[Docket No. CP87-474-002]

September 15, 1988.

Take notice that on August 31, 1988, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP87-474-002, a petition to amend the order issued February 3, 1988, in Docket No. CP87-474-000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the petition to amend which is on file with

the Commission and open to public inspection.

Great Lakes states that it requests authorization to continue the transportation of up to 110,000 Mcf of natural gas per day, on an interruptible basis, for the account of Ford Motor Company (Ford), until February 3, 1991. Great Lakes further states that it would continue to receive the natural gas at Emerson, Manitoba, where its facilities interconnect with the facilities of TransCandada PipeLines Limited and would transport the natural gas to existing points of interconnection between its facilities and ANR Pipeline Company near Muttonville and Farwell, Michigan; and Michigan Consolidated Gas Company near Belle River Mills, Michigan.

Great Lakes states that pursuant to the order of February 3, 1988, by which the Commission authorized the present service, the Commission stated that the authorization for Great Lakes would terminate on the earlier of one year from the date of the February 3, 1988, order, or the date that Great Lakes accepts a blanket certificate issued by the Commission pursuant to § 284.221 of the Commission's Regulations. Great Lakes indicates that it has entered into a letter agreement with Ford, dated August 12, 1988, which implements the request of Ford that regulatory authorization for the transportation arrangements to February 3, 1991, be requested. Great Lakes further indicates that no other changes in current authorization is being sought, other than the continuation of the present service as originally requested.

Comment date: October 6, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Eastern Shore Natural Gas Company

[Docket No. CP88-731-000]

September 15, 1988.

Take notice that on August 29, 1988, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 615, Dover, Delaware, 19903-0615, filed in Docket No. CP88-731-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate seven sales taps to an existing resale customer, Chesapeake Utilities Corporation (Chesapeake), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Eastern Shore proposes to construct and operate three sales taps for Delaware Division of Chesapeake (Delaware) one for Citizens Gas Division of Chesapeake (Citizens) and three for Cambridge Gas Division of Chesapeake (Cambridge). The location and estimated volumes for the proposed taps are as follows:

Customer and delivery point	Estimated volumes (MMBtu)		
	Avg. day	Annual	Peak day
Delaware Ave.:			
Priscilla St., Middletown, DE	11	4,037	137
Route 13, Greenwood, DE	1	336	20
Route 13, Harrington, DE	13	2,106	75
Subtotal	25	6,479	232
Citizens Div.: University Ave., Federalsburg, MD	10	1,242	15
Subtotal	10	1,242	15
Cambridge Div.:			
Route 307, Hurlock, MD	12	1,490	16
Linkwood Rd., Dorchester Co., MD	174	24,343	
Route 392, Hurlock, MD	518	124,200	
Subtotal	704	150,033	16
Total	739	157,754	263

Eastern Shore states that the gas would be used for system supply and resold to residential and/or commercial customers. Eastern Shore asserts that the volumes delivered would be within the certificated entitlements of the customers and that the impact of the seven sales taps on Eastern Shore's other customers would be minimal.

Comment date: October 30, 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 Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed 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,

Secretary.

[FR Doc. 88-21547 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-714-000 et al.]

United Gas Pipe Line Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No. CP88-714-000]

September 13, 1988.

Take notice that on August 24, 1988, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP88-714-000 a request as supplemented September 9, 1988, pursuant to § 157.205 of the Commission's Regulations to provide transportation service on behalf of Tejas Power Corporation (Tejas), under

United's blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization to transport, on an interruptible basis, up to a maximum of 20,600 MMBtu of natural gas per day for Tejas, a marketer of natural gas, from Bienville Parish and/or Caldwell Parish, Louisiana, to a point of delivery in Ouachita Parish, Louisiana. United anticipates transporting an annual volume of 7,519,000 MMBtu.

United states that the transportation of natural gas for Tejas commenced August 1, 1988, as reported in Docket No. ST88–5195, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to United in Docket No. CP88–6–000.

Comment date: October 28, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Transcontinental Gas Pipe Line Corporation

[Docket No. CP88–760–000]

September 14, 1988.

Take notice that on September 2, 1988, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas, 77251, filed in Docket No. CP88–760–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) construction, installation and operation of new mainline loop and compression facilities and (2) the rendition of firm seasonal transportation for certain of its existing customers located in Zones 1 and 2 of Transco's pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco proposes to construct, install and operate:

- 15.17 miles of 48-inch pipeline loop on Transco's mainline downstream of Station 90 (Milepost 811.13 to Milepost 826.30—Marengo County, Alabama).
- 12.05 miles of 42-inch pipeline on Transco's mainline downstream of Station 130 (Milepost 1124.71 to Milepost 1136.76—Madison, Elbert and Hart Counties, Georgia).
- 5,500 horsepower of new compression at Station 80.
- 670 horsepower of additional compression (uprating existing unit) at Station 90.
- 1,980 horsepower of additional compression (uprating existing unit) at Station 100.
- 12,600 horsepower of new compression at Station 110.
- 670 horsepower of additional compression (uprating existing unit) at Station 120.
- 670 horsepower of additional compression (uprating existing unit) at Station 130.
- 12,600 horsepower of new compression at Station 130.
- 12,600 horsepower of new compression at Station 140.

It is indicated that the proposed facilities would cost an estimated $60,349,000 and would be financed initially through short-term loans and funds on hand, with permanent financing to be arranged as part of Transco's overall long-term financing program. Transco indicates that it seeks to construct the proposed facilities during the 1989 summer construction season so that the facilities may be placed in service by November 1, 1989.

Transco states that the proposed facilities would enable it to render firm, long-term seasonal transportation service of up to the dekatherm equivalent of 167,000 Mcf per day during the peak winter months of December, January, and February, and up to 150,300 Mcf per day during the shoulder months of November and March. Transco asserts that the proposed incremental transportation service is necessary to meet the current need for increased winter service for customers in the southern market area of its pipeline system. The customers proposed to be served with the new seasonal transportation service and the specific volumes nominated by each are listed in the Appendix below. Transco states that it has entered into precedent agreements with the various prospective shippers which would commit Transco to provide the seasonal transportation service for 15 years, beginning on or about November 1, 1989.

Transco proposes to render the transportation services in accordance with agreements between Transco and each shipper substantially in the form of the pro forma firm seasonal gas transportation agreement which is included in Exhibit P of Transco's application. Transco notes that upon execution of actual transportation agreements, it would file each agreement with the Commission as part of its FERC Gas Tariff, Original Volume No. 2. In order to assure its transportation customers of maximum flexibility and the ability to secure the most economically priced gas available, Transco requests flexible authority to add and delete receipt points. Transco states that it would file by May 1 of each year appropriate tariff sheet revisions to reflect additions and deletions of gas sources and/or receipt points during the preceding 12 month period.

For the seasonal transportation service, Transco proposes to charge an initial monthly rate (reservation charge) of $6.60 per Mcf of peak month contract demand. Transco states that the proposed reservation rate reflects, among other things, the seasonal nature of the proposed service and, thus, is designed to recover the cost of service attributable to the proposed mainline expansion using the fixed-variable rate design methodology. In addition to the reservation charge, Transco proposes to charge a Commodity Producer Settlement Payment Charge, which Transco indicates, is set forth on Sheet No. 12–E of Volume No. 1 of Transco's FERC Gas Tariff.

Comment date: October 5, 1988, in accordance with Standard Paragraph F at the end of this notice.

Shipper	Contract quantities (Mcf/d)	
	Peak months	Shoulder months
Atlanta Gas Light Co.	30,000	27,000
City of Buford	2,000	1,800
Clinton Newberry	1,700	1,530
City of Commerce	390	351
City of Covington	1,500	1,350
Fort Hill Natural Gas Authority	2,500	2,250
City of Fountain Inn	250	225
City of Greenwood	1,875	1,688
City of Greer	1,000	900
City of Kings Mountain	1,000	900
City of Lawrenceville	4,000	3,600
City of Lexington	950	855
Lynchburg Gas Company	1,059	953
City of Monroe	750	675
North Carolina Natural Gas Corp.	16,300	14,670
Piedmont Natural Gas Corp.	50,000	45,000
Public Service of North Carolina	31,576	28,418
City of Shelby	2,000	1,800
South Carolina Pipeline Corp.	10,000	9,000
City of Social Circle	250	225
City of Sugar Hill	1,000	900
Tri-County Natural Gas Co.	850	765
City of Union	1,000	900
Georgia United Cities Gas Co.	3,800	3,420
S.C. United Cities Gas Co.	750	675
City of Winder	500	450

3. El Paso Natural Gas Company

Docket No. CP88–761–000]

September 14, 1988.

Take notice that on September 6, 1988, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP88–761–000 an application pursuant to sections 7(b) and (c) of the Natural Gas Act for permission and approval to abandon from interstate service certain existing mainline gas compression facilities, with

associated appurtenances, comprising a portion of the Guadalupe Compressor Station (Guadalupe Station), Culberson County, Texas, and for a certificate of public convenience and necessity authorizing El Paso to construct and operate new replacement compression facilities, with appurtenances, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that the proposed abandonment and construction activities are specifically designed to allow the retirement of aged facilities and replacement with a more modern, automated facility which would retain El Paso's operational capability and which would improve operating and cost efficiencies at the Guadalupe Station. El Paso states that the Guadalupe Station facilities which are proposed to be abandoned consist of twenty-five reciprocating compressor units totalling 25,600 horsepower. El Paso explains that these compressor units are segregated between the "A" and "B" Plants, which operate in parallel service, and possess a maximum design capacity of approximately 1,224 MMcf per day. El Paso states that since the installation of the first compressor units in 1948, El Paso has continuously utilized the Guadalupe Station to receive, compress and transport natural gas in interstate commerce on its California mainline system for ultimate sale to El Paso's existing customers. Further, El Paso advises that its facilities located at the Guadalupe Station were installed as a part of El Paso's early system expansion projects.

El Paso states that as a part of its ongoing efforts to review comprehensively and evaluate the operational efficiencies of its total system, including both its transmission facilities as well as its existing gas supply acquisition facilities, El Paso has reviewed, *inter alia*, the Guadalupe Station. El Paso explains that its periodic review is essential so that El Paso can determine whether its transmission facilities continue to satisfy El Paso's corporate goal of obtaining optimum operating levels as well as meeting El Paso's economic requirements and prudent operating practices. In this regard, El Paso notes that since the construction of its Guadalupe Station, El Paso has essentially been required to operate the twenty-five reciprocating units as an integral part in the overall operation of its Californaia mainline system. Moreover, El Paso states that it has determined that the Guadalupe Station would continue to be required in the daily operation of its interstate transmission pipeline system. However, it is stated, El Paso's anticipated future requirements for its Guadalupe Station present El Paso with certain fuel, operation, and maintenance considerations that, absent a positive resolution, do not meet El Paso's corporate goal. More specifically, El Paso states that its Guadalupe Station presently represents: (1) An old, high maintenance facility which would require significant maintenance and costly repairs in the near-term; (2) a remote location for the people staffing and servicing the station; and (3) a large annual fuel requirement due to its design characteristics. Therefore, El Paso states that it has ascertained that the installation and operation of new compression facilities, in replacement of the existing Guadalupe Station, would reduce its fuel, maintenance, and operational requirements. Specifically, it is stated, a new compressor unit at the Guadalupe Station would facilitate: (1) The replacement of the old compressor units and reduce annual operation and maintenance costs by approximately $1,751,600: (2) a reduced manning level at the Guadalupe Station; (3) a reduction in annual fuel consumption of approximately 212,868, MMBtu per year; and (4) the modernization and automation of the Guadalupe Station.

El Paso further states that in order to provide El Paso with a total solution conerning the fuel, maintenance and operating problems associated with the existing Guadalupe Station, El Paso specifically proposes to: (i) Abandon in place the twenty-five compressor units comprising the "A" and "B" Plants at the Guadalupe Station at a cost of approximately $8,055,575; and (ii) install and operate one new GE Frame 5 Model B gas turbine-driven centrifugal compressor, consisting of 31,050 ISO horsepower, within the existing Guadalupe Station yard at a cost of approximately $13,968,450. El Paso proposes to finance the construction cost by using internally generated funds. El Paso advises that, under the existing operating parameters, the replacement of the reciprocating compressor units with the new compressor unit at the Guadalupe Station would not substantially increase the capacity of the station.

El Paso states that the proposed abandonment and construction activities would have no effect upon El Paso's ability to render natural gas service to its customers in the same manner as existed prior to the subject activities. Further, El Paso states, there would be no adverse environmental effects upon effectuation of the abandonment and construction activities proposed herein. Finally, it is stated, the proposed abandonment and construction activities would not require any changes in El Paso's FERC Gas Tariff, and no material change if El Paso 's average cost-of-service would result therefrom.

Comment date: October 5, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 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 invervene is filed within the time requried 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 necessary. 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 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. 88-21548 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 9933-002 et al.]

Sinclair Buckstaff, Jr., et al.; Surrender of Preliminary Permits and Exemptions

September 14, 1988.

Take notice that the following preliminary permits/exemptions have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. Sinclair Buckstaff, Jr.

[Project No. 9933-002]

Take notice that Sinclair Buckstaff, Jr., permittee for the Road Canyon Reservoir No. 1 Dam Project No. 9933, has requested that his preliminary permit be terminated. The preliminary permit was issued August 28, 1986. The project would have been located on Road Canyon Creek, near Lake City, in Hinsdale County, Colorado.

The permittee filed the request on August 8, 1988.

2. Sinclair Buckstaff, Jr.

[Project No. 9934-002, Colorado]

Take notice that Sinclair Buckstaff, Jr., permittee for the Rito Hondo Reservoir Dam Project No. 9934, has requested that his preliminary permit be terminated. The preliminary permit was issued August 28, 1986. The project would have been located on Rito Hondo Creek near Lake City, in Hinsdale County, Colorado.

The permittee filed the request on August 8, 1988.

3. Sinclair Buckstaff, Jr.

[Project No. 9938-002—Colorado]

Take notice that Sinclair Buckstaff, Jr., permittee for the McDonough Reservoir No. 2 Dam Project No. 9938, has requested that his preliminary permit be terminated. The preliminary permit was issued August 28, 1986. The project would have been located on an unnamed tributary to Los Pinos Creek, near Parlin, in Saguache County, Colorado.

The permittee filed the request on August 8, 1988.

Standard Paragraph

I. The preliminary permit/exemption shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-21549 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST88-4545-000 et al.]

Arkla Energy Resources et al., Self-Implementing Transactions

September 16, 1988.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipient" column in the following table indicate the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approved a rate listed in the table should file a motion to intervene with the Secretary of the Commisison on or before October 6, 1988.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's Regulations.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date [2]	Transportation rate (¢/MMBtu)
ST88-4545	Arkla Energy Resources	City Light, Gas & Water Co	07-01-88	B		
ST88-4546	Arkla Energy Resources	Consolidated Edison Co. of NY. Inc	07-01-88	B		
ST88-4547	Arkla Energy Resources	Connecticut Light & Power Co	07-01-88	B		
ST88-4548	Arkla Energy Resources	Long Island Lighting Co	07-01-88	B		
ST88-4549	Arkla Energy Resources	United Cities Gas Co	07-01-88	B		
ST88-4550	Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	07-01-88	B		
ST88-4551	Transcontinental Gas Pipe Line Corp	Atlanta Gas Light Co	07-01-88	B		
ST88-4552	Wintershall Pipeline Corp	Mid Louisiana Gas Co	07-01-88	C	11-28-88	64.40
ST88-4553	Tennessee Pipeline Corp	Equitable Gas Co	07-01-88	B		
ST88-4554	Tennessee Pipeline Corp	East Ohio Gas Co., et al	07-01-88	B		
ST88-4555	ANR Pipeline Co	Wisconsin Gas Co	07-01-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date [2]	Transportation rate (¢/MMBtu)
ST88-4556	ANR Pipeline Co	Wisconsin Natural Gas Co	07-01-88	B		
ST88-4557	Trunkline Gas Co	Mississippi VAlley Gas Co., et al	07-01-88	B		
ST88-4558	Panhandle Eastern Pipe Line Co	Mobil Oil Corp	07-01-88	G-S		
ST88-4559	Trunkline Gas Co	Northern Indiana Public Service Co	07-01-88	B		
ST88-4560	Panhandle Eastern Pipe Line Co	Mobil Oil Corp	07-01-88	G-S		
ST88-4561	Panhandle Eastern Pipe Line Co	Unicorp Energy, Inc	07-01-88	G-S		
ST88-4562	Panhandle Eastern Pipe Line Co	Archer Daniels Midland Co	07-01-88	G-S		
ST88-4563	Columbia Gulf Transmission Co	Long Island Lighting Co	07-01-88	B		
ST88-4564	Columbia Gulf Transmission Co	CSX NGL Corp	07-01-88	G-S		
ST88-4565	Southern Natural Gas Co	Atlanta Gas Light Co	07-01-88	B		
ST88-4566	Southern Natural Gas Co	Atlanta Gas Light Co	07-01-88	B		
ST88-4567	Southern Natural Gas Co	South Carolina Pipeline Corp	07-01-88	B		
ST88-4568	ANR Pipeline Co	City of Stanberry	07-01-88	B		
ST88-4569	ANR Pipeline Co	Wisconsin Natural Gas Co	07-01-88	B		
ST88-4570	ANR Pipeline Co	City of Wayland	07-01-88	B		
ST88-4571	ANR Pipeline Co	Michigan Consolidated Gas Co	07-01-88	B		
ST88-4572	ANR Pipeline Co	Columbia Gas of Pennsylvania, Inc	07-01-88	B		
ST88-4573	ANR Pipeline Co	Michigan Gas Co	07-01-88	B		
ST88-4574	ANR Pipeline Co	Consumers Power Co	07-01-88	B		
ST88-4575	ANR Pipeline Co	Peoples Gas Light & Coke Co	07-01-88	B		
ST88-4576	Southern Natural Gas Co	AMAX Metals Recovery, Inc	07-01-88	G-S		
ST88-4577	Southern Natural Gas Co	Cullman—Jefferson Countries Gas Distr	07-01-88	B		
ST88-4578	Southern Natural Gas Co	Dalton Utilities	07-01-88	B		
ST88-4579	Southern Natural Gas Co	Bishop Pipeline Corp	07-01-88	B		
ST88-4580	Southern Natural Gas Co	Atlanta Gas Light Co	07-01-88	B		
ST88-4581	Southern Natural Gas Co	Atlanta Gas Light Co	07-01-88	B		
ST88-4582	Southern Natural Gas Co	Woodward Pipeline, Inc	07-01-88	B		
ST88-4583	Southern Natural Gas Co	South Carolina Pipeline Corp	07-01-88	B		
ST88-4584	Southern Natural Gas Co	Woodward Pipeline, Inc	07-01-88	B		
ST88-4585	Southern Natural Gas Co	Jasper Utilities Board	07-01-88	B		
ST88-4586	Southern Natural Gas Co	South Carolina Pipeline Corp	07-01-88	B		
ST88-4587	Southern Natural Gas Co	South Carolina Pipeline Corp	07-01-88	B		
ST88-4588	Southern Natural Gas Co	City of Eatonton	07-01-88	B		
ST88-4589	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-01-88	B		
ST88-4590	Texas Eastern Transmission Corp	Excel Intrastate Pipeline Co	07-01-88	B		
ST88-4591	Texas Eastern Transmission Corp	Excel Intrastate Pipeline Co	07-01-88	B		
ST88-4592	Texas Eastern Transmission Corp	TXO Gas Marketing Corp	07-01-88	B		
ST88-4593	Texas Eastern Transmission Corp	Peoples Natural Gas Co	07-01-88	B		
ST88-4594	Texas Eastern Transmission Corp	Philadelphia Gas Works, Inc	07-01-88	B		
ST88-4595	Texas Eastern Transmission Corp	Philadelphia Gas Works, Inc	07-01-88	B		
ST88-4596	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	07-05-88	B		
ST88-4597	Texas Eastern Transmission Corp	Long Island Lighting Co	07-05-88	B		
ST88-4598	Texas Eastern Transmission Corp	Niagara Mohawk Power Corp	07-05-88	B		
ST88-4599	Texas Eastern Transmission Corp	Philadelphia Gas Works, Inc	07-05-88	B		
ST88-4600	Texas Eastern Transmission Corp	Pulaski Natural Gas	07-05-88	B		
ST88-4601	Texas Eastern Transmission Corp	Southern Connecticut Gas Co	07-05-88	B		
ST88-4602	Texas Eastern Transmission Corp	Rochester Gas & Electric Corp	07-05-88	B		
ST88-4603	Texas Eastern Transmission Corp	Elizabethtown Gas Co	07-05-88	B		
ST88-4604	Texas Eastern Transmission Corp	UGI Corp	07-05-88	B		
ST88-4605	Texas Eastern Transmission Corp	Channel Industries Gas Co	07-05-88	B		
ST88-4606	Texas Eastern Transmission Corp	Southern Indiana Gas & Electric Co	07-05-88	B		
ST88-4607	Texas Eastern Transmission Corp	National Fuel Gas Distribution Corp	07-05-88	B		
ST88-4608	Texas Eastern Transmission Corp	T.W. Phillips Gas & Oil Co	07-05-88	B		
ST88-4609	Texas Eastern Transmission Corp	City of Cairo	07-05-88	B		
ST88-4610	Texas Eastern Transmission Corp	City of Enfield	07-05-88	B		
ST88-4611	Texas Eastern Transmission Corp	UGI Corp	07-05-88	B		
ST88-4612	Texas Eastern Transmission Corp	New York State Electric and Gas Co	07-05-88	B		
ST88-4613	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	07-05-88	B		
ST88-4614	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-05-88	B		
ST88-4615	Texas Eastern Transmission Corp	Connecticut Natural Gas Corp	07-05-88	B		
ST88-4616	Texas Eastern Transmission Corp	Connecticut Natural Gas Corp	07-05-88	B		
ST88-4617	Texas Eastern Transmission Corp	Commonwealth Gas Co	07-05-88	B		
ST88-4618	Texas Eastern Transmission Corp	Connecticut Natural Gas Corp	07-05-88	B		
ST88-4619	Texas Eastern Transmission Corp	Connecticut Natural Gas Corp	07-05-88	B		
ST88-4620	Texas Eastern Transmission Corp	City of Grayville Public Utility	07-05-88	B		
ST88-4621	Texas Eastern Transmission Corp	Pennsylvania Gas and Water Co	07-05-88	B		
ST88-4622	Texas Eastern Transmission Corp	Connecticut Light & Power Co	07-05-88	B		
ST88-4623	Texas Eastern Transmission Corp	Houston Pipe Line Co	07-05-88	B		
ST88-4624	Natural Gas Pipeline Co. of America	Mississippi River Transmission Corp	07-06-88	G		
ST88-4625	Natural Gas Pipeline Co. of America	ANR Pipeline Co	07-06-88	G		
ST88-4626	ANR Pipeline Co	Phillips Natural Gas Co	07-05-88	B		
ST88-4627	ANR Pipeline Co	Hydrocarbon Development Corp	07-05-88	B		
ST88-4628	Tennessee Gas Pipeline Co	Rochester Gas & Electric Corp., et al	07-05-88	B		
ST88-4629	Tennessee Gas Pipeline Co	East Tennessee Natural Gas Co	07-05-88	G		
ST88-4630	Tennessee Gas Pipeline Co	Columbia Gas of Pennsylvania, et al	07-05-88	B		
ST88-4631	Taft Pipeline Co	Michigan Gas Co	07-05-88	C		
ST88-4632	Williams Natural Gas Co	Williams Gas Marketing Co	07-05-88	G-S		
ST88-4633	Williams Natural Gas Co	Associated Natural Gas Co., Inc	07-05-88	G-S		
ST88-4634	Gulf Energy Pipeline Co	Tennessee Gas Pipeline Co	07-05-88	C		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date [2]	Transportation rate (¢/MMBtu)
ST88-4635	Trunkline Gas Co	Bishop Pipeline Corp	07-05-88	B		
ST88-4636	Northwest Pipeline Co	Cascade Natural Gas Corp	07-05-88	B		
ST88-4637	Northwest Pipeline Co	Mountain Fuel Supply Co	07-05-88	B		
ST88-4638	Williams Natural Gas Co	Kansas City Power & Light Co	07-05-88	G-S		
ST88-4639	Williams Natural Gas Co	Golden Gas Energies, Inc	07-07-88	G-S		
ST88-4640	United Gas Pipe Line Co	Texaco, Inc	07-07-88	G-S		
ST88-4641	United Gas Pipe Line Co	Natgas U.S. Inc	07-07-88	G-S		
ST88-4642	United Gas Pipe Line Co	Midcon Marketing Corp	07-07-88	G-S		
ST88-4643	United Gas Pipe Line Co	Arco Oil & Gas Co	07-07-88	G-S		
ST88-4644	United Gas Pipe Line Co	Tenngasco Corp	07-07-88	G-S		
ST88-4645	United Gas Pipe Line Co	Texaco Gas Marketing, Inc	07-07-88	G-S		
ST88-4646	United Gas Pipe Line Co	Midcon Marketing Corp	07-07-88	G-S		
ST88-4647	United Gas Pipe Line Co	Nerco Oil and Gas, Inc	07-07-88	G-S		
ST88-4648	United Gas Pipe Line Co	Nerco Oil and Gas, Inc	07-07-88	G-S		
ST88-4649	Texas Gas Transmission Corp	East Ohio Gas Co	07-06-88	B		
ST88-4650	Texas Gas Transmission Corp	Carrollton Utilities	07-06-88	B		
ST88-4651	Texas Gas Transmission Corp	Southern Gas Co	07-06-88	B		
ST88-4652	Texas Gas Transmission Corp	Western Kentucky Gas Co	07-06-88	B		
ST88-4653	Texas Gas Transmission Corp	Cincinnati Gas and Electric Co	07-06-88	B		
ST88-4654	Natural Gas Pipeline Co. of America	ANR Pipeline Co	07-07-88	G		
ST88-4655	Tennessee Gas Pipeline Co	Chevron U.S.A.	07-07-88	G-S		
ST88-4656	Colorado Interstate Gas Co	Southern California Gas Co	07-07-88	B		
ST88-4657	Colorado Interstate Gas Co	Southern California Gas Co	07-07-88	B		
ST88-4658	Colorado Interstate Gas Co	Access Energy Pipeline Corp	07-07-88	B		
ST88-4659	Colorado Interstate Gas Co	Southern California Gas Co	07-07-88	B		
ST88-4660	Transcontinental Gas Pipe Line Corp	City of Laurens	07-07-88	B		
ST88-4661	Seagull Shoreline System	Northern Natural Gas Co	07-08-88	C		
ST88-4662	Tennessee Gas Pipeline Co	Citizens Gas Supply Corp	07-08-88	G-S		
ST88-4663	Algonquin Gas Transmission Co	Southern Connecticut Gas Co	07-08-88	B		
ST88-4664	Algonquin Gas Transmission Co	Boston Gas Co	07-08-88	B		
ST88-4665	Texas Eastern Transmission Corp	Transamerican Gas transmission Corp	07-08-88	B		
ST88-4666	Trunkline Gas Co	Michigan Gas Utilities Co	07-08-88	B		
ST88-4667	Trunkline Gas Co	City of Colfax	08-08-88	B		
ST88-4668	Natural Gas Pipeline Co. of America	Sun Operating Limited Partnership	07-08-88	G-S		
ST88-4669	United Gas Pipe Line Co	Laser Marketing Co	07-08-88	G-S		
ST88-4670	Northern Natural Gas Co	Enron Gas Marketing	07-11-88	G-S		
ST88-4672	Texas Eastern Transmission Corp	Niagara Mohawk Power Corp	07-11-88	B		
ST88-4673	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-11-88	B		
ST88-4674	Texas Eastern Transmission Corp	East Ohio Gas Co	07-11-88	B		
ST88-4675	Texas Eastern Transmission Corp	Southern Gas Co	07-11-88	B		
ST88-4676	Texas Eastern Transmission Corp	Oxford Natural Gas Co	07-11-88	B		
ST88-4677	Texas Eastern Transmission Corp	Pontchartrain Natural Gas System	07-11-88	B		
ST88-4678	Texas Eastern Transmission Corp	Providence Gas Co	07-11-88	B		
ST88-4679	Texas Eastern Transmission Corp	Oxford Natural Gas Co	07-11-88	B		
ST88-4680	Texas Eastern Transmission Corp	Oxford Natural Gas Co	07-11-88	B		
ST88-4681	Texas Eastern Transmission Corp	Transamerican Gas Transmission Corp	07-11-88	B		
ST88-4682	Texas Eastern Transmission Corp	Transamerican Gas Transmission Corp	07-11-88	B		
ST88-4683	Texas Eastern Transmission Corp	UGI Corp	07-11-88	B		
ST88-4684	Texas Eastern Transmission Corp	Sabine Gas Transmission Co	07-11-88	B		
ST88-4685	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-11-88	B		
ST88-4686	Texas Eastern Transmission Corp	Indiana Natural Gas Corp	07-11-88	B		
ST88-4687	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-11-88	B		
ST88-4688	Delhi Gas Pipeline Corp	Northern Natural Gas Co	07-11-88	C	12-08-88	35.00
ST88-4689	Delhi Gas Pipeline Corp	ANR Pipeline Co	07-11-88	C	12-08-88	35.00
ST88-4690	Delhi Gas Pipeline Corp	Panhandle Eastern Pipe Line Co	07-11-88	C	12-08-88	35.00
ST88-4691	Natural Gas Pipeline Co. of America	Pacific Gas and Electric Co	07-12-88	B		
ST88-4692	Natural Gas Pipeline Co. of America	Access Energy Corp	07-12-88	G-5		
ST88-4693	United Gas Pipe Line Co	Entex, Inc	07-12-88	B		
ST88-4694	United Gas Pipe Line Co	City of Vicksburg	07-12-88	B		
ST88-4695	United Gas Pipe Line Co	Entex, Inc	08-12-88	B		
ST88-4696	United Gas Pipe Line Co	E.I. Dupont Denemours & Co	07-12-88	G-S		
ST88-4697	United Gas Pipe Line Co	Resource Group, Inc	07-12-88	G-S		
ST88-4698	United Gas Pipe Line Co	Seagull Marketing Services, Inc	07-12-88	G-S		
ST88-4699	United Gas Pipe Line Co	Associated Intrastate Pipeline Co	07-12-88	B		
ST88-4700	Tennessee Gas Pipeline Co	Citizens Gas Supply Corp	07-13-88	G-S		
ST88-4701	El Paso Natural Gas Co	United Texas Transmission Co	07-13-88	B		
ST88-4702	Oasis Pipe Line Co	Northern Natural Gas Co	07-14-88	C		
ST88-4703	Houston Pipe Line Co	Northern Natural Gas Co	07-14-88	C		
ST88-4704	Valero Transmission, L.P.	Texas Eastern Transmission Corp	07-14-88	C		
ST88-4705	Tennessee Gas Pipeline Co	National Fuel Gas Distribution Corp	07-14-88	B		
ST88-4706	Tennessee Gas Pipeline Co	Texaco Gas Marketing, Inc	07-14-88	G-S		
ST88-4707	Tennessee Gas Pipeline Co	Citizens Gas Supply Corp	07-14-88	G-S		
ST88-4708	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	07-15-88	B		
ST88-4709	Tennessee Gas Pipeline Co	North Atlantic Utilities, Inc	07-15-88	G-S		
ST88-4710	Tennessee Gas Pipeline Co	Southern Gas Co	07-15-88	B		
ST88-4711	Tennessee Gas Pipeline Co	New Orleans Public Service, Inc	07-15-88	B		
ST88-4712	Tennessee Gas Pipeline Co	Public Service Elec. & Gas Co., et al	07-15-88	B		
ST88-4713	Tennessee Gas Pipeline Co	Tenngasco Corp	07-15-88	G-S		
ST88-4714	Natural Gas Pipeline Co. of America	Petrofina Gas Pipeline Co	07-15-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date [2]	Transportation rate (¢/MMBtu)
ST88-4715	Natural Gas Pipeline Co. of America	Natural Gas Clearinghouse, Inc	07-15-88	G-S		
ST88-4716	Natural Gas Pipeline Co. of America	East Ohio Gas Co	07-15-88	B		
ST88-4717	Questar Pipeline Co	Mountain Fuel Supply Co	07-15-88	B		
ST88-4718	ANR Pipeline Co	NGC Intrastate Pipeline Co	07-14-88	B		
ST88-4720	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co	07-15-88	B		
ST88-4721	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	07-15-88	B		
ST88-4722	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	07-15-88	B		
ST88-4723	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	07-15-88	B		
ST88-4724	Transcontinental Gas Pipe Line Corp	United Cities Gas Co., SC Div	07-15-88	B		
ST88-4725	Transcontinental Gas Pipe Line Corp	Boston Gas Co	07-15-88	B		
ST88-4726	Transcontinental Gas Pipe Line Corp	Providence Gas Co., et al	07-15-88	B		
ST88-4727	Tennessee Gas Pipeline Co	Nashville Gas Co	07-15-88	B		
ST88-4728	Arkansas Western Gas Co	Columbia Gas Transmission Corp	07-15-88	C	12-12-88	20.23
ST88-4729	Panhandle Eastern Pipe Line Co	National Steel Corp	07-15-88	G-S		
ST88-4730	Trunkline Gas Co	National Steel Corp	07-15-88	G-S		
ST88-4731	Southern Natural Gas Co	Channel Induustries Gas Co	07-15-88	B		
ST88-4732	Southern Natural Gas Co	Atlanta Gas Light Co	07-15-88	B		
ST88-4733	Southern Natural Gas Co	South Carolina Pipeline Corp	07-15-88	B		
ST88-4734	Southern Natural Gas Co	Atlanta Gas Light Co	07-15-88	B		
ST88-4735	Southern Natural Gas Co	City of Parrish Gas Board	07-15-88	B		
ST88-4736	Southern Natural Gas Co	Atlanta Gas Light Co	07-15-88	B		
ST88-4737	Southern Natural Gas Co	Atlanta Gas Light Co	07-15-88	B		
ST88-4738	Southern Natural Gas Co	Atlanta Gas Light Co	07-15-88	B		
ST88-4739	Southern Natural Gas Co	South Carolina Pipeline Corp	07-15-88	B		
ST88-4740	Southern Natural Gas Co	City of Pell City	07-15-88	B		
ST88-4741	Southern Natural Gas Co	Colony Natural Gas Co	07-15-88	G-S		
ST88-4742	Southern Natural Gas Co	City of Eden Gas Board	07-15-88	B		
ST88-4743	Southern Natural Gas Co	Town of Oak Ridge Water Wks & Gas Board.	07-15-88	B		
ST88-4744	Transcontinental Gas Pipe Line Corp	Delmarva Power and Light Co	07-18-88	B		
ST88-4745	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	07-18-88	B		
ST88-4746	Cabot Gas Supply Corp	Transwestern Pipeline Co	07-18-88	C		
ST88-4747	Cabot Gas Supply Corp	Natural Gas Pipeline Co. of America	07-18-88	C		
ST88-4748	El Paso Natural Gas Co	Southern California Gas Co	07-18-88	B		
ST88-4749	Texas Eastern Transmission Corp	Tejas Gas Corp	07-18-88	B		
ST88-4750	Texas Eastern Transmission Corp	Teco Pipline Company	07-18-88	B		
ST88-4751	Texas Eastern Transmission Corp	Elizabethtown Gas Co	07-18-88	B		
ST88-4752	Texas Eastern Transmission Corp	United Cities Gas Co	07-18-88	B		
ST88-4753	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	07-18-88	B		
ST88-4754	Texas Eastern Transmission Corp	Michigan Consolidated Gas Co	07-18-88	B		
ST88-4755	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-18-88	B		
ST88-4756	Texas Eastern Transmission Corp	Long Island Lighting Co	07-18-88	B		
ST88-4757	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-18-88	B		
ST88-4758	Texas Eastern Transmission Corp	Rochester Gas & Electric Corp	07-18-88	B		
ST88-4759	Texas Eastern Transmission Corp	Elizabethtown Gas Co	07-18-88	B		
ST88-4760	Texas Eastern Transmission Corp	Tristar Energy, Inc	07-18-88	B		
ST88-4761	Texas Eastern Transmission Corp	Elizabethtown Gas Co	07-18-88	B		
ST88-4762	Texas Eastern Transmission Corp	South Jersey Gas Co	07-18-88	B		
ST88-4763	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-18-88	B		
ST88-4764	Texas Eastern Transmission Corp	Winnie Pipeline Co	07-18-88	B		
ST88-4765	Texas Eastern Transmission Corp	Long Island Lighting Co	07-18-88	B		
ST88-4766	Texas Eastern Transmission Corp	Elizabethtown Gas Co	07-18-88	B		
ST88-4767	Texas Eastern Transmission Corp	Brooklyn Union Gas Co	07-18-88	B		
ST88-4768	Texas Eastern Transmission Corp	Seagull Shoreline System	07-18-88	B		
ST88-4769	Texas Eastern Transmission Corp	Rochester Gas & Electric Corp	07-18-88	B		
ST88-4770	Tarpon Transmission	Texican Natural Gas Co	07-18-88	G-S		
ST88-4771	United Gas Pipe Line Co	Texas Gas Marketing Co	07-18-88	G-S		
ST88-4772	United Gas Pipe Line Co	American Cyanamid Co	07-18-88	G-S		
ST88-4773	Texas Eastern Transmission Corp	Lawrenceburg Gas Co	07-19-88	B		
ST88-4774	Texas Eastern Transmission Corp	Niagara Mohawk Power Corp	07-19-88	B		
ST88-4775	Texas Eastern Transmission Corp	East Ohio Gas Co	07-19-88	B		
ST88-4776	Texas Eastern Transmission Corp	Hanley and Bird	07-19-88	B		
ST88-4777	Texas Eastern Transmission Corp	National Fuel Gas Supply Corp	07-19-88	B		
ST88-4778	Texas Eastern Transmission Corp	River Gas Co	07-19-88	B		
ST88-4779	Texas Eastern Transmission Corp	Corning Natural Gas Corp	07-19-88	B		
ST88-4780	Natural Gas Pipeline Co. of America	N-Gas, Inc	07-19-88	G-S		
ST88-4781	Monterey Pipeline Co		07-19-88	C	12-16-88	12.00
ST88-4782	Panhandle Eastern Pipe Line Co	Citizens Gas Supply Corp	07-19-88	G-S		
ST88-4783	Northwest Pipeline Corp	NGC intrastate Pipeline Co	07-19-88	B		
ST88-4784	Northwest Pipeline Corp	Intermonutain Gas Co	07-19-88	B		
ST88-4785	Northwest Pipeline Corp	Intermountain Gas Co	07-19-88	B		
ST88-4786	Northwest Pipeline Corp	Northwest Natural Gas Co	07-19-88	B		
ST88-4787	Northwest Pipeline Corp	Humble Gas Transmission Co	07-19-88	B		
ST88-4788	Northwest Pipeline Corp	Pacific Gas and Electric Co	07-19-88	B		
ST88-4789	Tennessee Gas Pipeline Co	Connecticut Light & Power Co	07-19-88	B		
ST88-4790	Tennessee Gas Pipeline Co	Nycotex Gas Transport	07-19-88	B		
ST88-4791	Tennessee Gas Pipeline Co	Pennsylvania Gas and Water Co	07-19-88	B		
ST88-4792	Tennessee Gas Pipeline Co	CSX NGL Corp	07-19-88	G-S		
ST88-4793	Columbia Gulf Transmission Co	Midwestern Gas Transmission Co	07-19-88	G		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date [2]	Transportation rate (¢/MMBtu)
ST88-4794	Columbia Gulf Transmission Co	Boston Gas Co., et al	07-19-88	B		
ST88-4795	Taft Pipeline Co	SEMCO Energy Services, Inc	07-20-88	C	12-17-88	10.00
ST88-4797	El Paso Natural Gas Co	Sun Gas Transmission Co., Inc	07-20-88	B		
ST88-4798	Natural Gas Pipeline Co. of America	Southern Gas Co	07-20-88	B		
ST88-4799	Panhandle Eastern Pipe Line Co	Quantum Chemical Corp	07-20-88	G-S		
ST88-4800	Panhandle Eastern Pipe Line Co	City of Monroe	07-20-88	B		
ST88-4801	Panhandle Eastern Pipe Line Co	Indiana Gas Co., Inc	07-20-88	B		
ST88-4802	Panhandle Eastern Pipe Line Co	Utilicorp United Inc	07-20-88	B		
ST88-4803	Panhandle Eastern Pipe Line Co	Consolidated Fuel Supply, Inc	07-20-88	G-S		
ST88-4804	Panhandle Eastern Pipe Line Co	Kansas Power and Light Co	07-20-88	B		
ST88-4805	Panhandle Eastern Pipe Line Co	Consolidated Fuel Supply, Inc	07-20-88	G-S		
ST88-4806	Panhandle Eastern Pipe Line Co	Baltimore Gas and Electric Co	07-20-88	B		
ST88-4807	Panhandle Eastern Pipe Line Co	Access Energy Pipeline Corp	07-20-88	B		
ST88-4808	Panhandle Eastern Pipe Line Co	Bishop Pipeline Corp	07-20-88	B		
ST88-4809	Panhandle Eastern Pipe Line Co	Kansas Power and Light Co	07-20-88	B		
ST88-4810	Panhandle Eastern Pipe Line Co	Kansas Power and Light Co	07-20-88	B		
ST88-4811	Tennessee Gas Pipeline Co	Endevco Oil and Gas Co	07-20-88	G-S		
ST88-4812	Tennessee Gas Pipeline Co	Citizens Gas Supply Corp	07-20-88	G-S		
ST88-4813	Tennessee Gas Pipeline Co	Southern Connecticut Gas Co	07-20-88	B		
ST88-4814	Tennessee Gas Pipeline Co	Loutex Energy, Inc	07-20-88	G-S		
ST88-4815	Tennessee Gas Pipeline Co	Ashton Energy Co	07-21-88	G-S		
ST88-4816	ANR Pipeline Co	Peoples Natural Gas Co	07-21-88	B		
ST88-4817	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-88	B		
ST88-4818	ANR Pipeline Co	Brooklyn Union Gas Co	07-21-88	B		
ST88-4819	Trunkline Gas Co	Northern Indiana Public Service Co	07-21-88	B		
ST88-4820	Transcontinental Gas Pipe Line Corp	Long Island Lighting Co	07-21-88	B		
ST88-4821	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co	07-21-88	B		
ST88-4822	Transcontinental Gas Pipe Line Corp	Placid Oil Co	07-21-88	G-S		
ST88-4823	United Gas Pipe Line Co	Monterey Pipeline Co	07-21-88	B		
ST88-4824	United Gas Pipe Line Co	Entex, Inc	07-21-88	B		
ST88-4825	United Gas Pipe Line Co	Entex, Inc	07-21-88	B		
ST88-4826	United Gas Pipe Line Co	Willmut Oil & Gas Co	07-21-88	B		
ST88-4827	United Gas Pipe Line Co	Gulf South Pipeline Co	07-21-88	B		
ST88-4828	United Gas Pipe Line Co	Southern Connecticut Gas Co	07-21-88	B		
ST88-4829	United Gas Pipe Line Co	Polaris Corp	07-21-88	B		
ST88-4830	United Gas Pipe Line Co	Energy Services of Pensacola Florida	07-21-88	B		
ST88-4831	United Gas Pipe Line Co	United Texas Transmission Co	07-21-88	B		
ST88-4832	United Gas Pipe Line Co	Northern Intrastate Pipeline Co	07-21-88	B		
ST88-4833	United Gas Pipe Line Co	United Texas Transmission Co	07-21-88	B		
ST88-4834	United Gas Pipe Line Co	Polaris Corp	07-21-88	B		
ST88-4835	United Gas Pipe Line Co	United Texas Transmission Co	07-21-88	B		
ST88-4836	United Gas Pipe Line Co	Valley Gas Co	07-21-88	B		
ST88-4837	United Gas Pipe Line Co	Quivira Gas Co	07-21-88	B		
ST88-4838	United Gas Pipe Line Co	Quivira Gas Co	07-21-88	B		
ST88-4839	United Gas Pipe Line Co	Amalgamated Pipeline Co	07-21-88	B		
ST88-4840	United Gas Pipe Line Co	Excel Intrastate Pipeline Co	07-21-88	B		
ST88-4841	United Gas Pipe Line Co	Apache Transmission Corp	07-21-88	B		
ST88-4842	United Gas Pipe Line Co	Amalgamated Pipeline Co	07-21-88	B		
ST88-4843	El Paso Natural Gas Co	Southern California Gas Co	07-22-88	B		
ST88-4844	Texas Gas Transmission Corp	Peoples Natural Gas Co	07-22-88	B		
ST88-4845	Texas Gas Transmission Corp	NGC Intrastate Pipeline Co	07-22-88	B		
ST88-4846	Texas Gas Transmission Corp	Quivira Gas Co	07-22-88	B		
ST88-4847	Texas Gas Transmission Corp	Louisville Gas & Electric Co	07-22-88	B		
ST88-4848	Texas Gas Transmission Corp	Bay State Gas Co., et al	07-22-88	B		
ST88-4849	Texas Gas Transmission Corp	Western Kentucky Gas Co	07-22-88	B		
ST88-4850	Panhandle Eastern Pipe Line Co	BP Chemicals America Inc	07-22-88	G-S		
ST88-4851	Tennessee Gas Pipeline Co	Bay State Gas Co	07-22-88	B		
ST88-4852	Tennessee Gas Pipeline Co	Reliance Pipeline Co	07-22-88	B		
ST88-4853	Algonquin Gas Transmission Co	Boston Gas Co	07-22-88	B		
ST88-4854	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co	07-22-88	B		
ST88-4855	Gas Transport, Inc	Borg-Warner Chemicals, Inc	07-22-88	G-S		
ST88-4856	ANR Pipeline Co	Northern Indiana Public Service Co	07-22-88	B		
ST88-4857	ANR Pipeline Co	Northern Indiana Public Service Co	07-22-88	B		
ST88-4858	ANR Pipeline Co	West Ohio Gas Co	07-22-88	B		
ST88-4859	Colorado Interstate Gas Co	MGTC, Inc	07-22-88	B		
ST88-4860	Colorado Interstate Gas Co	MGTC, Inc	07-22-88	B		
ST88-4861	Phillips Gas Pipeline Co	Phillips Natural Gas Co	07-25-88	G-HT		
ST88-4862	Natural Gas Pipeline Co. of America	Wisconsin Southern Gas Co., Inc	07-25-88	B		
ST88-4863	Natural Gas Pipeline Co. of America	Illinois Power Co	07-25-88	B		
ST88-4864	Tennessee Gas Pipeline Co	Columbia Gulf Transmission Co	07-25-88	G		
ST88-4865	Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	07-25-88	B		
ST88-4866	Natural Gas Pipeline Co. of America	Peoples Gas Light & Coke Co	07-26-88	B		
ST88-4867	Natural Gas Pipeline Co. of America	Northern Indians Public Service Co	07-26-88	B		
ST88-4868	Natural Gas Pipeline Co. of America	North Shore Gas Co	07-26-88	B		
ST88-4869	Natural Gas Pipeline Co. of America	North Shore Gas Co	07-26-88	B		
ST88-4870	Columbia Gas Transmission Corp	Connecticut Natural Gas Corp	07-25-88	B		
ST88-4871	Columbia Gulf Transmission Co	Crescent Gas Corp	07-25-88	B		
ST88-4872	Columbia Gulf Transmission Co	Multiple	07-25-88	B		
ST88-4873	Algonquin Gas Transmission Co	Bay State Gas Co	07-25-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date [2]	Transportation rate (¢/MMBtu)
ST88-4874	Algonquin Gas Transmission Co	Berkshire Gas Co	07-25-88	B		
ST88-4875	Algonquin Gas Transmission Co	Southern Connecticut Gas Co	07-25-88	B		
ST88-4876	El Paso Natural Gas Co	Pacific Gas and Electric Co	07-25-88	B		
ST88-4877	Northern Natural Gas Co	Alabama-Tennessee Natural Gas Co	07-26-88	B		
ST88-4878	Northern Natural Gas Co	City of Two Harbors	07-26-88	B		
ST88-4879	Northern Natural Gas Co	Houston Pipe Line Co	07-26-88	B		
ST88-4880	Northern Natural Gas Co	West Texas Gas, Inc	07-26-88	B		
ST88-4881	Northern Natural Gas Co	Coon Rapids Municipal Utilities	07-26-88	B		
ST88-4882	Northern Natural Gas Co	St. Croix Valley Natural Gas Co	07-26-88	B		
ST88-4883	Northern Natural Gas Co	Virginia Minnesota Dept. of Public Util	07-26-88	B		
ST88-4884	El Paso Natural Gas Co	Southern California Gas Co	07-26-88	B		
ST88-4885	El Paso Natural Gas Co	Pacific Gas and Electric Co	07-26-88	B		
ST88-4886	El Paso Natural Gas Co	Southern California Gas Co	07-26-88	B		
ST88-4887	Tennessee Gas Pipeline Co	Natural Gas Clearing. Intra. Pipeline Co	07-26-88	B		
ST88-4888	Gulf States Pipeline Corp	United Gas Pipe Line Co	07-26-88	C	12-23-88	05.00
ST88-4889	Gulf States Pipeline Corp	United Gas Pipe Line Co	07-26-88	C	12-23-88	15.00/10.00
ST88-4890	Valero Transmission, L.P	El Paso Natural Gas Co	07-27-88	C		
ST88-4891	Trunkline Gas Co	Ohio Gas Co	07-27-88	B		
ST88-4892	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	07-27-88	B		
ST88-4893	Natural Gas Pipeline Co. of America	Illinois Power Co	07-27-88	B		
ST88-4894	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	07-27-88	B		
ST88-4895	Natural Gas Pipeline Co. of America	Iowa Electric Light & Power Co	07-27-88	B		
ST88-4896	Texas Eastern Transmission Corp	Columbia Gas of Ohio, Inc	07-27-88	B		
ST88-4897	Texas Eastern Transmission Corp	Columbia Gas of Pennsylvania, Inc	07-27-88	B		
ST88-4898	Texas Eastern Transmission Corp	Columbia Gas of Virginia, Inc	07-27-88	B		
ST88-4899	Texas Eastern Transmission Corp	Columbia Gas of Kentucky, Inc	07-27-88	B		
ST88-4900	Texas Eastern Transmission Corp	Long Island Lighting Co	07-27-88	B		
ST88-4901	Texas Eastern Transmission Corp	Bishop Pipeline Corp	07-27-88	B		
ST88-4902	Texas Eastern Transmission Corp	UGI Corp	07-27-88	B		
ST88-4903	Texas Eastern Transmission Corp	UGI Corp	07-27-88	B		
ST88-4904	Texas Eastern Transmission Corp	Consumers Power Co	07-27-88	B		
ST88-4905	Texas Eastern Transmission Corp	New Jersey Natural Gas Co	07-27-88	B		
ST88-4906	Texas Eastern Transmission Corp	Columbia Gas of Maryland, Inc	07-27-88	B		
ST88-4907	Texas Eastern Transmission Corp	Columbia Gas of New York, Inc	07-27-88	B		
ST88-4908	United Gas Pipe Line Co	Amalgamated pipeline Co	07-27-88	B		
ST88-4909	Natural Gas Pipeline Co of America	Northern Illinois Gas Co	07-28-88	B		
ST88-4910	Natural Gas Pipeline Co of America	Iowa Electric Light & Power Co	07-28-88	B		
ST88-4911	Gas Co. of NM (Div. Public Service. Co. MN)	El Paso Natural Gas Co	07-28-88	C		
ST88-4912	CNG Transmission Corp	Clinton Gas Marketing	07-28-88	G-S		
ST88-4913	CNG Transmission Corp	James River Corp	07-28-88	G-S		
ST88-4914	CNG Transmission Corp	Niagara Mohawk Power Corp	07-28-88	B		
ST88-4915	CNG Transmission Corp	Entrade Corp	07-28-88	G-S		
ST88-4916	CNG Transmission Corp	Elizabethtown Gas Co	07-28-88	B		
ST88-4917	CNG Transmission Corp	Atlanta Gas Co	07-28-88	B		
ST88-4918	CNG Transmission Corp	LTV Steel Co	07-28-88	G-S		
ST88-4919	CNG Transmission Corp	JDS Energy	07-28-88	G-S		
ST88-4920	CNG Transmission Corp	South Jersey Gas Co	07-28-88	B		
ST88-4921	CNG Transmission Corp	Eastern Pipeline	07-28-88	B		
ST88-4922	CNG Transmission Corp	End Users Supply System	07-28-88	G-S		
ST88-4923	CNG Transmission Corp	Peoples Natural Gas Co	07-28-88	B		
ST88-4924	CNG Transmission Corp	Landmark Petroleum Inc	07-28-88	G-S		
ST88-4925	CNG Transmission Corp	Cuyahoga County Hospital System	07-28-88	G-S		
ST88-4926	CNG Transmission Corp	Ohio Gas Marketing Corp	07-28-88	G-S		
ST88-4927	CNG Transmission Corp	Rochester Gas & Electric Corp	07-28-88	B		
ST88-4928	CNG Transmission Corp	CNG Trading Co	07-28-88	G-S		
ST88-4929	CNG Transmission Corp	Unicorp (H & H)	07-28-88	G-S		
ST88-4930	CNG Transmission Corp	New York State Electric and Gas Co	07-28-88	B		
ST88-4931	CNG Transmission Corp	Anheuser Busch	07-28-88	G-S		
ST88-4932	CNG Transmission Corp	Niagara Mohawk Power Corp	07-28-88	B		
ST88-4933	CNG Transmission Corp	New York State Electric and Gas Co	07-28-88	B		
ST88-4934	CNG Transmission Corp	New York State Electric and Gas Co	07-28-88	B		
ST88-4935	CNG Transmission Corp	Niagara Mohawk Power Corp	07-28-88	B		
ST88-4936	CNG Transmission Corp	Niagara Mowhawk Power Corp	07-28-88	B		
ST88-4937	CNG Transmission Corp	City of Alexander City, et al	07-28-88	B		
ST88-4938	CNG Transmission Corp	End Users Supply System	07-28-88	G-S		
ST88-4939	CNG Transmission Corp	IESCO	07-28-88	G-S		
ST88-4940	CNG Transmission Corp	Riley Natural Gas Co	07-28-88	G-S		
ST88-4941	CNG Transmission Corp	North Atlantic Utilities, Inc	07-28-88	G-S		
ST88-4942	CNG Transmission Corp	Access Energy Corp	07-28-88	G-S		
ST88-4943	CNG Transmission Corp	Manufacturers Fuel Co	07-28-88	G-S		
ST88-4944	CNG Transmission Corp	Consolidated Fuel Corp	07-28-88	G-S		
ST88-4945	Transcontinental Gas Pipe Line Corp	Transco Energy Marketing	07-28-88	G-S		
ST88-4946	Trunkline Gas Co	Loutex Energy, Inc	07-29-88	G-S		
ST88-4947	Trunkline Gas Co	Michigan Gas Utilities Co	07-29-88	B		
ST88-4948	Natural Gas Pipeline Co. of America	Enron Gas Marketing	07-29-88	G-S		
ST88-4949	Transok, Inc	Panhandle Eastern Pipe Line Co	07-29-88	C	12-26-88	32.50
ST88-4950	Transok, Inc	Natural Gas Pipeline Co. of America	07-29-88	C	12-26-88	32.50
ST88-4951	United Gas Pipe Line Co	Columbia Gas of NY, et al	07-29-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date [2]	Transportation rate (¢/MMBtu)
ST88-4952	United Gas Pipe Line Co	City of Bay St. Louis, et al	07-29-88	B		
ST88-4953	United Gas Pipe Line Co	Entex, Inc	07-29-88	B		
ST88-4954	United Gas Pipe Line Co	Texas Southern Pipeline, Inc	07-29-88	B		
ST88-4955	United Gas Pipe Line Co	Tristar Energy, Inc	07-29-88	B		
ST88-4956	United Gas Pipe Line Co	Seagull Louisiana Intrastate Pipeline Co	07-29-88	B		
ST88-4957	United Gas Pipe Line Co	Sabine-Desoto Pipeline Co., Inc	07-29-88	B		
ST88-4958	United Gas Pipe Line Co	United Texas Transmission Co	07-29-88	B		
ST88-4959	United Gas Pipe Line Co	Quivira Gas Co	07-29-88	B		
ST88-4960	United Gas Pipe Line Co	Gulf Energy Pipeline Co	07-29-88	B		
ST88-4961	United Gas Pipe Line Co	Atlanta Gas Light Co., et al	07-29-88	B		
ST88-4962	United Gas Pipe Line Co	Consumers Power Co., et al	07-29-88	B		
ST88-4963	United Gas Pipe Line Co	Mississippi Valley Gas Co., et al	07-29-88	B		
ST88-4964	ANR Pipeline Co	Texline Gas Co	07-29-88	B		
ST88-4965	ANR Pipeline Co	Access Energy Pipeline Corp	07-29-88	B		
ST88-4966	ANR Pipeline Co	Coastal States Gas Transmission Co	07-29-88	B		
ST88-4967	ANR Pipeline Co	Michigan Consolidated Gas Co	07-29-88	B		
ST88-4968	ANR Pipeline Co	Consumers Power Co	07-29-88	B		
ST88-4969	ANR Pipeline Co	St. Joseph Light & Power Co	07-29-88	B		
ST88-4970	ANR Pipeline Co	Wisconsin Public Service Corp	07-29-88	B		
ST88-4971	ANR Pipeline Co	Wisconsin Natural Gas Co	07-29-88	B		
ST88-4972	ANR Pipeline Co	Northern Indiana Fuel & Light Co	07-29-88	B		
ST88-4973	ANR Pipeline Co	City of Richmond	07-29-88	B		
ST88-4974	ANR Pipeline Co	Lamoni Municipal Utilities	07-29-88	B		
ST88-4975	ANR Pipeline Co	Wisconsin Public Service Corp	07-29-88	B		
ST88-4976	ANR Pipeline Co	Wisconsin Public Service Corp	07-29-88	B		
ST88-4977	ANR Pipeline Co	Wisconsin Natural Gas Co	07-29-88	B		
Below is a petition for rate approval noticed out of sequence, it is noticed at this time to give interested parties the appropriate 150-day comment period.						
ST88-5350	Monterey Pipeline Co		07-01-88	C	11-28-88	24.40

[1] Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with Order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/18/85).

[2] The intrastate pipeline has sought commission approval of its transportation rate pursuant to section 284.123(B)(2) of the Commission's regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

Lois D. Cashell,

Secretary.

[FR Doc. 88-21573 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-187-004]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 16, 1988.

Take notice that Columbia Gas Transmission Corporation (Columbia) on September 8, 1988, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1:

To Be Effective June 4, 1988

Second Substitute Second Revised Sheet No. 68

To Be Effective August 1, 1988

Fourteenth Revised Sheet No. 16B
Fourth Revised Sheet No. 16B1
Fourth Revised Sheet No. 16B2

Columbia states that the foregoing tariff sheets relate to Columbia's June 3, 1988 filing in Docket No. RP88-187-000 in which Columbia established procedures pursuant to Order No. 500 to recover from its customers the take-or-pay and contract reformation costs billed to Columbia by its pipeline suppliers. Specifically, Columbia proposes to:

(A) Supplement its earlier filings to permit it to flowthrough additional take-or-pay and contract reformation costs to be billed to it by Texas Eastern Transmission Corporation (Texas Eastern) in Docket No. RP88-223 relating to costs to be incurred by Texas Eastern from its pipeline supplier, Southern Natural Gas Company.

(B) Revise section 25.1 of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, pursuant to the Federal Energy Regulatory Commission's August 26, 1988 Order in Docket No. RP88-187-000. The Commission's order directed Columbia to delete from section 25.1 references to "transportation" rate schedules and "volumetric commodity surcharges" that were applicable only to a previously deleted section 25.3 relating to a "volumetric commodity surcharge recovery mechanism".

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. RP88-187-000.

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, 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 23, 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,

Secretary.

[FR Doc. 88-21563 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-563-000]

Conoco, Inc., et al., Petition for Declaratory Order

September 15, 1988.

Take notice that on August 12, 1988, Conoco Inc.,[1] Oxy USA, Texaco Producing Inc., and Arco Oil & Gas, a division of Atlantic Richfield Company (Petitioners), filed a petition requesting the Commission to issue a declaratory order stating that it has no jurisdiction over certain natural gas facilities located in the federal domain, offshore Texas. Petitioners contend that the facilities are gathering facilities under section 1(b) of the Natural Gas Act (NGA) and are therefore exempt from the certificate requirements of section 7(c) of the NGA. Petitioners further request that this petition be considered as a companion docket to Tennessee Gas Pipeline Company (TGPL) Docket No. CP88-400-000, currently pending before the Commission. In that docket, TGPL requests abandonment of the subject facilities by sale to the petitioners.

Petitioner state that the subject of this petition, the Grand Isle Gathering System delivers natural gas produced by CATC (an entity comprised of the petitioners) from the West Delta and Grand Isle areas of the Outer Continental Shelf (OCS), offshore Louisiana, into TGPL's system for transportation onshore. Petitioners contend that the facilities perform a gathering function under the primary function test set forth in *Farmland Industries, Inc.*, 23 FERC ¶ 61,063 (1983).

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 or 211 of the Commission's rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, within 30 days after publication of this notice in the **Federal Register.** All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the petition are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-21550 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-132-001]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

September 15, 1988.

Take notice that on September 12, 1988 Florida Gas Transmission Company (FGT), PO Box 1150, Houston, Texas 77251-1188 filed, in compliance with the Commission Letter Order issued on August 12, 1988 in the above-referenced docket, the following revised tariff sheets to become part of FGT's FERC Gas Tariff, First Revised Volume No. 1.

Substitute 4th Revised Sheet No. 43
Substitute 4th Revised Sheet No. 44
Substitute 2nd Revised Sheet No. 47

FGT requests any necessary waivers of the Commission's regulations to permit such tariff sheets to become effective June 1, 1988. Copies of FGT's filing were sent to all parties, 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 Capital 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 23, 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,

Secretary.

[FR Doc. 88-21564 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ89-1-4-000; TM89-1-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

September 15, 1988.

Take notice that on September 9, 1988, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the revised tariff sheets listed below in its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 for effectiveness on October 1, 1988:

First Revised Volume No. 1

Eleventh Substitute Twenty-First Revised Sheet No. 7
Third Substitute Seventh Revised Sheet No. 7-A

Original Volume No. 2

Third Substitute Eighth Revised Sheet No. 27

According to Granite State, the changes in rates reflect its second quarterly purchased gas costs adjustments based on projected gas costs for the fourth quarter of 1988 and the revised Annual Charges Adjustment (ACA) surcharge that will become effective October 1, 1988. Granite State further states that it has revised the commodity component of the Transportation Cost Adjustment included in its jurisdictional sales rates to reflect a change in the cost of transportation service rendered by Tennessee Gas Pipeline Company (Tennessee) under Rate Schedule CGT-NE as result of a recent filing by Tennessee to reflect the revised ACA surcharge in Rate Schedule CGT-NE. Granite State states that it is authorized to track changes in Rate Schedule CGT-NE in its sales rates through the Transportation Cost Adjustment.

Granite State further states that it has also revised the rate for storage-related transportation service in its Rate Schedule T-3 for transportation through its pipeline facilities to reflect the ACA surcharge that will be effective October 1, 1988.

According to Granite State 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 and 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,

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[1] Formerly known as Cities Service Oil and Gas Corporation.

DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 22, 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. 88-21551 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-77-000]

High Island Offshore System; Proposed Changes in FERC Gas Tariffs

September 15, 1988.

Take notice that on September 1, 1988 High Island Offshore System (HIOS) tendered for filing pursuant to Section V of the Rates and Charges provisions of its Tariff and as permitted by § 154.38(d)(6) of the Commissions Regulations, Twentieth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1.

HIOS states that the filing reflects a reduction to its Annual Charge Adjustment rate from $.0021 to $.0018 per Mcf. HIOS proposes an October 1, 1988 effective date.

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 23, 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 party wishing to become a party to the proeeding 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,

Secretary.

[FR Doc. 88-21565 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9419-001]

JDJ Energy Co; Availability of Environmental Assessment

September 14, 1988.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for major license for the proposed Riverton Water Power Project and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 1000, of the Commission's offices at 825 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-21552 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-128-003]

National Fuel Gas Supply Corp.; Filing

September 14, 1988.

Take notice that on August 19, 1988, National Fuel Gas Supply Corporation (National Fuel) filed Alternate Third Revised Sheet No. 70 to its FERC Gas Tariff, First Revised Volume No. 1. National Fuel states that this tariff sheet is in substitution for Third Revised Sheet No. 70 contained within its August 1, 1988 filing.

National Fuel states that this tariff sheet corrects its inadvertent reference to January 1, 1983, when describing billing procedures for former sales customers on its system. The correct date should have been May 1, 1988, the proposed effective date of its tariff sheet.

National Fuel states that, in addition, Alternate Third Revised Sheet No. 70 clarifies that any customer departing National's system may elect to adopt monthly billing in place of a lump sump payment in order to discharge its take-or-pay pass-through funding responsibility.

A copy of this filing has been mailed to all authorized purchasers of natural gas from National and to all interested state commissions.

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 Capital 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 (1988)). All such motions or protests should be filed on or before September 22, 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. 88-21553 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-121-006 and TQ88-26-001]

Natural Gas Pipeline Company of America; Compliance With Order Nos. 483 and 483-A

September 16, 1988.

Take notice than on September 9, 1988, Natural Gas Pipeline Company of America (Natural), tendered for filing, as part of Natural's FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Tenth Revised Sheet No. 118
Sixteenth Revised Sheet No. 119
Eleventh Revised Sheet No. 121
Fourth Revised Sheet No. 121A
Third Revised Sheet No. 121B
Third Revised Sheet No. 121C
Third Revised Sheet No. 121D
First Revised Sheet No. 121E
First Revised Sheet No. 121F
Substitute Seventy-fourth Revised Sheet No. 5

Natural states such revised tariff sheets are filed in compliance with the Letter Order dated August 12, 1988, in order that Natural's tariff will be in conformance with Order Nos. 483 and 483-A, relating to Purchased Gas Cost Adjustment (PGA) filings.

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 23, 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,

Secretary.

[FR Doc. 88-21566 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-1-59-001]

Northern Natural Gas Co.; Filing

September 16, 1988.

Take notice that on September 6, 1988, Northern Natural Gas Company (Northern) filed Fourth Revised Sheet No. 4g, Fifth Revised Sheet No. 4g.2, and Fifth Revised Sheet No. 4g.1 to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective October 1, 1988.

Northern states that this filing reflects the proposed Annual Charge Adjustment (ACA) that was inadvertantly omitted from its filing of August 31, 1988.

Northern requests any waivers of the Commission's Regulations and its tariff provisions as may be required to permit these tariff sheets to be accepted for filing and made effective on October 1, 1988.

Northern states that copies of this filing have been mailed to affected customers and interested state commissions.

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 (1988)). All such motions or protests should be filed on or before September 23, 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,

Secretary.

[FR Doc. 88-21567 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-154-003]

Northwest Pipeline Corp.; Compliance Filing

September 15, 1988.

Take notice that on September 12, 1988, Northwest Pipeline Corporation ("Northwest") filed the tariff sheets listed below in compliance with a Federal Energy Regulatory Commission ("Commission") letter order issued August 12, 1988 in the above-captioned docket.

First Revised Volume No. 1

Ninth Revised Sheet No. 125
Twelfth Revised Sheet No. 126
Seventh Revised Sheet No. 126-A
Eleventh Revised Sheet No. 127
Ninth Revised Sheet No. 127-A
Tenth Revised Sheet No. 128
Sixth Revised Sheet No. 128-A
Seventh Revised Sheet No. 129
Sixth Revised Sheet No. 130
Original Revised Sheet No. 130-A

Northwest states that the tariff sheets mentioned above were filed to make specific language adjustments to the Purchased Gas Cost Adjustment Provision of Northwest's FERC Gas Tariff, First Revised Volume No. 1. Northwest requests an effective date of June 1, 1988 for each of the respective tariff sheets.

A copy of the filing has been mailed to Northwest's jurisdictional customers and affected state commissions.

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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 23, 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,

Secretary.

[FR Doc. 88-21568 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ88-2-37-003]

Northwest Pipeline Corp.; Compliance Filing

September 15, 1988.

Take notice that on September 12, 1988, Northwest Pipeline Corporation ("Northwest") submitted for filing proposed demand gas cost adjustments to be effective July 1 and July 3, 1988. Such filing was tendered to comply with a Commission letter order issued August 12, 1988 in the above-captioned docket.

Northwest states that pursuant to the Commission order, the current demand gas cost adjustments are calculated using projected demand costs and toll credits for the three months beginning July 1, 1988 and using billing determinants effective July 1 and July 3, 1988. The proposed rate changes have been reflected on Seventh Amended Thirty-Ninth Revised Sheet No. 10 and First Amended Forty-First Revised Sheet No. 10.

A copy of this filing has been mailed to 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 23, 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,

Secretary.

[FR Doc. 88-21569 Filed 9-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-250-000 and TM89-1-41-000]

Paiute Pipeline Co.; Change in Annual Charge Adjustment and Provision

September 15, 1988.

Take notice that Paiute Pipeline Company (Paiute) on September 8, 1988, tendered for filing Second and Third Revised Sheets No. 10 and First Revised Sheet No. 72 applicable to its FERC Gas Tariff, Original Volume No. 1. Paiute

states that the purpose of said filing is to revise its annual charge adjustment (ACA) surcharge in order to recover the Commission's annual charges for the 1988 fiscal year. Paiute further states that it has incorporated a revision to its ACA Provision to reflect an effective date of October 1 for its ACA filings.

Paiute has requested waiver of the notice requirements and any other applicable Commission regulations as may be necessary so as to permit the tendered tariff sheets to become effective October 1, 1988.

Paiute states that copies of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Southwest Gas Corporation, Sierra Pacific Power Company and CP National Corporation.

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 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 23, 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,

Secretary.

[FR Doc. 88–21570 Filed 9–20–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA89–1–40–001]

Raton Gas Transmission Co.; Filing

September 16, 1988.

Take notice that on September 12, 1988, Raton Gas Transmission Company (Raton) filed Substitute Tenth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1988.

Raton states that in its August 12, 1988 filing, Tenth Revised Sheet No. 4 contained an error in the reduction in Demand Rate and that Substitute Tenth Revised Sheet No. 4 corrects the error.

Raton states that a copy of this filing has been mailed to its two customers and to the Public Service Commission of New Mexico.

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 395.214, 385.211 (1988). All such motions or protests should be filed on or before September 26, 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,

Secretary.

[FR Doc. 88–21571 Filed 9–20–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA89–1–38–001]

Ringwood Gathering Co.; Proposed Changes in FERC Gas Tariff

September 16, 1988.

Take notice that on September 8, 1988, Ringwood Gathering Company (Ringwood), 4828 Loop Central Drive, Loop Central Three, Suite 850, Houston, Texas 77081, filed Substitute Forty-fourth Revised Sheet No. PGA–1 to its FERC Gas Tariff reflecting a revision of its current adjustment pursuant to 18 CFR 154.305(c)(4), and other technical corrections suggested by the Commission Staff, including the computation of Ringwood's surcharge adjustment. This filing supersedes Ringwood's August 2, 1988 filing in Docket No. TA89–1–38–000.

Copies of the filing were served upon Ringwoods's jurisdictional customers and interested state agencies.

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 395.214, 385.211 (1988). All such motions or protests should be filed on or before September 26, 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,

Secretary.

[FR Doc. 88–21572 Filed 9–20–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–223–001]

Texas Eastern Transmission Corp.; Compliance Filing

September 14, 1988.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on Sept. 8, 1988 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies each of the following tariff sheets:

Proposed To Be Effective July 1, 1988

Substitute Original Sheet No. 483B

Proposed to be Effective August 1, 1988

Substitute First Revised Sheet No. 483B

Texas Eastern states the purpose of this filings is to make revisions to Texas Eastern's tariff as required by the Commission's August 24, 1988, "Order Accepting for Filing and Suspending Tariff Sheets, Subject to Refund and Conditions" (August 24 Order) in Docket No. RP88–223.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 22, 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. 88–21554 Filed 9–20–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88-251-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 15, 1988.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on September 8, 1988, tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets, proposed to be effective September 9, 1988:

Fifth Revised Sheet No. 68
Fifth Revised Sheet No. 69
Fifth Revised Sheet No. 70
Fifth Revised Sheet No. 71
Fifth Revised Sheet No. 72–99
Original Sheet No. 483C
Original Sheet No. 483D

Texas Eastern states the purpose of this filing is to establish the procedures pursuant to which Texas Eastern will recover the flow-though by Texas Gas Transmission Corporation (Texas Gas) to Texas Eastern of a portion of their share of Tennessee Gas Pipeline Company's (Tennessee) take-or-pay charges as proposed by Texas Gas in a filing made on August 8, 1988 in Docket No. RP88–230.

Texas Eastern states tariff sheets numbered 483C and 483D are being filed to establish the procedures for recovering Tennessee's take-or-pay charges to be billed by Texas Gas and paid by Texas Eastern. Sheet Nos. 68, 69, 70, and 71, set forth the monthly principal amount plus the allocation factor for carrying costs that each Texas Eastern customer will be required to pay in order to recover Texas Gas's take-or-pay charges billed to Texas Eastern pursuant to Texas Gas's filing on August 8, 1988 in Docket No. RP88–230.

Texas Eastern states its portion of Tennessee's take-or-pay costs to be billed by Texas Gas is $60,196, including amortization interest. Texas Gas proposes to bill Texas Eastern a fixed monthly charge of $10,033 for six months. Texas Eastern will likewise bill its customers equal monthly amounts totalling $60,196 over six months, beginning in September 1988. Determination of the allocation factor and monthly amounts each customer will be required to pay are set forth under Attachment A.

Texas Eastern states if at any time Texas Gas is permitted by Commission order to change its take-or-pay procedures and/or the amounts to be recovered pursuant thereto, Texas Eastern will likewise change its take-or-pay procedure and/or the amounts to be recovered pursuant thereto. In addition, Texas Eastern expressly agrees to refund to its customers all refunds received from Texas Gas in Docket No. RP88–230.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 22, 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. 88–21555 Filed 9–20–88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3451-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), these notices announce that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and are available to the public for review and comment. The ICRs describe the nature of the information collections and their expected costs and burdens; where appropriate, they include the actual data collection instrument.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382–2740.

SUPPLEMENTARY INFORMATION: .

Office of Pesticides and Toxic Substances

Title: National Human Adipose Tissue Survey. (EPA ICR #0939).

Abstract: Collection of human adipose tissue is made on an annual basis by cooperating pathologists throughout the continental U.S. Samples are analyzed and statistics are generated to estimate the prevalence and levels of exposure to selected toxic substances and pesticides in the general U.S. population.

Burden Statement: Public reporting burden for this collection of information is estimated to average one hour per response including time to excise the tissue, complete the patient summary report form, and prepare the samples for shipment.

Respondents: Pathologists.

Estimated Number of Respondents: 50.

Frequency of Collection: On occasion.

Total Estimated Annual Burden: 1,600 hours.

Office of Water

Title: Underground Injection Control Program Information. (EPA ICR #0370.08). Renewal of existing requirements; no changes proposed.

Abstract: Owners/operators of injection wells must obtain permits, must conduct environmental monitoring and maintain records, and must report results to EPA or a state agency. States must report to EPA on permittee compliance and related information. Data are used to ensure safety of underground sources of drinking water.

Burden Statement: The estimated average annual burden for a well owner or operator is 77 hours for reporting and 1 hour for recordkeeping. This includes time to prepare permit applications, conduct environmental monitoring and reporting, prepare plugging and abandonment reports, submission of additional information as needed, and retention of records.

The estimated averge annual burden for a state is 587 hours. This includes time to update injection well inventories and prepare testing, compliance and grant utilization reports.

Respondents: Businesses and state governments.

Estimated Number of Respondents: 4,290.

Estimated Total Annual Burden: 328,801 hours.

Send comments regarding the burden estimates, or any other aspects of these collections of information, including suggestions for reducing the burdens, to:

Carla Levesque, Environmental Protection Agency, Information Policy Branch (PM–223), 401 M Street, SW., Washington, DC 20460

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place NW., Washington, DC 20503, (Telephone (202) 395–3084).

OMB Responses to Agency PRA Clearance Requests

EPA ICR #0783.05; Motor Vehicle Emission Certification and Fuel Economy Labeling Program—Small Volume Manufacturer Certification NPRM; was approved 08/18/88; OMB No. 2060–0104; expiration date: 08/31/91.

EPA ICR #0783.06; Motor Vehicle Emission Certification and Fuel Economy Labeling Program; was approved 08/24/88; OMB No. 2060–0104; expiration date: 08/31/88.

EPA ICR #1442; Land Disposal Restrictions: Information Requirements for First Third Scheduled Wastes (Amendment); was approved 08/23/88; OMB No. 2050–0085; expiration date: 08/31/91.

Date: September 9, 1988.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 88–21508 Filed 9–20–88; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180789; FRL–3451–2]

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 Arizona Commission of Agriculture and Horticulture (hereafter referred to as the "Applicant") to use the active ingredient hydrogen cyanamide (Dormex™) to promote uniform bud break in 7,500 acres of table grapes grown in Arizona. 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 October 6, 1988.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP–180789," 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: Room 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 Rm. 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: Room 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 this 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 Arizona. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

Approximately 7,800 acres of table grapes, *Vitis* spp., are grown in Arizona. The Applicant indicates that Arizona 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 Arizona may not experience adequate winter chilling to promote uniform budbreak 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 ingedient) per acre. Application will be made once in dormancy after pruning sometime between December 15, 1988, and January 31, 1989, to approximately 7,500 acres of table grapes.

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 ingredient 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 the 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 Arizona Commission of Agriculture and Horticulture.

Dated: September 13, 1988.

Edwin F. Tinsworth,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88–21505 Filed 9–20–88; 8:45 am]

BILLING CODE 6560–50–M

[PP 7G3561/T574; FRL–3448–4]

Mepiquat Chloride; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the plant growth regulator mepiquat chloride (N,N-dimethyl-piperidinium chloride) in or on certain raw agricultural commodities. These temporary tolerances were requested by BASF Wyandotte Corp., Chemicals Division.

DATE: These temporary tolerances expire June 30, 1989.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703) 557–1800.

SUPPLEMENTARY INFORMATION: BASF Wyandotte Corp., Chemicals Division, Agricultural Chemicals Group, 100 Cherry Hill Rd., Parsippany, NJ 07054, has requested in pesticide petition (PP)

7G3561 the establishment of temporary tolerances for residues of the plant growth regulator mepiquat chloride (N,N-dimethyl-Piperidinium chloride) in or on the raw agricultural commodities grapes at 1.0 part per million (ppm) and the processed fractions raisins at 6.0 ppm, raision waste at 26 ppm, and pomace (wet and dry) at 3.0 ppm. A related food and feed additive regulation (FAP) 7H5544, in or on the raw agricultural commodities raisins at 6.0 parts per million (ppm), raisin waste at 26 ppm, and grape pomace (wet and dry) at 3.0 ppm has published in the Federal Register of June 22, 1988 (53 FR 23385).

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 7969-EUP-34, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. BASF Wyandotte Corp., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire June 30, 1989. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Authority: (21 U.S.C. 346a(j)).

Dated: September 7, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-21162 Filed 9-20-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3449-2]

Extension of Comment Period; Proposed Determination To Prohibit, Deny, or Restrict the Specification, or the Use For Specification, of an Area as a Disposal Site; Hurricane Creek, Bacon County, GA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public hearing comment period.

SUMMARY: On August 30, 1988, a public hearing was held in Alma, Georgia, pursuant to a notice published on July 15, 1988 at 53 FR 26859. This hearing concerned a Proposed Determination by EPA Region IV, set forth in that notice, to withdraw, deny, or restrict the specification or use of portions of Hurricane Creek flood plain and portions of unnamed tributaries of Hurricane Creek in the Alma area as a disposal site for dredged or fill materials under authority of section 404(c) of the Clean Water Act (33 U.S.C. 1344(c)). Since that hearing, attorneys representing the Alma-Bacon County Community Development Agency, which has applied for section 404 permits to construct a recreational lake and greentree reservoirs in the area covered by the Proposed Determination, have requested extension of the post-hearing comment period provided under 40 CFR 231.4(f). In light of the lengthly nature of the administrative record in this matter, that post-hearing comment period is being extended until the close of business on September 19, 1988. To allow further time to Region IV's consideration of comments received during the extended post-hearing comment period, the time period provided under 40 CFR 231.5(a) for Regional action on the Proposed Determination is also being extended until the close of business on October 5, 1988. These extensions are made under authority of 40 CFR 231.8.

FOR FURTHER INFORMATION CONTACT: Frank M. Redmond, Chief, Wetlands and Coastal Programs Section, Water Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia, 30365, (404) 347-3776.

Dated: September 9, 1988.

Joe R. Franzmathes,

Acting Regional Administrator.

[FR Doc. 88-21504 Filed 9-20-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

September 12, 1988.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3507.

Copies of these submissions may be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037, or telephone (202) 857-3815. Persons wishing to comment on an information collection should contract Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, telephone (202) 395-3785. Copies of these comments should also be sent to the Commission. For further information contact Jerry Cowden, Federal Communications Commission, telephone (202) 632-7513.

OMB No.: 3060-0173

Title: Section 73.1207, Rebroadcasts

Action: Extension

Respondents: State or local governments, Business, including small business, and Non-Profit institutions

Frequency of response: Recordkeeping Requirement

Estimated Annual Burden: 100 Recordkeepers one-half hour each

Needs and Uses: Licensees of broadcast stations are required to obtain written permission from an originating station prior to retransmitting any program or part thereof. A copy of this permission must be retained in the station's file and made available to FCC upon

request. This written consent assures the Commission that prior authorizations for retransmission of the program was obtained.

OMB No.: 3060–0182
Title: Section 73.1620, Program Tests
Action: Extension
Respondents: Business, including small business
Frequency of response: On occasion
Estimated Annual Burden: 395 Responses, one hour each
Needs and Uses: Permittees of nondirectional AM or FM stations, and nondirectional or directional TV stations, are required to notify the FCC upon beginning of program tests. This notice alerts the Commisison that construction has been completed and that the station is broadcasting program material.

H.Walker Feaster III,
Acting Secretary.
[FR Doc. 88–21496 Filed 9–20–88; 8:45 am]
BILLING CODE 6712–01–M

Closed Circuit Test of the Emergency Broadcast System During the Week of September 19, 1988

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of September 19, 1988. Only ABC, AP Radio, CBS, MBS, NBC, NPR, United Stations and UPI Audio Radio Network affiliates will receive the Test Program for the Closed Circuit Test. The ABC, CBS, NBC, and PBS television networks and the national cable program supplier networks are not participating in the test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 25 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

THIS IS A CLOSED CIRCUIT TEST AND WILL NOT BE BROADCAST OVER THE AIR.

Federal Communications Commission.

H. Walker Feaster III,
Acting Secretary.
[FR Doc. 88–21497 Filed 9–20–88; 8:45 am]
BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and 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 protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 and/or § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–011074–001
Title: Baton Rouge Marine Contractors, Inc. Terminal Agreement
Parties: Strachan Shipping Company
I.T.O Corporation
Cooper/T. Smith Stevedoring
Cavalair Corporation
Kerr Steamship Co. Inc.,
Filing Party:
John P. Meade, Attorney
O'Connor & Hannon
Suite 800
1919 Pennsylvania Avenue, N.W.
Washington, D.C. 20006–3483
Synopsis: The agreement evidences the transfer of shares of stock and participation in the basic shareholders agreement from Biehl and Company to Cavalair Corporation.

By Order of the Federal Maritime Commission.

Dated: September 16, 1988.

Joseph C. Polking,
Secretary.
[FR Doc. 88–21540 Filed 9–20–88; 8:45 am]
BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–005200–059.
Title: Pacific Coast European Conference.
Parties: Compagnie Generale-Maritime, Hapag-Lloyd AG, Incotrans B.V.
Synopsis: The proposed modification would delete Conference jurisdiction over traffic moving intermodally via gateways other than U.S. West Coast ports. The parties have requested a shortened review period.

Agreement No.: 203–009735–024.
Title: Steamship Operators Intermodal Committee Agreement.
Parties:
Columbus Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Lykes Bros. Steamship Co., Inc.
A.P. Moller-Maersk Line
Neptune Orient Lines Ltd.
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
Synopsis: The proposed modification would delete Japan Line, Ltd., as a party to the agreement.

Agreement No.: 207–011195–002.
Title: Hyundai Australia Direct Line Joint Service Agreement.
Parties:
PAD/Line Overseas S.A. d/b/a Pacific Australia Direct Line
Hyundai Merchant Marine Co., Ltd.
Synopsis: The proposed modification would delete New Zealand from the scope of the agreement, and would further define coverage of certain Pacific Island groups.

Agreement No.: 232.011214.
Title: CCNI/Lykes Reciprocal Space Charter and Coordinated Sailing Agreement.
Parties:
Compania Chilena de Navegacion Interoceanica S.A.
Lykes Bros. Steamship Co., Inc.
Synopsis: The proposed agreement would permit the parties to charter space from and to one another, and agree on sailing schedules in the trade between U.S. Atlantic Coast ports and inland points via such ports in South America and Panama. The agreement would further permit the parties to advertise sailings and agree on the

number, size and type of vessels operated by each in the trade.

By Order of the Federal Maritime Commission.

Dated: September 16, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88-21541 Filed 9-20-88; 8:45am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200131-001.

Title: Commercial Port of Tinian Terminal Agreement.

Parties:

Commonwealth Port Authority.
Tinian Marine Stevedore, Inc.

Synopsis: The agreement changes the term of the basic lease agreement from fifteen years, with an option for another fifteen years, to a term of twenty years with an option for another twenty years. The agreement also provides for an additional rental charge in the event of a sublease, assignment, or other transfer of the basic lease agreement.

Agreement No.: 224-010946-005.

Title: Brazos River Terminal Agreement.

Parties:

Brazos River Harbor Navigation District
American Rice, Inc. (Lessee)

Synopsis: The agreement reflects (1) the termination of the temporary lease of Warehouse Transit Shed A and Warehouse Transit Shed I; and (2) the resumption and reinstatement of Lessee's right to preferential use of Warehouse Transit Sheds 1A and 2 as provided in the agreement.

Agreement No.: 224-010774-002.

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Evergreen Marine Corporation (Taiwan)

Synopsis: The proposed agreement modifies the rate schedule of Agreement No. 224-010774 and increases rates pursuant to clauses in that Agreement.

By order of the Federal Maritime Commission.

Dated: September 16, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88-21587 Filed 9-20-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Paxton 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 office 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 13, 1988.

A. Federal Reserve Bank of Chicago (David E. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Paxton Bancorp, Inc.*, Paxton, Illinois; to acquire 100 percent of the voting shares of Cissna Park State Bank, Cissna Park, Illinois.

2. *Indiana-Hoosier Corp.*, Greenwood, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Bloomington National Bank, Bloomington, Indiana.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Wheeler County Bancshares, Inc.*, Shamrock, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank and Trust, Shamrock, Texas.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation*, Los Angeles, California; to acquire 100 percent of the voting shares of Nevada National Bancorporation, Reno, Nevada, and thereby indirectly acquire Nevada National Bank, Reno, Nevada.

2. *U.S. Bancorp*, Portland, Oregon; to acquire 100 percent of the voting shares of Western Independent Bancshares, Inc., Auburn, Washington, and thereby indirectly acquire Auburn Valley Bank, Auburn, Washington.

Board of Governors of the Federal Reserve System, September 15, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-21480 Filed 9-20-88; 8:45 am]

BILLING CODE 6210-01-M

First Security Corp., Salt Lake City, UT; Application To Engage in Leasing Activities

First Security Corporation, Salt Lake City, Utah ("First Security"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage *de novo*, through its wholly owned subsidiaries, First Security Leasing Company, Salt Lake City, Utah, and First Security Leasing Company of Nevada, Las Vegas, Nevada (together "Company"), in certain leasing activities involving the leasing of personal property, or acting as agent, broker, or adviser in leasing such property, pursuant to the Board's Regulation Y (12 CFR 225.25(b)(5). These activities will be conducted nationwide. Company currently engages in leasing activities through certain existing subsidiaries for which it has received prior Board approval under Regulation Y (12 CFR 225.25(b)(5)).

Company also proposes to expand its leasing activities to include leasing transactions that comply with all of the conditions of Regulation Y except as set out below. Company is requesting the Board's prior approval to engage in leasing transactions the terms of which will allow Company to rely for its compensation on the estimated residual value of the property at the expiration of the initial term of the lease up to 70

percent of the acquisition cost of the property. First Security has stated that it will limit such leases with estimated residual values in excess of 25 percent of acquisition cost to no more than 10 percent of First Security's total consolidated assets. Regulation Y currently limits residual value reliance to no more than 20 percent of the acquisition cost of the property to the lessor. 12 CFR 225.25(b)(5)(iv)(C).

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity which the Board has determined to be "so closely related to banking or managing or controlling banks as to be a proper incident thereto." A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board statement Regarding Regulation Y, 49 FR 806 (1984).

First Security believes that its proposed leasing activities, including the less restrictive residual value requirement, are closely related to banking, and cites as authority for this the recently expanded authority for national banks to engage in leasing transactions on a net lease basis. 12 U.S.C. 24 (Tenth). The Office of the Comptroller of the Currency has interpreted that provision as authorizing national bank leases that rely on a residual value of up to 70 percent of the original cost of the property to the lessor. Federally chartered thrift institutions have similar authority. 12 U.S.C. 1464(c)(2)(A) and 12 CFR 545.78.

In determining whether an activity meets the second, or proper incident to banking test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "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."

First Security contends that Company's conduct of the proposed activities will result in significant public benefits that will outweigh any possible adverse effects. First Security states that such public benefits will take the form of increased competition in the leasing industry, gains in efficiency, increased earnings for Company, and improved services to leasing customers.

Comments regarding the application must be received at the offices of the Board of Governors not later than October 5, 1988.

Board of Governors of the Federal Reserve System, September 15, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-21481 Filed 9-20-88; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies; Robert Marett

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 6, 1988.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Robert Marett, Trustee*, Atlanta, Georgia; to acquire an additional 3.8 percent of the voting shares of Georgia Central Bancshares, Inc., Social Circle, Georgia, and thereby indirectly acquire Georgia Cental Bank, Social Circle, Georgia.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Sunwestern Investment Fund III, L.P.*, Dallas, Texas; to acquire 24 percent of the voting shares of Provident Bancorp of Texas, Inc., Dallas, Texas, and thereby indirectly acquire The Security State Bank of Commerce, Commerce, Texas; Provident Bank-Dallas, Texas; Provident Bank-Denton, Denton, Texas; DeSoto State Bank, DeSoto, Texas, and First State Bank, Wylie, Texas.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Charles L. Hermansen*, Newport Beach, California; The Charles Leonard Hermansen Trust, Newport Beach, California; The Hermansen Construction Company, Huntington Beach, California; and The Hermansen Construction Company Pension Benefit Plan Trust, Huntington Beach, California; to acquire an additional 13.81 percent of the voting share of HNB Financial Group, Huntington Beach, California.

Board of Governors of the Federal Reserve System, September 15, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-21482 Filed 9-20-88; 8:45 am]

BILLING CODE 6210-01-M

Moore Financial Group, Inc., et al.; Applications To Engage de novo in Permissible Nonbanking Activities

The companes listed in this notice have filed an application under §225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be availabe 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 13, 1988.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *More Financial Group, Incorporated,* Boise, Idaho; to engage *de novo* through its subsidiary, Clearwater Life Insurance Company, Phoenix, Arizona, in underwriting as reinsurer, credit life and credit disability insurance which is directly related to extensions of credit by the credit extending affiliates of Moore Financial Group Incorporated pursuant to § 225.25(b)(8) of the Board's Regulation Y.

2. *North Valley Bancorp,* Redding, California; to engage *de novo* through its subsidiary, Bank Processing, Inc., Redding, California, in providing data processing services to other depository institutions pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 15, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-21483 Filed 9-20-88; 8:45 am]

BILLING CODE 6210-01-M

Ramona Bankshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 13, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Ramona Bankshares, Inc.,* Hillsboro, Kansas; to acquire Hillsboro, Insurance Agency, Hillsboro, Kansas, and thereby engage in offering insurance in small towns with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted within a 5-mile radius around Hillsboro, Kansas.

Board of Governors of the Federal Reserve System, September 15, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-21484 Filed 9-20-88; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Senior Executive Service; Performance Review Board

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the Performance Review Board members.

DATE: September 16, 1988.

FOR FURTHER INFORMATION CONTACT: Leonard Sese, Personnel Officer, Federal Retirement Thrift Investment Board, 805 Fifteenth Street NW., Washington, DC 20005 (202-523-8028).

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5 U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations, to the appointing authority relative to the performance of the senior executive.

The following FRTIB employees will serve on the Performance Review Board:

Robert Bloom
Alisone M. Clarke
Peter B. Mackey
John J. O'Meara
James B. Petrick
Thomas J. Trabucco
Strat D. Valakis
John W. Witters

Leonard B. Sese,

Personnel Officer.

[FR Doc. 88-21525 Filed 9-20-88; 8:45 am]

BILLING CODE 6760-01-M

GENERAL SERVICES ADMINISTRATION

Advisory Committee on the FTS2000 Procurement; Closed Meeting

Notice is hereby given that a meeting of the General Services Administration (GSA) Advisory Committee on the FTS2000 Procurement is scheduled for October 11, 1988, from 1:30 p.m. to 4:30 p.m., in the board room of the MITRE Corporation, 7525 Colshire Drive, McLean, VA 22109. The agenda will relate to the current status of the project.

The entire meeting will be closed to the public because procurement sensitive matters, especially negotiation issues and strategy, will be discussed. The exemptions for closing the meeting are cited in 5 U.S.C. 552b(c)(4) and (9)(B) (Government in the Sunshine Act).

Questions regarding this meeting should be directed to John J. Landers (202) 523-5308.

Dated: September 12, 1988.

John J. Landers,

Director, Office of Administration, Information Resources Management Service.

[FR Doc. 88-21510 Filed 9-20-88; 8:45 am]

BILLING CODE 6820-BR-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Civil Monetary Penalties Authorized by Omnibus Budget Reconciliation Act of 1987 and Medicare Catastrophic Coverage Act of 1988; Delegation of Authority, Inspector General

By the authority vested in me as Secretary, I hereby delegate to the Inspector General, with authority to redelegate, the authorities vested in the Secretary by the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100–203, and the Medicare Catastrophic Coverage Act of 1988, Pub. L. 100–360, to impose civil monetary penalties, assessments and exclusions under the following provisions of the Social Security Act:

Sections 1833(h)(5)(D), 1834(a)(11)(A), 1834(b)(5)(C), 1842(j)(1)(D)(iv), 1842(n)(3), 1846(b), 1891(c)(1), 1891(e)(1), 1891(e)(2), 1891(e)(3), 1891(f), 1834(c)(3)(C)(ii)(III), 1834(d)(3)(C), 1842(p)(3)A), 1842(p)(3)(B), 1833(1)(6), 1833(p), 1140(b)(1)(A), 1140(b)(1)(B), 1882(d)(1), 1882(d)(2), 1882(d)(3)(A), 1882(d)(4)(A), and 1834(e)(5)(C) of the Social Security Act, as Amended; and section 202(k)(2) of the Medicare Catastrophic Coverage Act of 1988.

This delegation is effective September 14, 1988.

Date: September 14, 1988.

Otis R. Bowen,

Secretary.

[FR Doc. 88–21520 Filed 9–20–88; 8:45 am]

BILLING CODE 4110–60–M

Statement of Organization, Functions and Delegations of Authority; Social Security Administration

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). Notice is given that Chapter S1, the Office of the Deputy Commissioner, Management, published at 53 FR 569, January 8, 1988, is being amended to reflect some internal realignments of subordinate offices in that Office. The Office of Acquisition and Grants (S1GC) will be deleted as a part of the Office of Information Management, Acquisition and Logistics (S1G) and established as an independent office reporting directly to the Deputy Commissioner, Management (S1). The changes are as follows:

Section S1.10 *The Office of the Deputy Commissioner, Management*—(Organization):

G. The Office of Information Management, Acquisition and Logistics (S1G).

Delete ", Acquisition" from the title.

Section S1.20 *The Office of the Deputy Commissioner, Management*—(Functions):

G. The Office of Information Management, Acquisition and Logistics (S1G).

Delete: ", Acquisition" from the title and the following sentences:

"The Office directs the business management aspects of SSA's procurement program and grants management program by awarding and administering contracts preparing purchase orders or other contractual instruments. It develops and implements policies, procedures and directives for SSA procurement activities."

Add:

H. The Office of Acquisition and Grants (S1H).

Section S1G.00 *The Office of Information Management, Acquisition and Logistics*—(Mission):

Delete: ", Acquisition" from the title and the following sentence:

"The Office develops and implements policies, procedures and guidelines for SSA acquisition and grants programs."

Section S1G.10 *The Office of Information Management, Acquisition and Logistics*—(Organization):

Delete ", Acquisition" from the title.

E. The Office of Acquisition and Grants (S1GC) in its entirety.

Section S1G.20 *The Office of Information Management, Acquisition and Logistics*—(Functions):

Delete ", Acquisition" from the title.

A. The Associate Commissioner for Information Management, Acquisition and Logistics (S1G).

Delete from line 2, ", Acquisition."

B. The Immediate Office of the Associate Commisisoner for Information Management, Acquisition and Logistics (S1G).

Delete from line 3, ", Acquisition."

Delete:

E. The Office of Acquisition and Grants (S1GC) in its entirety.

Add:

Section S1H.00 *The Office of Acquisition and Grants*—(Mission):

The Office of Acquisition and Grants (OAG) directs the business management aspects of SSA's procurement program and grants management program by awarding and administering contracts, preparing purchase orders or other contractual instruments, and awarding and administering grants. It develops and implements policies, procedures and directives for SSA procurement and grants activities.

Section S1H.10 *The Office of Acquisition and Grants*—(Organization):

The Office of Acquisition and Grants includes:

A. The Director, Office of Acquisition and Grants (S1H).

B. The Deputy Director, OAG (S1H).

C. The Immediate Office of the Director, OAG (S1H).

Section S1H.20 *The Office of Acquisition and Grants*—(Functions):

A. The Director, OAG (S1H) is directly responsible to the Deputy Commissioner, Management for carrying out OAG's mission and provides general supervision to the major components of OAG.

B. The Deputy Director, OAG (S1H) assists the Director in carrying out his/her responsibilities and performs other duties as the Director may prescribe.

C. The Immediate Office of the Director, OAG (S1H) provides the Director and Deputy Director with staff assistance on the full range of their responsibilities.

Dated: September 14, 1988.

Otis R. Bowen,

Secretary of Health and Human Services.

[FR Doc. 88–21521 Filed 9–20–88; 8:45 am]

BILLING CODE 4190–11–M

Health Resources and Services Administration

Final Funding Priorities for the Health Careers Opportunity Program

The Health Resources and Services Administration announces the final funding priorities which will be used in addition to the funding preferences established below in making grant awards in Fiscal Year 1989 for the Health Careers Opportunity Program (HCOP).

Section 787 authorizes the Secretary to make grants to schools of medicine, osteopathy, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic and podiatry, public and nonprofit private schools which offer graduate programs in clinical psychology, and other public or private nonprofit health or educational entities to carry out programs which assist individuals from disadvantaged backgrounds to enter and graduate from health professions schools. The assistance authorized by this section includes: recruitment, preliminary education, facilitating entry,

retention in health and allied health professions schools, counseling and advice on financial aid.

The statute requires that not less than 80 percent of the funds appropriated in any fiscal year must be obligated for grants or contracts to institutions of higher education. Also, not more than five percent of such funds may be obligated for grants and contracts having the primary purpose of informing individuals about the existence and general nature of health careers.

To receive support, applicants must meet the requirements of the program regulations which are located at 42 CFR Part 57, Subpart S.

Funding Preferences

The following preferences were published in a Federal Register notice dated July 6, 1988 (53 FR 25382).

An applicant may request consideration in one of the following five funding preferences:

(1) Health professions school(s) which have Educational Assistance Agreement(s) (EAA) with no more than five undergraduate institutions that separately or collectively satisfy the definition of a feeder institution and who are requesting HCOP support only for:

a. The feeder institution(s) or equivalent to provide individuals from disadvantaged backgrounds with preliminary education; and

b. Either the health professions school or the feeder institution to facilitate the entry of individuals from disadvantaged backgrounds into health professions schools; and

c. The health professions school(s) to provide individuals from disadvantaged backgrounds who are enrolled in their institution(s) counseling or other retention services.

(2) A feeder institution requesting HCOP support only for:

a. Providing individuals from disadvantaged backgrounds with preliminary education; and

b. Facilitating the entry of individuals from disadvantaged backgrounds into health professions schools.

(3) A health professions school requesting HCOP support only for:

a. Facilitating the entry of individuals from disadvantaged backgrounds into its health professions school; and

b. Providing the students who are individuals from disadvantaged backgrounds with counseling or other retention services.

(4) A joint application from two to five institutions of higher education, which, as a group: (1) Has a student body more than 20 percent of which are individuals from disadvantaged backgrounds; (2) has 20 or more graduates annually (as averaged over the last three years) who are disadvantaged individuals and who are accepted into health professions schools; and (3) is requesting HCOP support only for:

a. Providing individuals from disadvantaged backgrounds with preliminary education; and

b. Facilitating the entry of individuals from disadvantaged backgrounds into health professions schools.

(5) A training center for allied health professions requesting HCOP support only for:

a. Facilitating the entry of individuals from disadvantaged backgrounds into allied health training centers; and

b. Providing its students who are individuals from disadvantaged backgrounds with counseling or other retention services.

Final Funding Priorities

In addition, proposed funding priorities were also published in a Federal Register Notice dated July 6, 1988, (53 FR 25382) for public comment. No comments were received during the 30-day comment period. Therefore, the following priorities as proposed will be used in addition to the funding preferences listed above in making grant awards in Fiscal Year 1989:

a. A funding priority will be given to HCOP applications from health and allied health professions schools that have a disadvantaged student enrollment of 70 percent or more or can document, over the past three year period, an increase in the percentage of first year enrollees and graduates who are disadvantaged.

b. A funding priority will also be given to undergraduate institutions that can document over the past three years an increase in the number of their disadvantaged students enrolled in health or allied health professions schools.

Requests for continued support of HCOP programs have always called for the demonstration of specific and tangible positive results on the part of the applicant. Ultimate performance indicators are the number of disadvantaged individuals who are admitted, enrolled and graduated from a health or allied health professions school as a consequence of HCOP initiatives. Under the provisions of this priority applicants demonstrating such positive results would receive improved funding consideration relative to the extent of increase in percent or numbers of disadvantaged.

This program is listed at 13.822 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: September 15, 1988.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 88-21539 Filed 9-20-88; 8:45 am]

BILLING CODE 4160-15-M

Office of Human Development Services

[Program Announcement 13655.881]

Grants to Indian Tribes for Supportive and Nutritional Services for Older Indians

AGENCY: Administration on Aging (AoA), Office of Human Development Services, HHS.

ACTION: Notice.

Subject: Announcement of availability of funds and request for applications under the Older Americans Act, Title VI, Grants for Native Americans, Part A, Indian Program.

SUMMARY: The Administration on Aging will accept applications for awards in Fiscal Year 1989 under the Older Americans Act, Title VI, Grants for Native Americans, Part A, Indian Program, from current grantees and from new applicants. Applicants must file an advance Notice of Intent to Apply.

FOR FURTHER INFORMATION CONTACT: G. Sandra Fisher, Administration on Aging, Department of Health and Human Services, Wilbur J. Cohen Federal Building, Room 4748, 330 Independence Avenue SW., Washington, DC, 20201, (202) 245-2957.

DATES: Notices of intent to apply must be postmarked within 30 days of the date of this announcement. Applications must be postmarked no later than Friday, January 13, 1989.

I. Background and Program Purpose

The Administration on Aging (AoA) is responsible for administering Title VI of the Older Americans Act which provides for grants to Indian Tribes for the provision of nutrition and supportive services to Indian elders.

The 1978 Amendments to the Older Americans Act created a new provision, Title VI, Grants to Indian Tribes. The purpose of this Amendment was to provide for supportive and nutritional services for Indian elders. "Indian tribe," as defined by the Older

Americans Act, includes any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b).

The Older Americans Act Amendments of 1987 divided Title VI into two parts, Part A for the American Indian and Alaskan Native elders formerly served by Title VI, and a new Part B for Native Hawaiian elders. Grants will be made under Part B only if the appropriation for Title VI (Parts A and B combined) exceeds $7,500,000. If an appropriation for Title VI, Part B becomes available, a separate program announcement will be made in the **Federal Register.**

The purpose of grants to Indian Tribal organizations under Title VI, Part A is to promote the delivery of supportive and nutritional services for older Indians and Alaskan Natives that are comparable to services provided under Title III of the Older Americans Act. Nutrition services include congregate meals and home-delivered meals. Supportive services include information and referral, transportation, chore services, and other supportive services which contribute to the welfare of older Indians. Nutrition services and information and referral services are required.

The services under Title VI and Title III must be coordinated to the extent possible, given practical considerations such as accessibility and cultural diversity, for the most efficient utilization of available resources to best serve Indian and Alaska Native elders.

In this Program Announcement, the word "Tribe" is considered to include "tribal organization" when a tribal organization is acting for one or more Tribes as the proposed grantee.

2. Eligibility of a Tribal Organization or Alaska Native Group to Receive a Grant

To be eligible to receive a grant, a tribal organization must meet criteria established by the Commissioner which are contained in application instructions. A tribal organization must represent one or more federally recognized Indian Tribes or Alaska Native groups and must meet requirements in section 612 of the Act:

(1) the tribal organization represents at least 50 individuals who are 60 years of age or older; and

(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

Legislation prior to the 1987 Amendments had content relative to persons eligible for Title VI services not being eligible to receive Title III services. The new amendments provide that an Indian elder may now receive services under both Title III and Title IV.

3. Available Funds

The President has requested a budget of $7,181,000 for Title VI, Part A for Fiscal Year 1989, but the actual amount of funds available will not be known until after a Congressional appropriation has been signed by the President.

If appropriated, the $7,181,000 would be used for grants to any of the present 136 grantees which reapply and qualify, plus any additional applicants which are found eligible and qualify. Final amounts of grants to individual Tribes in Fiscal Year 1989 will depend on the appropriation, the number of eligible applicants, and the number of Indian elders over age 60 living in the Tribe's proposed Title VI service area.

Information on grants made in Fiscal Year 1988 is given below as an example of funding levels for Tribes with varying numbers of Indian elders over age 60. In Fiscal Year 1988, $7,181,000 was appropriated for Title VI.

Population range (number of older Indians age 60 or over in FY 1988)	Amount awarded in FY 1988
60 to 100	$38,000
101 to 200	46,422
201 to 300	54,844
301 to 400	63,266
401 to 500	71,688
501 +	80,110

For grants made in Fiscal Year 1989, the budget period will be one year, April 1, 1989, through March 31, 1990. The project period will be for three years, April 1, 1989 through March 31, 1992.

4. Notice of Intent to Apply

Any applicant interested in applying for funds *must* notify the Administration on Aging of their intent to apply. This Notice of Intent must be by letter, and must be postmarked within 30 days of the publication of this Program Announcement. The letter msut be signed by an individual authorized to certify for the Tribe. The Notice of Intent to Apply must include the number of Indian elders age 60 or over living in the Tribe's proposed Title VI service area.

Only Tribes which send a letter notifying the Administration on Aging of their intent to apply and which includes the number of Indian elders age 60 or over in the proposed service area will be considered for funding. Notices of Intent must be submitted by current Title VI grantees as well as new applicants.

The Notice of Intent must be sent to G. Sandra Fisher, Office of Native American Elders, Administration on Aging, Wilbur J. Cohen Federal Building—Room 4748, 330 Independence Avenue SW, Washington, DC 20201.

5. Closing Date for Notice of Intent to Apply

The Notice of Intent must be postmarked within 30 days after the date of publication of this Program Announcement, and received in time for the Administration on Aging to reserve funds for the applicant.

(Applicants are cautioned to request a legible dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing)

6. Noncomplying Notices of Intent

Applicants whose Notices of Intent do not meet the criteria above will not be sent application materials and will not be considered in the Fiscal Year 1989 competition.

7. Application Process

After the Notices of Intent to Apply are received, the Administration on Aging will reserve funds for individual Tribes, based on the number of individuals age 60 or over living in the proposed service area, and the amount of funds appropriated by the U.S. Congress. Application materials will be sent to qualified Tribes. The application information will indicate the amount reserved for the Tribe. The form for Federal Assistance (Application), Form SF–424, should then be completed using the budget amount which has been reserved for the Tribe. The application materials will include "Instructions for Completing the Progam Narrative, Part IV, Form 424"; this document, which has been approved by the Office of Management and Budget, contains the Commissioner's requirements for applications.

The requirements for review of applications by "State Single Points of Contact" under Executive Order 12372 do not apply to this program.

For technical assistance regarding program matters, Tribes may contact the Regional Offices of the Administration on Aging.

8. Closing Date for Applications

To be eligible for consideration, applications must be postmarked on or before Friday, January 13, 1989, and

received in time for processing. One(1) signed original and two(2) copies of the application including all attachments must be submitted to the Department of Health and Human Services, Grants and Contracts Management Division, Hubert H. Humphrey Building—Room 345–F, 200 Independence Avenue SW., Washington, DC 20201, Attn.: William J. McCarron.

(Applicants are cautioned to request a legible dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing)

Applications which do not meet the criteria above are considered late applications. The Grants and Contracts Management Division will notify each late applicant that its application will not be considered in the current competition.

9. Content of the Application

In order to receive funding under this program announcement, all tribal organizations, including both current grantees and new applicants, must complete all the required application forms, including Part I, New Applications, of the Instructions for Completing the Program Narrative, as all applications will be considered to be new applications.

Copies of pertinent sections of the Older Americans Act and the Code of Federal Regulations will be included in the application materials.

10. Action on Applications

Awards will be made by the Commissioner on Aging. Funding decisions will be announced as soon as possible.

Dated: September 14, 1988.

Carol Fraser Fisk,

Commissioner on Aging.

Approved: September 14, 1988.

Otis R. Bowen,

Secretary, Department of Health and Human Services.

[FR Doc. 88–21523 Filed 9–20–88; 8:45am]

BILLING CODE 4130–01–M

Public Health Service

Centers for Disease Control; General Powers and Duties Under Title III of the Public Health Service Act; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of January 14, 1981 (46 FR 10016), by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Director, Centers for Disease Control, with authority to redelegate, the following authorities delegated to the Assistant Secretary for Health under Title III of the Public Health Service Act (42 U.S.C. 214 *et seq.*), as amended, concerning General Powers and Duties insofar as they pertain to the functional responsibilities of the Centers for Disease Control:

Section 301—Research and Investigation—General.
Section 304—General Authority Respecting Research, Evaluations, and Demonstrations in Health Statistics, Health Services, and Health Care Technology Assessment, excluding the authority under section 304(b)(4).
Section 306—National Center for Health Statistics, excluding the authorities under sections 306(j) and 306(k).
Section 307—International Cooperation.
Section 308(d)—General Provisions.
Section 310—Health Conferences and Health Education Information.
Section 311—Federal-State Cooperation—General.
Section 317—Projects Grants for Preventive Health Services.
Section 318—Projects and Programs for the Prevention and Control of Sexually Transmitted Diseases and Acquired Immune Deficiency Syndrome.
Section 322(c)—Care and Treatment of Persons under Quarantine and Certain Other Persons.
Section 325—Examination of Aliens.
Section 326—Services to Coast Guard, Coast and Geodetic Survey, and Public Health Service.
Section 327—Interdepartmental Work.
Section 327A—Sharing of Medical Care Facilities and Resources.
Section 352—Preparation of Biological Products.
Section 353—Clinical Laboratories.
Sections 361–369—Quarantine and Inspection.
Sections 391–393—Injury Control.

The following delegations under Title III of the Public Health Service Act from the Assistant Secretary for Health have been superseded: (1) August 25, 1981 (46 FR 42918), to the Director, Centers for Disease Control; and (2) December 2, 1982 (47 FR 58044), to the Director, National Center for Health Satistics.

Provision has been made for previous delegations and redelegations under Title III of the Public Health Service Act from the Director, Centers for Disease Control; and the Director, National Center for Health Satistics, to continue in effect for no longer than 90 days from the effective date of this delegation, provided they are consistent with this delegation.

The delegation to the Director, Centers for Disease Control, became effective on September 12, 1988.

Date: September 12, 1988.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 88–21416 Filed 9–20–88; 8:45 am]

Billing Code 4160–18–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–88–1863]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regrading this proposal. Comment should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). It is also requested that OMB complete its review within seven days.

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information

submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, U.S.C. 3535(d).

Date: September 14, 1988.

David S. Cristy,

Deputy Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Supportive Housing Demonstration Program: Second Year Budget/Annual Report.

Office: Housing.

Description of the need for the information and its proposed use: This information is basic to ongoing monitoring, to meet statutory requirements, for the essentials of management controls and for narrative reporting of activities both for control purposes and for assembling information necessary to determine what works best, and to report to Congress.

Form number: None.

Respondents: State or Local Governments and Non-Profit Institutions.

Frequency of submission: Quarterly to Annually.

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Quarterly SF-270	110	×	4	×	1	=	440
SF-269(269A)	100	×	2	×	1	=	200
Annual Operating Report	100	×	1	×	7.5	=	750
Acq/Rehab Report (1 time)	80	×	1	×	4	=	320
Total Burden	Varies (390)		Varies (8)		Varies (13.5)		1,710

Total Estimated Burden Hours: 1,710.

Status: New.

Contact: Morris Bourne, HUD, (202) 755-9075; John Allison, OMB, (202) 395-6880.

Date: September 14, 1988.

Supporting Statement Supportive Housing Demonstration Program Budget For Second Operating Year/Annual Report

A. Justification

1. *Circumstances of the Collection*

Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, approved July 22, 1987) directed HUD to carry out a Supportive Housing Demonstration Program (SHDP) to develop innovative approaches for providing housing and supportive services for homeless persons through two components: Transitional housing, by facilitating the movement of homeless individuals to independent living, and permanent housing for homeless handicapped persons.

Section 421(b) of the statute requires HUD to determine the costs of both acquisition/rehabilitation and operations of such demonstration projects and the lessons which can be learned from different, effective means of transitioning people through such projects.

Section 427 of the statute requires reports to Congress on the implementation of the program;

Section 840.305(f) of the regulations requires agreement of the grantees to any record keeping and reports which HUD may require; and

Section 840.330(6)(c) of the regulations requires grants to conform to a number of relevant OMB Circulars on monitoring and reporting requirements (A-87, 102, 110, 122).

This information is basic to ongoing operations monitoring of the SHDP, to meet statutory requirements, for the essentials of program and management controls to prevent fraud, waste and mismanagement, and for narrative reporting of activities both for control purposes and for assembling information necessary to determine what works best, and to report to Congress. Ten projects need to report to Headquarters in the very beginning of FY 1989, and an estimated 100 additional will be reporting in the third and fourth quarters of FY 1989. All of these grants are transitional housing.

a. *Information Required*—(i) *Annual Program Report* (new). Two separate reports are required—one report subsequent to the completion of acquisition/rehabilitation (which is one time only—for those grantees receiving such funds), and/or an annual report covering program operations (for those grantees receiving such funds). The program operations report is the end of year report which is used for program monitoring and control, and provides data input into HUD's Report to Congress. The reports are required by Article VII or VIII(d)(e)(f) of the grant document. When the annual report is received, it is reviewed for general and substantive conformance with the contract, with appropriate items extracted for possible higher-level reporting.

(ii) *Annual Budget* (new). An important basis for a grantee's continued draw-down of operating funds is the review and negotiation of a budget on a regular basis within the multi-year grant period. Five-year grants are issued on the basis of the first year request. The second year budget review is the basis for any changes in operating draw-down approvals. The submission requirements noted are essentially those required in the initial application. Similar budgets will be required for years 3 to 5.

(iii) *SF-269/269A* (new). This provides a complete picture of current draw-downs and obligations, which are the basis for the second year budget proposal and future audits. It is submitted annually, together with the budget and annual program report (an estimated SF-269 comes in with the budget request and a final one comes in 90 days after the end of the operating year). The OMB clearance number is 0348-0039.

(iv) *SF-270* (in use). This is required on a quarterly basis for all grantees to receive their advances. The OMB clearance number is 0348-0004.

b. *Justification and Request for Accelerated Clearance Review.* This clearance is necessary to begin data collection for the SHDP for program analysis and monitoring purposes, and to provide us with the specific information needed to process second year budgets (and annually thereafter).

As the 10 projects in this request need to have their reports in to HUD this fall, we request OMB to complete its review expeditiously so processing of funds can continue and we can begin formalizing program procedures.

2. Use of Information

HUD Headquarters staff will use the information to determine:

—The degree to which the grantee is implementing the grant as approved.
—The degree to which spending patterns are consistent with the approved budget, and costs appear reasonable.
—The acceptability of the grantee's second year budget, its approval, and the release of funds.
—The merits and relative success the grantee is having in transitioning people successfully to the market economy.
—Indications of what are the elements of successful and cost-effective transitional housing projects.

These assessments are necessary to: (1) Protect the government from fraud, waste and mismanagement; (2) assist the government to issue future dollars to grants; (3) provide information which may cause HUD to modify future application requirements; and (4) provide HUD with information to make future legislative recommendations to Congress. HUD would be unable to effectively fund the grants and determine the efficiency and effectiveness of the SHDP without these annual exercises on the grantees' part.

3. Improved Technology

This is a demonstration program. Improved technology has not been considered because of the relatively small number of grantees, and the current short-term nature of the demonstration.

4. Duplication

We have been unable to identify any requests for information which duplicate the burden of this request.

5. Available Information

This is a demonstration. Similar information is not available from any other source.

6. Small Entities

Grantees providing these reports have so certified their willingness to do so in advance of the execution of the grant instrument.

7. Consequence of Less Frequent Data Collection

Ability to monitor program and make recommendations to Congress would be seriously compromised without this minimum data collection effort. Collection of data on less than an annual basis also would appear to conflict with OMB Circular requirements.

8. Special Circumstances

There are no known circumstances that require the collection of information to be inconsistent with the guidelines of 5 CFR 1320.6.

9. Consultation

This information effort is based upon a number of internal discussions pertaining to the purpose of the statute and review of the relevant OMB Circulars. Due to the limited time available since program start-up for further design work, these requirements (at least on the first group of grantees) are somewhat "after the fact." Based on their reporting experience, we may propose some revisions in the reporting needs as we formalize and clear our procedures by Notice/Handbook in 1989/90.

10. Confidentiality

This information collection does not contain individual personal information that would require an assurance of confidentialty.

11. Sensitive Questions

The requirements do not contain requests for information of a sensitive nature.

12. Estimated Review Hours and Costs

The cost to the Federal Government is primarily the costs of personnel in Headquarters review of the submitted reports, and in the processes related to approving and disbursing funds.

	No. reports	SHDP prof.	SHDP cler.	OFA prof.	OFA cler.	
Federal Review Time:						
Quarterly 270	480	120	20	120	10	
SF-269/269A	200	50	8.5	50	8.5	
Ann. Ops. Report	100	1000	15	0	0	
Acq/Rehab Report	80	80	10	0	0	
Subtotal	850	350	53.5	170	18.5	
Total Professional Hours						520
Total Clerical Hours						72

Cost to the Federal Government:

$22/hr. (Prof.)	= 520×$22.00 =	$11,440.00
$10/hr. (Clerical)	= 72×$10.00 =	$720.00
Total		$12,160.00

Costs to the Respondents:

$14/hr. (Prof.)	= 1,320×$14.00 =	$18,480.00
$10/hr. (Clerical)	= 390×$10.00 =	$3,900.00
Total		22,380.00

These costs are "soft" costs which are absorbed in the salaries of those assigned to the grant.

13. Estimated Burden on Respondents

	No. respondents	No. reports	No. hrs. prof.	No. hrs. clerical
Quarterly 270	110	440	330	110
SF-269/269A	100	200	150	50
Ann. Ops. Report	100	100	600	150

	No. respondents	No. reports	No. hrs. prof.	No. hrs. clerical
Acq/Rehab Report	80	80	240	80
Totals		820	1,320	390
Total Hours		1,710		

This is additional burden hours, contained in HUD's ICB.

14. Reasons for Increase

The Homeless Housing Act of 1986 and the Stewart B. McKinney Homeless Assistance Act of 1987 established the SHDP. Funds were first appropriated under Pub. L. 99–591, with the first grants issued in September 1987. The second round of funds was appropriated under Pub. L. 100–71, with the second round grants issued in December 1987. Burden hours must increase to include second year reporting needed on the first two rounds of transitional housing grants under the SHDP. This new burden increase is the first step of establishing ongoing operating procedures. Annual certifications and acquisition/rehabilitation reports will also be required later of permanent housing grantees.

15. This information will not be published for statistical use.

B. Not applicable

#17—FROM FORM

ANNUAL REPORTING OR DISCLOSURE BURDEN

	17–1—No. Respondents	17–2—# responses per respondent	17–13—total annual responses	17–4—hours per response	17–5—total hours
Quarterly 270	110	4	440	1	440
SF–269/269A	100	2	200	1	200
Ann. Ops. Report	100	1	100	7.5	750
Acq/Rehab Report	80	1	80	4	320
Totals	Varies	Varies	820	Varies	1,710

Attachments

—Copy of the Information Collection Package
—Sections 421 and 427 of the Stewart B. McKinney Homeless Assistance Act
—Sections 840.305 and 330 of the Regulations
—Article VII of the Transitional Housing Grant Agreement (Round 1)
—Article VIII of the Transitional Housing Grant Agreement (Round 2)

MEMORANDUM FOR: ALL FIRST ROUND TRANSITIONAL HOUSING GRANTEES
FROM: Morris Bourne, Director, Transitional Housing Development Staff, H
SUBJECT: Budget for Second Operating Year/ Annual Report

We request your submission of a second year operating budget and an annual program rpeort. An approvable budget is necessary for us to provide you with operating advances for your second year. The narrative program rpeort is necessary to meet HUD and standard Federal reporting requirements. The OMB clearance number is _____.

The second year budget, narrative information, financial forms, and program report should be submitted to HUD no later than 45 days prior to the expiration of your first operaitng year. This will ensure timely approval of the first SF–270 for the second year. Instructions for all items follow:

A. Annual Program Report

Submit a narrative program report within 60 days after the completion of the acquisition/rehab process *or* concurrently with your second year's operating budget.

1. Report Covering Acquisition/Rehab

The rpeort shall include:

a. A summary of all activities undertaken with the acquisition/ rehabilitation advance (including dates of closing, if applicable, start and completion of rehab).

Provide photos of the work-in-progress (if avaiable), and the completed job.

b. A note on any problems encountered/changes from (i) development schedule, (ii) approved design described in application, and/or (iii) final budget.

c. Information on whether the rehab was completed for less than or more than the initially estimated (and granted) amount. If less than the estimated amount, apply the approved HUD matching percentage to the total cost and determine the excess HUD funds still in your account which must be refunded (see my memorandum of June 1, 1988 addressed to all Transitional Housing Grantees on Remission of Interest, for relevant instructions on refunding dollars0.

d. Your recommendations to HUD on future rehab advances and processing.

e. Twelve months after the effective date of your grant award you must submit a certification that your structure is being used for the purpose(s) identified in your approved application. *This certification must be submitted annually to HUD for ten years by any grantee not receiving operating funds.*

2. Report Covering First Year Program Operations

The report shall include:

a. A chart(s) showing number of served clients including ages, sexes, handicapping conditions, education level, income level (if any), number of people in family (if applicable), last job(s) held while in transitional housing, length of stay in the transitional housing facility and average length of stay.

b. Number of clients making a successful transition to permanent housing and jobs (tyhpe housing/job).

c. Number of unsuccessful clients discharged from the Transitional Housing program, and reasons.

d. Number ofpeople applying for but not accepted into the Transitional Housing program, and reasons.

e. A brief comparison of actual accomplishments with goals established for the year.

f. Assessment of performance against goals.

g. Analysis of actual costs compared to the budget, with explanation of variations.

h. Favorable developments and/or events unplanned but aiding the project to meet goals on/ahead of schedule.

i. Recommendations for the project's second year, including modifications to grant and recommendations to HUD on program changes.

j. Photographs of activities welcome.

B. Budget and Supporting Documents

1. SF–269 Financial Status Report (SF–269A attached)

You must submit an estimated SF–269 for the first operating year. This report covers all income received and actual disbursements to date made under the program (including indirect costs) through the end of the third quarter. It also includes an estimate of fourth quarter income and expenditures (based on third quarter experience). Use the SF–269A for this year's report.

A final SF–269 must be submitted to HUD 90 days after the end of the first operating year. The SF–269's supporting books and receipts are the basis of any requested/required future audits and, therefore, must be available to auditors for at least 3 years after the closeout of the grant.

Note: Those grantees receiving an advance ofr acquisition/rehabilitation must submit an SF–269 reflecting all costs associated with the acquisition/rehabilitation within 60 days of its completion, and a certification that the expenses paid are reasonable, within budget, and consistent with the approved budget.

2. Calculation of Dollars for Second Operating Year

a. Use your estimated/actual expenditure level for the third and fourth quarters of the first operating year. Divide this total by 6 to get the monthly amount.

b. Multiply monthly amount by 1.05 (inflation allowance).

c. Multiply 2(b) by 12. *This amount is the esitmated total dollars needed in year two.* Divide by 2 to get estimated HUD amount.

d. Subtract any estimated unobligated (unexpended Federal dollars) balance from line 10–m, SF–269, from the amount calculated in 2(c) above. This figure is the amount of new dollars which HUD may commit to the second year, provided the amount does not exceed your first year's operating grant amount.

3. Format for Budget.

Provide a budget, using the following categories.

—Administration (including support staff direct costs and any allowable indirect costs)
—Maintenance, minor or routine repair
—Rent (if applicable)
—Security
—Utilities, fuels
—Furnishings, equipment
—Supportive services (including direct cost of staff involved in service provision)
—A narrative is needed to explain each of the above categories.
—The budget must be set out in *three* columns:
—Total dollars
—Matching amounts
—HUD dollars

Please note that HUD matching dollars in year two may be either the same or less than the amount in the approved first year budget.

—If the total cost of the year two budget is an *increase* from the year one budget, HUD may provide an amount equal to the HUD dollars granted in year one.
—If the total cost of year two is less than the total cost of year one, HUD's share will be no more than the matching percentage given in year one.

3. Changes From First Year Budget.

a. New/deleted line items or costs within line items.

b. Increases over the inflation rate.

Provide a narrative explaining any proposed change.

If the proposed change is a modification to the initially approved program (approved application, section 11), please state:

—Why the change is necessary.
—How it will improve service delivery to the population being served.
—When it will go into effect.

5. Second Year Matching Funds

Submit firm documentation for *all* matching funds noted in the budget (separate documentation must be provided for each match provider).

6. SF–270, Request for Advance or Reimbursement

Submit an SF–270 for the first quarter of the second operating year. Iines 11 a and b are *cumulative*, carrying forward the first year amounts from your prior SF–270.

C. Submission of Budget Requests and Report to HUD

Submit the following materials by the attached submission deadline.

1. Transmittal letter, briefly summarizing the proposal (one page maximum) and containing the following information on operating funds:
   a. HUD first year amount.
   b. Matching first year amount.
   c. HUD amount expended.
   d. Match amount expended.
   e. Excess HUD dollars applied to year two needs.
2. SF–269 for first quarter, year two.
3. Budget and narrative(s), with calculation of second year amount.
4. SF–270 for first quarter, year two.
5. Annual Program Report(s).

Send the original and one copy to: Mr. Morris Bourne, Director, Transitional Housing Development Staff, Department of Housing and Urban Development, Room 9140, 451 Seventh Street SW., Washington, DC 20410.

If you have any questions, please feel free to call the Transitional Housing Development Staff at (202) 755–9075/1520.

Attachments

GRANTEE BUDGET SUBMISSION SCHEDULE

Grantee No.	Grantee name	Operating year	Submission deadline
1. GATH87001	SRO Housing, Inc.	1/1/88–12/31/88	11/15/88
2. KYTH87002	New Directions	4/1/88–3/31/89	2/15/89
3. MATH87003	Bridge Over Troubled Waters	Annual Report and Certification only	
4. MDTH87002	Houisng Assistance Corporation	11/1/87–10/31/88	9/30/88
5. METH87001	York County Shelter	10/1/87–9/30/88	9/30/88
6. NHTH87002	New England Non-Profit Housing	ON HOLD	10/6/88
7. NVTH87001	Housing Authority of Reno	10/1/87–9/30/88	9/30/88
8. NYTH87005	Grace Smith House	1/16/88–1/5/88	11/23/88
9. ORTH87001	Women Crises Services	1/1/88–12/31/88	11/15/88
10. THTH87001	Catholic Charities	11/1/87–10/31/88	9/30,88

BILLING CODE 4210–01–M

FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned By Federal Agency	OMB Approval No. 0348-0039	Page	of pages

3. Recipient Organization (Name and complete address, including ZIP code)

4. Employer Identification Number	5. Recipient Account Number or Identifying Number	6. Final Report ☐ Yes ☐ No	7. Basis ☐ Cash ☐ Accrual

8. Funding/Grant Period (See *Instructions*) From: (Month, Day, Year)	To: (Month, Day, Year)	9. Period Covered by this Report From: (Month, Day, Year)	To: (Month, Day, Year)

10. Transactions:	I Previously Reported	II This Period	III Cumulative
a. Total outlays			
b. Recipient share of outlays			
c. Federal share of outlays			
d. Total unliquidated obligations			
e. Recipient share of unliquidated obligations			
f. Federal share of unliquidated obligations			
g. Total Federal share *(Sum of lines c and f)*			
h. Total Federal funds authorized for this funding period			
i. Unobligated balance of Federal funds *(Line h minus line g)*			

11. Indirect Expense	a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed			
	b. Rate	c. Base	d. Total Amount	e. Federal Share

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**	
Typed or Printed Name and Title	Telephone (Area code, number and extension)
Signature of Authorized Certifying Official	Date Report Submitted

Previous Editions not Usable

Standard Form 269A (REV 4-88)
Prescribed by OMB Circulars A-102 and A-110

FINANCIAL STATUS REPORT

(Short Form)

Please type or print legibly. The following general instructions explain how to use the form itself. You may need additional information to complete certain items correctly, or to decide whether a specific item is applicable to this award. Usually, such information will be found in the Federal agency's grant regulations or in the terms and conditions of the award. You may also contact the Federal agency directly.

Item	Entry	Item	Entry

1, 2 and 3. Self-explanatory.

4. Enter the employer identification number assigned by the U.S. Internal Revenue Service.

5. Space reserved for an account number or other identifying number assigned by the recipient.

6. Check *yes* only if this is the last report for the period shown in item 8.

7. Self-explanatory.

8. Unless you have received other instructions from the awarding agency, enter the beginning and ending dates of the current funding period. If this is a multi-year program, the Federal agency might require cumulative reporting through consecutive funding periods. In that case, enter the beginning and ending dates of the grant period, and in the rest of these instructions, substitute the term "grant period" for "funding period."

9. Self-explanatory.

10. The purpose of columns, I, II and III is to show the effect of this reporting period's transactions on cumulative financial status. The amounts entered in column I will normally be the same as those in column III of the previous report in *the same funding period.* If this is the first or only report of the funding period, leave columns I and II blank. If you need to adjust amounts entered on previous reports, footnote the column I entry on this report and attach an explanation.

10a. Enter total program outlays less any rebates, refunds, or other credits. For reports prepared on a cash basis, outlays are the sum of actual cash disbursements for direct costs for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to sub-recipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase or decrease in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subgrantees and other payees, and other amounts becoming owed under programs for which no current services or performances are required, such as annuities, insurance claims, and other benefit payments.

10b. Self-explanatory.

10c. Self-explanatory.

10d. Enter the amount of unliquidated obligations, including unliquidated obligations to subgrantees and contractors.

Unliquidated obligations on a cash basis are obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an outlay has not yet been recorded.

Do not include any amounts on line 10d that have been included on lines 10a, b or c.

On the final report, line 10d must be zero.

10e, f, g, h and i. Self-explanatory.

11a. Self-explanatory.

11b. Enter the indirect cost rate in effect during the reporting period.

11c. Enter the amount of the base against which the rate was applied.

11d. Enter the total amount of indirect costs charged during the report period.

11e. Enter the Federal share of the amount in 11d.

Note: If more than one rate was in effect during the period shown in item 8, attach a schedule showing the bases against which the different rates were applied, the respective rates, the calendar periods they were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

SF 269A (4-88) Back

REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

Approved by Office of Management and Budget, 0348-0004 (Exp. 11-30-86)

PAGE OF PAGES

1. TYPE OF PAYMENT REQUESTED — a. "X" one, or both boxes: ☐ ADVANCE ☐ REIMBURSEMENT; b. "X" the applicable box: ☐ FINAL ☐ PARTIAL

2. BASIS OF REQUEST: ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER

8. PERIOD COVERED BY THIS REQUEST — FROM (month, day, year) — TO (month, day, year)

9. RECIPIENT ORGANIZATION

Name :

Number and Street :

City, State and ZIP Code :

10. PAYEE. (Where check is to be sent is different than item 9)

Name :

Number and Street :

City, State and ZIP Code :

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

PROGRAMS/FUNCTIONS/ACTIVITIES ▶		(a)	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)		$	$	$	$
b. Less: Cumulative program income					
c. Net program outlays (Line a minus line b)					
d. Estimated net cash outlays for advance period					
e. Total (Sum of lines c & d)					
f. Non-Federal share of amount on line e					
g. Federal share of amount on line e					
h. Federal payments previously requested					
i. Federal share now requested (Line g minus line h)					
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month				
	2nd month				
	3rd month				

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

a. Estimated Federal cash outlays that will be made during period covered by the advance	$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Line a minus line b)	$

13. CERTIFICATION

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL — DATE REQUEST SUBMITTED

TYPED OR PRINTED NAME AND TITLE — TELEPHONE (AREA CODE, NUMBER, EXTENSION)

This space for agency use

HUD Approval

I approve the payment shown on line 11i. in the amount of $ _____

Date | Signature of Authorized Official | Title of Authorized Official

HUD Accounting Use Only

1. Batch	2. TAC	3. Program	4. Y	5. A	6. RO	7. AO	8. Project Number	-A
1.	4. 3 0 2	9.	12.	13.	14.	16.	18.	32.

9. Requisition No.	10. Date	11. A	12. B	13. Cash Disbursed	14. Schedule No.
33.	38.	44. 1 0	46.	47.	60.

STANDARD FORM 270 (7-76)
Prescribed by Office of Management and Budget
Cir. No. A-110

[FR Doc. 88-21347 Filed 9-20-88; 8:45 am]

BILLING CODE 4210-01-C

Office of Environment and Energy

[Docket No. I-88-150]

Intended Environmental Impact Statement; Ciudad Encantada Housing Project, PR

The Department of Housing and Urban Development, Caribbean Office, Hato Rey, Puerto Rico, intends to prepare an Environmental Impact Statement (EIS) for the Ciudad Encantada Housing Project located at Bo Dos Bocas, Municipality of Trujillo Alto, Puerto Rico, as described in the appendix to this notice. This notice is required by the Council on Environmental Quality under its rule (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, major issues and data which the EIS should consider, and recommended mitigating measures and alternatives associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

This notice shall be effective for one year. If one year after the publication of the notice in the **Federal Register** a Draft EIS has not been filed on a project, then the notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the notice in the **Federal Register** then a new and updated notice of intent will be published.

Issued at Washington, DC, September 16, 1988.

Richard H. Broun,

Director, Office of Environment and Energy.

Appendix

EIS on Ciudad Encantada Housing Project, Bo Dos Bocas, Municipality of Trujillo Alto, Puerto Rico

The Department of Housing and Urban Development, Caribbean Office, Hato Rey, Puerto Rico, intends to prepare an Environmental Impact Statement (EIS) on the subject project. The Department hereby solicits comments and information for consideration in this EIS.

Description: The Ciudad Encantada Housing Project is located on the East side of the road PR 181 at the 6.0 kilometer marker in Trujillo Alto, Puerto Rico. The total development consists of 1,062 acres of land. When fully developed, in ten years, 2,750 units of single family housing will have been built. Community facilities and recreational areas will be provided. Further description of the project will be presented and discussed at the formal scoping meeting.

Need: The total project exceeds HUD's 2500 unit EIS threshold (24 CFR 50.42(b)(3)). The application is on file requesting Mortgage Insurance under Title II, Section 203(b) of the Housing and Community Development Act of 1974 (PL 93-383).

Alternatives: At this point HUD perceives the relevant alternatives as: (1) Acceptance of the project as submitted for mortgage Insurance; (2) Acceptance of the project with modification and mitigation measures such as alternative sites, higher or lower density, or alternate land uses; and (3) Rejection of the project for mortgage insurance.

Scoping: This notice is part of the process for determining the scope of the issues to be addressed in the draft EIS, for identifying data and significant environmental issues related to the Project, and for identifying cooperating agencies. A public scoping meeting will be held at the HUD Caribbean Office, 159 Carlos Chardon Ave., Room 305, Hato Rey, Puerto Rico 25 days after publication of this notice (or the following work day if the 25th day is not a work day).

Comment: To assist in the preparation of the Environmental Impact Statement, Federal, State, and local agencies, and other interested persons and organizations are invited to participate in the scoping process by submitting comments on the project and its potential impacts. All comments received within 30 days of this invitation will be considered in the Environmental Impact Statement. Please submit all comments to: The Director Housing Division, Caribbean Office, U.S. Department of Housing and Urban Development, 159 Carlos Chardon Ave., Hato Rey, Puerto Rico 00918-1804.

[FR Doc. 88-21544 Filed 9-20-88; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-056-4333-12:GP8-248]

Emergency Closure of Public Lands; Oregon

Notice is hereby given that effective immediately all public lands as legally

described below are closed to all vehicle access and travel with the exception of designated roads.

Township 10 South, Range 20 East of the Willamette Meridian

Section 13: All.
Section 14: All.
Section 15: All.
Section 21: All.
Section 22: All.
Section 23: All.
Section 24: N½, N½S½, S½SE¼.
Section 28: All.
Section 29: All.
Section 32: All.
Section 33: All.
Section 34: All.

Township 10 South, Range 21 East of the Willamette Meridian

Section 14: W½E½, W½.
Section 15: All.
Section 16: All.
Section 17: All.
Section 18: All.
Section 19: All.
Section 21: All.
Section 22: All.
Section 23: All.
Section 26: All.
Section 27: All.
Section 28: All.
Section 29: All.
Section 30: E½, NW¼, N½SW¼, SE¼SW¼.
Section 32: All.
Section 33: All.
Section 34: All.
Section 35: All.

The purpose of this closure is to protect steep highly erosive watersheds, native vegetation, wildlife, paleontological and cultural resources.

The only exception would be for special authorized administrative use and emergency needs.

The authority for this closure is 43 CFR 8341.2.

This closure will remain in effect until an ORV designation plan is completed for this area.

September 13, 1988.

Donald L. Smith,

Acting District Manager.

[FR Doc. 88-21582 Filed 9-20-88; 8:45 am]

BILLING CODE 4310-33-M

[NV-930-08-4220-11; N-49518]

Order Providing for Opening of Lands; Nevada

September 12, 1988.

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening order.

SUMMARY: This order will open 80 acres of public land to the operation of the public land laws, including the mining laws, mineral leasing laws, and material sale laws. The land was reconveyed to the United States by the State of Nevada.

EFFECTIVE DATE: October 21, 1988.

FOR FURTHER INFORMATION CONTACT: Rod Harris, District Manager, Elko District Office, Bureau of Land Management, 3900 Idaho Street, P.O. Box 831, Elko, NV 89801, 702-738-4071.

SUPPLEMENTARY INFORMATION: The following described lands were reconveyed to the United States by the State of Nevada and title was accepted on October 8, 1930.

Mount Diablo Meridian, Nevada

T. 33 N., R. 53 E.,
Sec. 32, W½NW¼.

The area described contained 80 acres located in Elko County, Nevada. All minerals were reconveyed to the United States.

At 10:00 a.m. on October 21, 1988, the land will be open to the operation of public land laws, subject to valid existing rights, existing classifications and withdrawals, and requirements of applicable law. All valid applications received prior to or at 10:00 a.m. on October 21, 1988, will be considered as simultaneously filed. All other applications received will be considered in order of filing.

At 10:00 a.m. on October 21, 1988, the land will also be open to the operation of the mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 88-21512 Filed 9-20-88; 8:45 am]

BILLING CODE 4310-HC-M

[OR-050-4410-08:GP8-245; OR-40852]

Realty Action; Exchange of Public and Private Lands in Wheeler, Crook, Klamath, and Jefferson Counties, OR

The following described lands have been proposed for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 11 S., R. 19 E., W.M.,

Sec.
5: W½SW¼;
6: Lots 8 and 9;
7: NE¼NE¼;
8: NW¼NW¼;
14: NE¼,E½NW¼,NE¼SW¼;
17: Lots 1 and 2;
19: Lot 5;
20: Lots 1–4;
21: Lots 1–4;
22: SE¼NW¼;
23: N½NE¼,NE¼NW¼,S½NW¼, W½SW¼;
27: SW¼NE¼,W½NW¼,SE¼NW¼;
28: SE¼NE¼,S½SW¼,E½SE¼;
29: NW¼NE¼,SE¼SE¼;
31: SW¼NE¼,NW¼SE¼;
32: NE¼,E½SE¼;
33: N½SW¼.
T. 14 S., R. 20 E., W.M.,
Sec.
1: Lot 1;
11: SE¼NE¼,NE¼SE¼;
12: NW¼NW¼,S½N½;
23: W½SW¼;
24: NW¼NE¼,NE¼NW¼.
T. 18 S., R. 20 E., W.M.,
Sec. 15: NW¼.
T. 10 S., R. 21 E., W.M.,
Sec.
1: SW¼SW¼;
2: SW¼NW¼,SW¼SE¼.
T. 12 S., R. 21 E., W.M.,
Sec.
22: SW¼NE¼,NW¼SW¼;
23: NE¼NW¼.
T. 13 S., R. 21 E., W.M.,
Sec.
31: Lot 3;
32: NE¼SE¼.
T. 14 S., R. 21 E., W.M.,
Sec.
2: Lots 1, 3 and 4;
3: Lots 1 and 2, SE¼SE¼;
6: Lot 4;
10: NE¼SW¼,N½SE¼;
12: NE¼SW¼;
13: N½SW¼,SW¼SW¼;
14: SE¼SE¼;
17: S½NW¼;
18: SE¼NE¼;
19: Lot 1;
20: NE¼NW¼;
21: NE¼,E½NW¼,SW¼NW¼;
23: NE¼NE¼;
24: S½NE¼,N½NW¼,SW¼NW¼;
25: S½NE¼,NW¼SW¼,E½SE¼;
26: N½SW¼,SW¼SW¼,NW¼NE¼;
27: S½;
28: S½NW¼,NE¼SW¼,S½SW¼,SE¼;
29: NW¼SE¼;
30: Lot 2, SE¼NW¼;
31: NE¼NE¼;
32: SE¼SW¼;
33: All;
34: W½NE¼,NW¼,SW¼,SW¼SE¼.
T. 7 S., R. 22 R., W.M.,
Sec.
12: Lot 3, NW¼NE¼;
14: NW¼SE¼;
20: SW¼NE¼;
23: NW¼SW¼;
25: NE¼NE¼, S½NW¼;
26: S½NE¼, SE¼SE¼;
34: NE¼SW¼.
T. 8 S., R. 22 E., W.M.,
Sec.
1: Lots 1, 3, and 5;
4: SE¼NW¼;
10: Lot 4;
11: SW¼SW¼;
24: Lots 3 & 4, W½NE¼, W½, SE¼;
25: Lots 1–4, W½NE¼, NW¼SE¼;
26: Lots 1 and 2, NW¼SE¼, S½SE¼;
34: NE¼SE¼;
35: N½NE¼.
T. 12 S., R. 22 E., W.M.,
Sec.
10: E½SE¼;
14: N½NW¼;
26: NE¼SE¼;
27: SE¼SW¼;
31: Lot 4.
T. 6 S., R. 23 E., W.M.,
Sec. 23: NE¼SW¼.
T. 8 S., R. 23 E., W.M.,
Sec.
3: Lot 2, SE¼NW¼;
9: S½SW¼;
19: E½SW¼, SW¼SE¼;
30: Lots 2 & 3, SE¼SW¼.
T. 9 S., R. 23 E., W.M.,
Sec. 25: NE¼SE¼.
T. 10 S., R. 23 E., W.M.,
Sec.
1: Lot 2;
25; SE¼SW¼
28: SE¼SW¼, W½SE¼;
32: NE¼SE¼;
33: N½N½, SW¼NE¼, SE¼NW¼, N½S½.
T. 11 S., R. 23 E., W.M.,
Sec.
7: Lot 4;
17: NW¼NE¼, NE¼NW¼.
T. 8 S., R. 24 E., W.M.,
Sec.
5: SE¼SW¼;
8: NW¼NW¼, S½NW¼;
10: NW¼SW¼;
25: SW¼NE¼.
T. 9 S., R. 24 E., W.M.,
Sec.
29: N½SW¼;
30: Lot 3, NE¼SW¼;
33: W½NE¼, SE¼NW¼.
T. 10 S., R. 24 E., W.M.,
Sec.
4: Lot 4, S½SE¼;
5: Lots 1, 2, and 3, SW¼NE¼;
6: SE¼SW¼;
7: E½NW¼;
8: SE¼NW¼, NE¼SW¼;
10: SW¼NE¼, NW¼SE¼;
12: SW¼NW¼;
13: E½SE¼;
15: N½SW¼;
17: W½SW¼;
19: SW¼NE¼;
20: NW¼NW¼;
22: NE¼SE¼, S½SE¼;
23: SW¼SW¼;
24: W½SE¼;
25: E½SE¼
27: SE¼NE¼;
29: S½SW¼;
31: E½NW¼, NE¼SW¼;
32: SE¼NW¼, SW¼SW¼;
35: NE¼SW¼, W½SE¼.
T. 11 S., R. 24 E., W.M.,
Sec.

1: Lots 1, 2 and 4, SW¼NE¼, SW¼NW¼, NW¼SE¼;
2: Lots 3 and 4, SE¼NW¼, SE¼SE¼;
6: Lot 5;
9: SE¼SW¼;
12: S½SW¼;
13: NE¼NE¼, N½NW¼;
14: SE¼NE¼, SE¼NW¼SW¼, NW¼ SE¼;
15: SE¼SE¼;
19: SE¼SE¼;
21: NE¼NW¼;
24: E½NE¼, NE¼SE¼;
30: Lots 2 and 3, E½NW¼;
35: NW½SE¼.
T. 8 S., R. 25 E., W.M.,
Sec.
2: SE¼SW¼;
3: SW¼NE¼, NE¼SW¼, N½SE¼;
11: NW¼NW¼.
T. 10. S., R. 25 E., W.M.,
Sec.
2: NW¼SE¼;
3: Lot 3, NW¼SW¼;
4: Lot 1, S½NE¼, NE¼SE¼, S½SE¼;
5: N½SW¼, SW¼SW¼;
6: SW¼SW¼;
7: Lots 1, 2 and 3, N½NE¼, SE¼NE¼, NE¼NW¼, W½SE¼, NE¼SE¼;
9: W½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, W½SE¼;
17: SE¼NE¼, W½NW¼;
18: Lots 1 thru 4, NE¼, NE¼NW¼, SE¼ SW½;
19: Lot 1 SW¼NE¼, E½NW¼, NW¼SE¼;
20: E½NE¼, E½W½, N½SE¼, SW¼SE¼;
21: SW¼SW¼;
24: NE¼, E½NW¼, N½SE¼, SW¼SE¼;
25: W½E½, W½;
28: NW¼NW¼, SW¼;
29: NW¼NE¼, NE¼NW¼;
30: Lots 1, 3 and 4;
31: Lot 1, SW¼NE¼, NE¼NW¼;
32: W½NW¼.
T. 11 S., R. 25 E., W.M.,
Sec.
7: S½NE¼, SW¼SE¼;
17: S½S½;
18: NW¼NE¼, NE¼NW¼;
28: NW¼NE¼, N½NW¼;
29: E½NE¼.
T. 12 S., R., 25 E., W.M.,
Sec. 34: W½W½.

Comprising approximately 22.000 acres of public land and located in Wheeler, Jefferson, Crook and Klamath countries

In exchange for all or a portion of these lands, the United States will acquire the following described lands from Brooks Resources Investment Corporation, and Collins Ranches Incorporated:

T. 9, R. 20 E., W.M.,
Sec. 36: NE¼, S½
T. 10 S., R. 20 E., W.M.,
Sec
1: All;
2: All;
3: Those parts of the SE¼NE¼ and NE¼SE¼ lying east of County Road No. 14;
4. S½;
9: All;
10: All;
11: All;
12: NW¼NE¼, SE¼NE¼, S½;
16: All;
17: N½, N½SW¼, SE¼SW¼, SE¼;
20: All;
27: All;
35: All.
T. 11 S., R. 20 E., W.M.,
Sec.
2: Lots 1 thru 4, S½NW¼, SW¼NE¼, SW¼;
3: Lots 1 thru 3, E½SW¼, S½NE¼, SE¼;
11: S½NE¼, S½, SE¼;
12: All;
13: All.
T. 9 S., R. 21 E., W.M.,
Sec.
31: Lots 3 and 4, SE¼SW¼;
32: W½NE¼, N½NW¼ that part lying south of the river, SE¼NW¼, S½
33: S½SW¼.
T. 10 S., R. 21 E., W.M.;
Sec.
4: Lots 3 and 4, SW ¼NW¼,NE¼SW¼, S½SW¼;
5: Lots 1, 2, 3 and 4: SE¼NW¼, SW¼NE¼W½SW¼, W½SE¼, SE¼SE¼;
6: Lots 1, 2, 3, 4, 5, 6 and 7: SE¼NE¼, S½NE¼, E½SW¼, W½SE¼;
7: All;
8: N½NW¼, NW½NE¼, SW¼SE¼, E½E½;
9: NE¼NW¼, NW¼NE¼, SW¼;
10: S½NE¼, N½SE¼;
11: NW¼, NW¼SW¼;
12: E½W½, NW¼NE¼, E½NE¼, SE¼SE¼;
30: Lot 4;
31: All that part lying north and east of Bridge Creek.
T. 9 S., R. 22 E., W.M.,
Sec.
32: That part of the E½NE¼ lying south of the John Day River; E½SE¼;
33: That part of the N½NW¼ lying east and south of the John Day River; SW¼. W½SE¼, SE¼SE¼;
34: SE¼SE¼.
T. 10 S., R. 22 E., W.M.,
Sec.
3: Lots 3 and 4. SE¼NW¼, SW¼, W½SE¼.
4: Lots 1, 2, 3, and 4. S½N½, N½S½, SE¼SW¼, S½SE¼;
5: Lots 1 and 3. SE¼NW¼, S½NE¼, S½;
7: Lots 1, 2, and 4. NE¼NW¼, E½SE¼, E½;
8. N½, E½SW¼, N½SE¼;
9: NE¼NW¼, N½NE¼, S½N½, N½S½, SW¼SE¼.
10: NW¼, W½NE¼, N½S½, NW¼SE¼.

Comprising approximately 20.100 acres of private land and located in Wheeler County

As proposed, the Bureau would trade scattered and isolated parcels of public land, most of which lack legal public access, for private land adjoining the John Day River having legal public access. The exchange would be completed in phases over the next two years and would create a block of public land approximately 60,000 acres in size.

The purpose of the exchange is to facilitate resource management opportunities, as identified in the Two Rivers Resources Management Plan. The private lands being offered have very important public values, some of which are of regional and national significance and include recreational, wildlife watershed, fisheries, mineral and grazing values. The public interest would be highly served by making this exchange.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted to equalize the values upon completion of the final appraisal.

The exchange will be subject to:

1. The reservation to the United States of a right-of-way for ditches and canals constructed by Authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Oil and gas rights may be reserved in the final patent. All existing oil and gas leases will remain in effect until expiration.

3. All other valid existing rights, including, but not limited to any right-of-way, easement or lease of record.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental analysis is available for review at the Prineville District Office, 185 East Fourth Street, Prineville, Oregon 97754.

Donald L. Smith,

Acting District Manager.

[FR Doc. 88-21583 Filed 9-20-88; 8:45 am]

BILLING CODE 4310-33-M

[AZ-050-08-4333-11]

Yuma District, AZ, and California Desert District, CA, Long-Term Visitor Permit Program for 1988-90 and Subsequent Use Seasons; Designation and Revision of Long-Term Visitor Area; and Revision and Establishment of Supplementary Rules

AGENCY: Bureau of Land Management, Interior.

ACTION: Changes to the Long-Term Visitor Permit Program for the 1988-89 and subsequent use seasons, boundary changes to Midland Long-Term Visitor Area, and Revision to and establishment

of supplementary rules in the Yuma District, Arizona, and the California Desert District, California.

SUMMARY: The Bureau of Land Management (BLM) Yuma District and California Desert District announce revisions to the Long-Term Visitor Program for the 1988–89 and subsequent use seasons. The program, which was instituted in 1983, established an annual long-term use season. During the use season, visitors who wish to camp on public lands in one location for extended periods must stay in designated Long-Term Visitor Areas (LTVAs) and purchase a $25 LTVA permit. Beginning with the 1988–89 use season, the following modifications are being made to the Long-Term Visitor Program:

1. The Long-Term Visitor permit sticker must be affixed as designed to be valid. The supplemental stickers, if used, will be posted on the lower right corner of the windshield of the towing or secondary vehicle.

2. LTVA permittees who have resided in the LTVA for 5 days or longer may have overnight guests provided the guests are registered with the BLM. Guests may stay a maximum of 7 consecutive days during any 28-day period within the LTVA system in Arizona and California. LTVA permittees may have one guest at a time and guests must stay within 150 feet of the LTVA permittee.

3. The California Desert District is revising the boundaries of the Midland LTVA (see Table 1). The other seven LTVAs are unchanged.

TABLE 1: LONG-TERM VISITOR AREAS

District	Area	Approximate size	Location
California Desert	Midland LTVA	265 Acres	T. 5 S., R. 22 E. (SBM) portions of secs. 14 SW¼, 15 SE¼, 22 NE¼, 23 NW¼.

4. Pickup campers may be set on jacks manufactured for that purpose.

5. In addition to rules of conduct set forth in CFR Title 43, Chapter II, 8365.1–5, the following supplemental rules apply to designated LTVAs. These rules replace the rules published in the **Federal Register** September 10, 1987.

a. Operation of audio devices or motorized equipment, including generators, in a manner that makes unreasonable noise that disturbs other visitors is prohibited. Within La Posa and Imperial Dam LTVAs amplified music is allowed only in locations designated by BLM or when approved in advance by the authorized officer.

b. The discharge or use of firearms or weapons is prohibited in the LTVAs or within ½ mile of LTVAs.

c. No wood collection is permitted within the boundaries of Imperial Dam and La Posa LTVAs. Outside these LTVAs and in all other LTVAS, only dead and down wood may be collected for firewood or hobby purposes. Collection of ironwood is regulated. Please contact BLM for current regulations concerning collection.

d. It is prohibited to operate any vehicle in violation of State or local laws and regulations relating to use, standards, registration, operation, and inspection.

e. No permanent structures or alteration to the natural landscape are allowed:

EFFECTIVE DATE: September 15, 1988.

FOR FURTHER INFORMATION CONTACT: David Mensing, Outdoor Recreation Planner, California Desert District, 1695 Spruce Street, Riverside, California 92507, 714–351–6402; or David Daniels, Outdoor Recreation Planner; Yuma Resource Area, 3150 Winsor Avenue, Yuma, Arizona 85365, 602–726–6300.

SUPPLEMENTARY INFORMATION: The purpose of the Long-Term Visitor Program is to provide areas for long-term winter camping use. The sites designated as LTVAS are, in most cases, the traditional use areas of long-term visitors. Designated sites were selected using criteria developed during the management planning process, and environmental assessments were completed for each site location.

The program was established to properly accommodate the increasing demand for long-term winter visitation and to provide natural resource protection through improved management of this use.

Visitors may camp without a Long-Term Visitor Permit outside of LTVAs on public lands not otherwise closed to camping for up to 14 days in any 28-day period unless posted otherwise. The Mule Mountain LTVA is also open to short-term camping without an LTVA permit for a period not to exceed 14 days.

Authority for designation of LTVAs is contained in CFR Title 43, Chapter II, 8372.0–5(g). Authority for establishment of a Long-Term Visitor Permit Program is contained in CFR Title 43, Chapter II, 8327.1, and for the payment of fees in CFR Title 36, Chapter I, Part 71.

The authority for establishing supplementary rules is contained in CFR Title 43, Chapter II, 8365.1–6. The LTVA supplemental rules have been developed to meet the goals of individual resource management plans. These rules will be available in each office having jurisdiction over the lands, sites, or facilities affected and will be posted near and/or within the lands, sites, or facilities affected. Violations of supplementary rules are punishable by a fine of not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Maps showing the location of all LTVAs are available at both the California Desert District and Yuma District Offices.

Ed Hastey,

State Director, California.

D. Dean Bibles,

State Director, Arizona.

[FR Doc. 88–21615 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–32–M

[OR–050–4410–08:GP8–243]

Availability of the Proposed Brothers/LaPine Resource Management Plan and Final Environmental Impact Statement; Proposed Area of Critical Environmental Concern (ACEC) and Off-Road Vehicle (ORV) Designations; Prineville District, OR

September 8, 1988.

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, section 202(a) of the Federal Land Policy and Management Act of 1976, and 43 CFR Part 1600, the Bureau of Land Management has prepared a proposed Resource Management Plan, known as the Brothers/LaPine RMP and Final Environmental Impact Statement covering 1,111,100 acres of public land in

5 counties in central Oregon. Included in the proposed Brothers/LaPine RMP are 12 areas totalling 36,916 acres for designation as Areas of Critical Environmental Concern (ACEC) and designation of 277,798 acres as either limited or closed to off-road vehicles (ORV).

The Draft Brothers/LaPine RMP/EIS was made available to members of the public in October 1987.

Comments on the draft were considered in preparing the final EIS. Any person who participated in the planning process and has an interest which is or may be adversely affected by approval of the Brothers/LaPine RMP may protest. A protest may raise only those issues which were submitted for the record during the planning process.

DATES AND ADDRESSES: Comments for the District Manager's consideration in the development of the decisions should be submitted to the District Manager by December 1, 1988. Copies of the Proposed Plan and Final EIS are available at the following locations: Prineville District Office BLM, 185 East Fourth Street, Prineville, Oregon 97754 (503) 447–4115. Public Affairs BLM, Oregon State Office, 825 N.E. Multnomah, Portland, Oregon 97208, (503) 231–6277; Public Affairs BLM, Interior Building, 18th and C Streets, Washington, DC 20240, (202) 343–9435. Protests must be filed on or before December 1, 1988. To be timely, protests should be filed with the Director (202), Bureau of Land Management, U.S. Department of the Interior, Washington, DC 20240. The procedures for filing a protest are listed in the Proposed Plan and in 43 CFR 1610.5–2.

SUPPLEMENTARY INFORMATION: The final EIS discusses six alternative plans for managing natural resources in the Brothers/LaPine Planning Area over the next 10 to 15 years. One alternative has been identified as the proposed Resource Management Plan for the Brothers/LaPine Planning Area.

The alternative plans included in the EIS are designed to resolve the planning issues identified earlier through public involvement. The general topics covered are forestland, livestock grazing and wildlife habitat management in the LaPine portion of the planning area and wild horses, fire management, recreation, areas of critical environmental concern, land tenure and access as well as minerals management throughout the planning area.

The objectives of the proposed plan for each of these resources are as follows:

1. Harvest up to 14 MMbf of timber from 1,500 to 2,000 acres annually for 4 years in the LaPine portion.

2. Allocate up to 16,000 AUMs of forage to livestock in the LaPine portion.

3. Manage the Liggett Table Wild Horse Herd to maintain up to 25 head on 25,000 acres.

4. Provide optimum habitat diversity for wildlife.

5. Provide aggressive fire suppression for 506,000 acres. Designate 605,000 as conditional suppression areas.

6. Limit off-road vehicle use on 267,076 areas; close 10,722 acres to ORV use. Remaining 833,302 areas open to ORV use. Expand Millican Valley ORV area to 65,000 acres. Manage 51,280 acres (10 high to moderate quality areas) for rockhounding.

7. Place emphasis on retaining and expanding, by exchange of public land, holdings in: (1) Areas of national significance, (2) areas where management is cost effective, and (3) where land is most appropriately managed in public ownership due to significant multiple resource values. Public lands having no reasonable opportunity for exchange would be offered for sale if they are: (1) Difficult and uneconomical to manage and are not needed by another agency; (2) no longer needed for the specific purpose for which they were acquired or for any other Federal purpose; (3) provide greater benefits to the public in private ownership. The transfer of public lands to other public land management agencies would occur if more efficient management of the land would result.

Authorize agricultural use of public lands if proposals are consistent with the management and protection of other values. Pursue attempts to acquire limited public access through exchange or negotiated easement, consistent with management objectives.

8. Public lands would remain open for exploration (including geophysical) and development of mineral resources and related rights-of-way. Fluid mineral leasing would continue with the entire Federal reserved mineral estate and 946,000 acres of public land open to exploration subject to standard lease requirements and stipulations. A no surface occupancy stipulation on 16,480 acres around Prineville Reservoir and seasonal restrictions on 44,580 acres of deer wintering areas and 3,560 acres of sage grouse strutting grounds would continue. Restrictions to protect 100,000 acres of land that are visually sensitive or of high scenic quality would be continued.

9. Designate Horse Ridge Research Natural Area and 11 areas totalling 36,916 acres as ACEC's. Also designate three of these areas totalling 1,565 acres as RNAs.

The following areas would be designated as areas of critical environmental concern under the proposed RMP:

Designate and manage the Badlands (16,800 acres) as an Area of Critical Environmental Concern. The designation and management of this area will be designed to protect primitive and unconfined recreation opportunities, interesting basalt formations, a unique juniper forest as well as cultural resources.

The Benjamin Area which totals 640 acres would be designated as an Area of Critical Environment Concern and a Research Natural Area. Designation and management of this area would be aimed at preserving a high priority cell need for the High Lava Plain/Columbia Basin province.

The Forest Creeks Area which totals 405 acres would be designated as an Area of Critical Environmental Concern and a Research Natural Area. Designation and management of this area would be to preserve a partial component of a high priority cell need for the High Lava Plain/Columbia Basin province.

The existing Horse Ridge Research Natural Area and National Natural Landmark would be also designated an Area of Area of Critical Environmental Concern to further protect and recognize a unique vegetative community.

Logan Butte, a 802 acre area, would be designated as an Area of Critical Environmental Concern and managed to protect unusual vertebrate fossils.

A total of 2,830 acres of the Lower Crooked River Canyon, downstream from Bowman Dam, would be designated an Area of Critical Environmental Concern and managed to protect riparian, fishery, recreation and scenic values.

The canyon of the North Fork Crooked River which totals 6,737 acres would be designated an Area of Critical Environmental Concern and managed to protect riparian, fishery, recreation and scenic values as well as a bald eagle winter roost area.

A 3,902 acres known as the Peck's Milkvetch area would be be designated an Area of Critical Environmental Concern and managed to protect habitat of a sensitive plant species as well as critical deer winter range.

The Powell Butte Area which totals 520 acres would be designated as an Area of Critical Environmental Concern and Research Natural Area. Designation and management would be directed toward protecting and preserving a high

priority cell need for the High Lava Plain/Columbia Basin province.

The South Fork of the Crooked River canyon which encompasses 3,140 acres would be designated as an Area of Critical Environmental Concern and managed to protect riparian, fishery, recreation and scenic values.

The Wagon Road, which totals 160 acres in three parcels, would be designated as an Area of Critical Environmental Concern and managed to preserve remaining segments of the historic Huntington Wagon Road.

The winter roost area includes 320 acres. It would be designated as an Area of Critical Environmental Concern and managed to protect bald eagle winter roost sites.

Specific protective measures are proposed for each of the above areas.

FOR FURTHER INFORMATION CONTACT: Brian Cunninghame, Project Manager, Bureau of Land Management, 185 East 4th Street, Prineville, Oregon 97754; telephone (503) 447–4115.

Dated: September 8, 1988.

Harry R. Cosgriffe,

Acting District Manager.

[FR Doc. 88–21511 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–33–M

[OR–050–4410–08:GP8–244]

Oregon; Two Rivers/John Day Resource Management Plan Amendment, Preliminary Issues and Public Meeting

September 8, 1988.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent and availability of Two Rivers/John Day Preliminary Issues Brochure and notice of a public meeting for participation in the revision and consolidation of the Two Rivers and John Day Resource Management Plans.

SUMMARY: Pursuant to section 43 CFR 1610.3 and 1610.4–5 of the regulations for resource management planning, the Department of the Interior, Bureau of Land Management, Prineville District Office, has developed preliminary issues to facilitate the revision of the Two Rivers and John Day Resource Management Plans (RMP). One public meeting has been scheduled to invite comments in person on the proposed revision and accompanying environmental impact statement.

SUPPLEMENTARY INFORMATION: The plan will result in land use allocations and resource management directions for 518,000 acres of surface ownership and 548,000 acres of subsurface mineral estate in Two Rivers and John Day Planning Areas. The planning area is located in Crook, Grant, Wasco, Sherman, Jefferson, Wheeler, Gilliam and Hood River counties. Major resource management issues include recreation, fire management, riparian management, as well as land tenure and access.

The draft plan and EIS will be available for public review in the spring of 1990 and the final plan and EIS is scheduled to be completed in the fall of 1990. A record of decision and rangeland program summary will be completed in the spring of 1991.

Copies of the Two Rivers/John Day Issues Brochure have been sent to the district's current mailing list. Copies are also available at:

BLM, Prineville District Office, 185 E. Fourth Street, Prineville, OR 97754 BLM, Oregon State Office, 825 NE Multnomah Street, Portland, OR 97208

The public is invited to submit written comments by November 18, 1988, on what problems or issues should be addressed as the Two Rivers and John Day plans are amended and consolidated.

Comments or questions may also be presented in person at the scheduled public meeting at the Grant County Senior Center located at 142 NE. Dayton Street in John Day, OR, at 7:00 p.m. on Tuesday, November 1, 1988.

Additional information may be obtained by contacting the Prineville BLM District Office.

DATE: Comments must be received by November 18, 1988.

ADDRESS: Written comments, requests for copies of the planning brochure or additional information should be directed to Brian Cunninghame, Bureau of Land Management, Prineville District, 185 E. Fourth Street, Prineville, Oregon 97754, telephone (503) 447–4115.

Dated: September 8, 1988.

Harry R. Cosgriffe,

Acting District Manager.

[FR Doc. 88–21513 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–33–M

[CA–940–08–4520–12]; (Group 1009)]

Plat of Survey; California

September 12, 1988.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, San Bernardino County

T. 9 N., R. 1 W.

2. This plat representig the dependent resurvey of a portion of the subdivisional lines, and the metes-and-bounds survey of a portion of State Highway No. 247, in Township 9 North, Range 1 West, San Bernardino Meridian, California, under Group No. 1009 California, was accepted May 20, 1988.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 88–21514 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–10–M

[CA–940–08–4520–12; (Groups 1010 & 1011)]

Plat of Survey, California

September 9, 1988.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernadino Meridian, San Bernardino County

T. 9 N., R. 3 W.

San Bernadino Meridian, San Bernardino County

T. 2 N., R. 5 E.

2. These plat(s) representing the—

(1) Dependent resurvey of a portion of the subdivisional lines the survey of the subdivision of section 26, and the metes-and-bounds survey of a portion of the National Trails Highway, Township 9 North, Range 3 West, San Bernardino Meridian.

(2) Dependent resurvey of a portion of a portion of the north boundary and a portion of the subdivisional lines, and the survey of certain subdivision lines of section lines of section 4, and the metes-and-bounds survey of a portion of State Highway No. 247, Township 2 North, Range 5 E., SBM, CALIFORNIA, under Group No. 1010 & 1011 California, was accepted May 27, 1988 and May 26, 1988.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is

available to the public for information only.

4. This plat was executed to meet certain administration needs of the Bureau of Land Management.

5. All inquires relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 88–21515 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–40–M

Minerals Management Service

Development Operations Coordination Document; Tenneco Oil Exploration & Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD) .

SUMMARY: Notices is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5489, Block 97, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on August 19, 1988. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purposes of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 13, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88–21516 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Reclamation

Colorado River Basin Salinity Control Advisory Council; Public Meeting

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of a meeting the Colorado River Basin Salinity Control Advisory Council.

DATES: The meetings begins on Thursday October 27, 1988, at 1 p.m. and reconvenes on Friday, October 28, 1988, following the Colorado River Basin Salinity Control Forum meeting.

ADDRESS: The meeting will be held at the Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, California 92109.

FOR FURTHER INFORMATION CONTACT: Mr. Al R. Jonez, Colorado River Salinity Program Coordinator, Bureau of Recamation, D–5090, Denver Office, PO Box 25007, Denver, CO 80225.

SUPPLEMENTARY INFORMATION: Council members will be briefed on the status of salinity control activities and receive input for drafting the Council's annual report.

The Department of the Interior, Department of Agriculture, and Environmental Protection Agency will each present a progress report and schedule of activities on salinity control in the Colordo River Basin. The council will discuss Colorado River Basin Salinity Control activities and the content of their annual report.

The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting in person or by mail. To the extent that time permits, the Council chairman may allow public presentation of oral statement at the meeting.

Dated: September 9, 1988.

Joe D. Hall,

Deputy Commission of Reclamation.

[FR Doc. 88–21498 Filed 9–20–88; 8:45 am]

BILLING CODE 4310–09–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs 30 CFR Part 733.

OMB Number: None assigned.

Abstract: This part establishes requirements for maintenance of State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs. The information requested is needed by OSMRE to verify the allegations in a citizen request to evaluate a State

program and to determine whether an evaluation should be undertaken.
Bureau Form Number: None.
Frequency: On Occasion.
Description of Respondents: Any interested person (individuals, businesses, institutions, organizations).
Annual Responses: 2.
Annual Burden Hours: 1.
Estimated Completion Time: 0.5 hour.
Bureau Clearance Officer: Nancy Ann Baka, (202) 343-5981.

Date: September 6, 1988.

Richard O. Miller,

Chief, Regulatory Development and Issues Management.

[FR Doc. 88-21581 Filed 9-20-88; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-238 (Preliminary)]

12-Volt Motorcycle Batteries from Taiwan

Determination

In response to the decision and Order of the Court of International Trade in *Yuasa-General Battery Corp., et al. v. United States, et al.*, Court No. 85-04-00483 (July 12, 1988) (Aquilino, J.), the Commission determines that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Taiwan of 12-volt motorcycle batteries, which are allegedly sold at less than fair value.

Background

On January 11, 1985, a petition was filed with the Commission and the Department of Commerce by General Battery Corp., Reading, Pennsylvania, alleging that an industry in the United States is materially injured or threatened with material injury by reason of less than fair value imports of 12-volt motorcycle batteries from Taiwan. On February 20, 1985, having conducted the preliminary investigation prescribed by statute, the Commission [1] determined that there is no reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of 12-volt motorcycle batteries from Taiwan allegedly sold at less than fair value. On May 22, 1987, the Court of International Trade affirmed the Commission's preliminary determination of no reasonable indication of material injury to the domestic industry by reason of the subject imports, but remanded for reconsideration the Commission's determination with respect to the issue of whether there is a reasonable indication of threat of material injury to the domestic industry by reason of the subject imports. *Yuasa-General Battery Corp. et al. v. United States, et al.*, Ct. No. 85-04-00483 (Ct. Int'l Trade May 22, 1987).

On July 6, 1987, the Commission determined,[2] having reconsidered the record in its entirety, that there was no reasonable indication of threat of material injury to the domestic industry by reason of the subject imports, and provided its views to the Court of International Trade. On July 12, 1988, the Court of International Trade reversed the Commission's determination and ordered the Commission to "issue a preliminary determination that there is reasonable indication of a threat of material injury to the 12-volt-motorcycle-battery industry in the United States by reason of imports on such merchandise from Taiwan." *Yuasa-General Battery Corp. et al. v. United States, et al.*, Ct. No. 85-04-00483 (Ct. Int'l Trade) (Order entering Judgment, July 12, 1988). The Commission transmitted its views to the Court on September 12, 1988. The views of the Commission are contained in USITC Publication 2126 (September 1988).

Issued: September 12, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88-21593 Filed 9-20-88; 8:45 am]

BILLING CODE 2020-02-M

[Investigation No. 701-TA-296 (Preliminary) and Investigation No. 731-TA-420 (Preliminary)]

Certain Steel Wheels From Brazil

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission [2] determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports from Brazil of steel wheels,[3] provided for in item 692.32 of the Tariff Schedules of the United States, that are alleged to be subsidized by the Government of Brazil.

The Commission also determines, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports from Brazil of steel wheels, provided for in item 692.32 of the Tariff Schedules of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 29, 1988, a petition was filed with the Commission and the Department of Commerce by Kelsey-Hayes Co., Romulus, MI, alleging that an industry in the United States is materially injured by reason of subsidized imports of certain steel wheels from Brazil and by reason of LTFV imports of certain steel wheels from Brazil. Accordingly, effective July 29, 1988, the Commission instituted perliminary countervailing duty investigation No. 701-TA-296 (Preliminary) and preliminary antidumping investigation No. 731-TA-420 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 10, 1988 (53 FR 30117). The conference was held in Washington, DC, on August 19, 1988,

[1] Chairwoman Stern, Vice Chairman Liebeler, Commissioners Eckes, Lodwick, and Rohr unanimously voted in the negative. Acting Chairman Brunsdale and Commissioner Cass were not members of the Commission at the time.

[2] Chairman Liebeler, Vice Chairman Brunsdale, and Commissioner Rohr voted in the negative. Commissioners Eckes and Lodwick dissented. Commissioner Cass was not a member of the Commission at the time.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Rohr and Commissioner Cass did not participate in this determination.

[3] For purposes of these investigations, the term "steel wheels" is defined as steel wheels, assembled or unassembled, designed to be mounted with pneumatic tires, in wheel diameter sizes ranging from 13.0 inches to 16.5 inches, inclusive, and generally for use on passenger automobiles and light trucks in Gross Vehicle Weight (GVW) classifications 1, 2, and 3 (the trucks covered by classes 1, 2, and 3 are, generally, light trucks such as pickup trucks, panel vans and mini-vans with gross vehicle weights of from under 6,000 lbs. to 14,000 lbs.), as provided for in item 692.3230 of the Tariff Schedules of the United States Annotated (1987) (TSUSA); they are provided for in subheading 8708.70.80 of the Harmonized Tariff Schedule of the United States (USITC Pub. 2030 as supplemented).

and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 12, 1988. The views of the Commission are contained in USITC Publication 2124 (September 1988), entitled "Certain Steel Wheels From Brazil: Determination of the Commission in Investigation No. 701–TA–296 (Preliminary) and 731–TA–420 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: September 12, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88–21592 Filed 9–20–88; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub–5) (88–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Interstate Commerce Commission.

ACTION: Approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has approved the fourth quarter 1988 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 1988 RCAF is 1.040, an increase of 0.5 percent over the third Quarter RCAF of 1.035. Maximum fourth quarter 1988 RCAF rate levels may not exceed 100.5 percent of maximum third quarter 1988 RCAF rate levels.

EFFECTIVE DATE: October 1, 1988.

FOR FURTHER INFORMATION CONTACT:

William T. Bono, (202) 275–7354.

or

Robert C. Hasek, (202) 275–0938, 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 contact Dynamic Concepts, Inc. Room 2229, Interstate Commerce Commission Building, Washington, DC 20423 or telephone (202) 289–4357. 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 headquaters.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources. This proceeding will not have a significant adverse impact on a substantial number of small entities because these procedures simplify a formerly complex and burdensome rate increase procedure.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Decided: September 15, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley, and Phillips. Commissioner Lamboley commented with a separate expression. Vice Chairman Andre was absent and did not participate in the disposition of this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 88–21529 Filed 9–20–88; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation and Liability Act; Goodyear Tire & Rubber Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 6, 1988, a proposed Consent Decree in *United States of America v. Goodyear Tire & Rubber Co.*, Civil Action No. 88–1443, was lodged with the United States District Court for the District of Arizona. The complaint filed by the United States alleged violations of the Comprehensive Environmental Response, Compensation and Liability Act by defendant due to releases of hazardous substances from a former Goodyear facility in Goodyear, Arizona. Under the proposed decree, Goodyear agrees to implement a remedial action to prevent migration of contaminated ground water and to reimburse the United States for costs incurred by it on response actions at the site.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Goodyear Tire & Rubber Co.*, D.J. Ref. 90–11–2–186.

The proposed Consent Decree may be examined at the office of the United States Attorney, 4000 U.S. Courthouse, 230 N. First Avenue, Phoenix, Arizona, and at the Region 9 office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $13.20 payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–21517 Filed 9–20–88; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (88–82)]

NASA Advisory Council (NAC), Aeronautics advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 53 FR 32799, Notice Number 88–73, August 26, 1988.

PREVIOUSLY ANNOUNCED TIMES AND DATES OF MEETING: September 21, 1988, 8 a.m. to 5 p.m.; and September 22, 1988, 8 a.m. to 3 p.m.

CHANGES IN THE MEETING: Dates changed to October 5, 1988, 8 a.m. to 5 p.m.; and October 6, 1988, 8 a.m. to 3 p.m. Meeting location changed to Northrop Corporation, Aircraft Division, Conference Room E–22, Tech Center Building, 1 Northrop Avenue, Hawthorne, CA 90250.

CONTACT PERSON FOR MORE INFORMATION: Mr. Jack Levine, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/543–2835.

September 13, 1988.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 88–21501 Filed 9–20–88; 8:45 am]

BILLING CODE 7510–01–M

[Notice (88-83)]

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 on Supersonic Cruise Airplane Drag Reduction Technology.

DATE AND TIME: October 11, 1988, 9 a.m. to 3 p.m.; and October 12, 1988, 9 a.m. to 2 p.m.

ADDRESS: National Aeronautics and Space Administration, Langley Research Center, Building 1247A, Room 310, Hampton, VA 23665.

FOR FURTHER INFORMATION CONTACT: Dr. Randolph Graves, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2828.

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 on Supersonic Cruise Airplane Drag Reduction Technology, chaired by Professor Dean Chapman, 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

October 11, 1988

9 a.m.—Briefing of Final Assessments.
3 p.m.—Adjourn.

October 12, 1988

9 a.m.—Discussion of Final Report Findings and Recommendations.
2 p.m.—Adjourn.

September 13, 1988.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 88-21502 Filed 9-20-88; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Literature Advisory Panel (Poetry Fellowships Section); Amended Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Poetry Fellowships Section) to the National Council on the Arts which was to have been held on October 3-5, 1988, from 9:00 a.m.-5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506 has been changed. It will be held on October 3-4, 1988 from 9:00 a.m.-5:30 p.m. and on October 5, 1988 from 9:00 a.m.-4:00 p.m.

The portion of the meeting which was to be open to the public on October 5, 1988, from 3:30-5:30 p.m. for a policy and guidelines discussion has been changed. The open portion of this meeting will be held on October 5, 1988, from 2:00-4:00 p.m.

The remaining sessions of this meeting on October 3-4, 1988 from 9:00 a.m.-5:30 p.m., and October 5, 1988, from 9:00 a.m.-2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

September 14, 1988.

Yvonne Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88-21577 Filed 9-20-88; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel (Prose Fellowships Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Prose Fellowships Section) to the National Council on the Arts will be held on October 11-12, 1988, from 9:00 a.m.-5:30 p.m., and on October 13, 1988 from 9:00 a.m.-4:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on October 13, from 2:00-4:00 p.m. The topics for discussion will include guidelines and policy issues.

The remaining sessions of this meeting on October 11-12, from 9:00 a.m.-5:30 p.m., and on October 13, from 9:00 a.m.-2:00 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

September 14, 1988.

Yvonne Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88-21578 Filed 9-20-88; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Advancement Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Advancement Section)

to the National Council on the Arts will be held on October 12–13, 1988, from 9:00 a.m.–6:00 p.m. in room M–14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

September 14, 1988.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88–21579 Filed 9–20–88; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel (Challenge II Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Challenge II Section) to the National Council on the Arts will be held on October 20–21, 1988, from 9:00 a.m.–6:00 p.m. in room M–14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

September 14, 1988.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88–21580 Filed 9–20–88; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Challenge II Section) to the National Council on the Arts will be held on October 6, 1988, from 9:00 a.m.–5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

September 13, 1988.

[FR Doc. 88–21518 Filed 9–20–88; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–206]

Southern California Edison Co. and San Diego Gas and Electric Co., San Onofre Nuclear Generating Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR–13 issued to Southern California Edison Company, *et al.*, (the licensee), for operation of San Onofre Nuclear Generating Station, Unit No. 1, located in San Diego County, California.

Environmental Assessment

Identification of Proposed Action: The proposed amendment is a request to change the Technical Specifications to (1) include testing requirements for the Control Room Emergency Air Treatment System (CREATS) duct heaters which are planned to be installed, (2) revise the CREATS surveillance standards to more closely reflect system design, (3) revise the CREATS technical specifications to more closely follow the Standard Technical Specifications and the current regulatory guidence, and (4) clarify that the pressurizer power-operated relief valve (PORV) block valve should not be tested during periods when the block valve needs to be closed because of an inoperable relief valve.

The Need for the Proposed Action: The proposed amendment is required to (1) clarify the CREATS technical specifications to assure that surveilliance requirements adequately maintain system performance, and (2) to clarify the PORV technical specifications to assure consistency.

Environmental Impacts of the Proposed Action: Because the proposed amendment only involves additional testing and clarification as described above, the proposed action would not involve a significant change in the probability or consequences of any accident previously evaluated, nor does it involve a new or different kind of accident. Consequently, any radiological release resulting from an accident would not be signficantly greater than previously determined. The proposed amendment does not otherwise affect routine radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment. The Commission also concludes that the proposed action will not result in a significant increase in individual or cumulative occupational radiation exposure.

With regard to nonradiological impacts, the proposed amendment does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts

associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on July 8, 1988 (53 FR 25712). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action: Because the Commission has concluded that there are no significant environmental impacts associated with the proposed action, there is no need to examine alternatives to the proposed action.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement related to operation of San Onofre Nuclear Generating Station, Unit 1, dated October 1973.

Agencies and Persons Consulted: The NRC staff has reviewed the licensee's request that support the proposed amendment. 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 amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human enviroment.

For further details with respect to this action, see the application for amendment dated May 27, 1988 which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 15th day of September, 1988.

For the Nuclear Regulatory Commission.

George W. Knighton,

Director, Division of Reactor Projects–III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88–21537 Filed 9–20–88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, and of the ACNW, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published August 26, 1988 (53 FR 32121). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS full Committee and ACNW meetings designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee and ACNW meetings begin at 8:30 a.m. and ACRS Subcommittee meetings usually begin at 830 a.m. The time when items listed on the agenda will be discussed during ACRS full Committee and ACNW meetings and when ACRS Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the October 1988 ACNW and the October 1988 ACRS full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 301/492–8049, ATTN: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Mechanical Components, October 4, 1988, Bethesda, MD. The Subcommittee will review a proposed generic letter that will expand periodic in situ testing and surveillance requirements for safety-related, motor-operated valves.

Advanced Reactor Designs, October 5, 1988, Bethesda, MD. The Subcommittee will review the draft SER for the liquid metal reactor (LMR) Power Reactor Inherently Safe Module (PRISM) design.

Mechanical Components, October 26–27, 1988, Bethesda, MD. The Subcommittee will discuss recent work related to valve reliability, including: isolating high energy line tests at Wyle Laboratory, compressed air systems and valves, seismic tests on an aged Shippingport valve, etc.

Thermal Hydraulic Phenomena, November 3, 1988, Bethesda, MD. The Subcommittee will review: (1) the final report of the NRC–RES Technical Program Group on the Code Scaling, Applicability and Uncertainty (CSAU) Evaluation Methodology and (2) the status of the joint NRC/B&W OTSG follow-on research program.

Decay Heat Removal Systems, November 4, 1988, Bethesda, MD. The Subcommittee will review the proposed resolution of Generic issue 23, "RCP Seal Failures."

Advanced Boiling Water Reactors, November 15–16, 1988, Bethesda, MD. The Subcommittee will continue its FDA review of this standard plant. Detailed ACRS questions will be covered on review module 1. An overview of the second review module is planned.

Babcock & Wilcox Reactor Plants, November 30-December 1, 1988, Sacramento, CA. The Subcommittee will meet to study the lessons learned from the approximately 2-year shutdown of Rancho Seco that occurred following the December 16, 1985 overcooling event. Topic include monitoring extended start-up program as well as plant and organization changes as a result of the restart effort.

Containment Systems, December 6, 1988, Bethesda, MD. The Subcommittee will review the NRC Staff's document on final recommendations for containment performance and improvements (BWR Mark I only).

Reliability Assurance, Date to be determined (October/November), Bethesda, MD. The Subcommittee will continue its review of the EQ-Risk Scoping Study with special emphasis on the peer review comments.

Peach Bottom Restart (Ad Hoc), Date to be determined (October/November), Bethesda, MD. The Subcommittee will review the proposed restart plan for the Peach Bottom Plant.

Advanced Pressurized Water Reactors, Date to be determined (October/November), Bethesda, MD. The Subcommittee will discuss the comparison of WAPWR (RESAR SP/90) design with other modern plants (in U.S. and abroad).

Joint Core Performance/Thermal Hydraulic Phenomena, Date to be determined (October/November), Bethesda, MD. The Subcommittee will review the implications of the core power oscillation event at LaSalle, Unit 2.

AC/DC Power Systems Reliability, Date to be determined (November), Bethesda, MD. The Subcommittee will review the proposed resolution for

Generic Issue 128, "Electrical Power Reliability."

Instrumentation and Control Systems, Date to be determined (November), Bethesda, MD. The Subcommittee will review the proposed resolution for Generic Issue 101, "Break Plus Single Failure in BWR Water Level Instrumentation."

Advanced Reactor Designs, Date to be determined (November), Bethesda, MD. The Subcommittee will review the draft SER for the Sodium Advanced Fast Reactor (SAFR) design.

Advanced Pressurized Water Reactors, Date to be determined (November/December), Bethesda, MD. The Subcommittee will review the licensing review bases document being developed for Combustion Engineering's Standard Safety Analysis Report-Design Certification (CESSAR-DC).

Decay Heat Removal Systems, Date to be determined, Bethesda, MD. The Subcommittee will explore the issue of the use of feed and bleed for decay heat removal in PWRs.

Thermal Hydraulic Phenomena, Date to be determined, Bethesda, MD. The Subcommittee will discuss the status of Industry Best-Estimate ECCS Model submittals for use with the revised ECCS Rule.

Auxiliary and Secondary Systems, Date to be determined, Bethesda, MD. The Subcommittee will discuss the: (1) Criteria being used by utilities to design Chilled Water Systems, (2) regulatory requirements for Chilled Water Systems design, and (3) criteria being used by the NRC Staff to review the Chilled Water Systems design.

Auxiliary and Secondary Systems, Date to be determined, Bethesda, MD. The Subcommittee will review the adequacy of the Staff's plans to implement the recommendations resulting from the Fire Risk Scoping Study.

ACRS Full Committee Meetings

October 6–8, 1988—Items are tentatively scheduled.

*A. *Important Safety-Related Issues (Open)*—Discuss proposed hierarchical structure for important safety-related issues identified by the ACRS members.

*B. *Diagnostic Evaluation of Selected LWRs (Open)*—Briefing by NRC representatives regarding diagnostic evaluation of selected nuclear plants.

*C. *NRC Regulatory Guides (Open)*—ACRS review and comment regarding proposed revision 2 to Regulatory Guide 1.106, Thermal Overload Protection for Motor Operated Valves for Nuclear Power Plants.

*D. *Advanced Liquid Metal Cooled Reactor Design (Open)*—Review and comment regarding DOE Advanced LMR (PRISM).

*E. *Isotope Enrichment Plant (Closed)*—Review and comment regarding proposed centrifugal, non-radioactive, isotope, enrichment plant.

*F. *ACRS Subcommittee Activities (Open)*—Reports and discussion of status of assigned ACRS subcommittee activities.

*G. *Emergency Core Cooling Systems (Open/Closed)*—Review and comment regarding proposal final report on the Code Scaling, Applicability and Uncertainty (CSAU) Evaluation Methodology.

*H. *Misrepresented Equipment in Nuclear Power Plants (Open)*—Briefing regarding NRC Staff activities related to misrepresented equipment supplied for the construction of nuclear power plants.

*I. *Systematic Evaluation of Operating Experience (Open)*—Briefing by AEOD representatives regarding systematic evaluation of nuclear power plant operating experience and incidents.

*J. *NRC Quantitative Safety Goals (Open)*—ACRS review and comment regarding proposed implementation plan for NRC Quantitative Safety Goals.

*K. *High Temperature Gas Cooled Reactor (Open)*—Preparation of ACRS report regarding preliminary design of the DOE High Temperature Gas Cooled Reactor.

*L. *Future ACRS Activities (Open)*—Discuss anticipated ACRS Subcommittee activities and items proposed for consideration by the full Committee.

*M. *In Situ Testing of Safety-Related Motor Operated Valves (Open)*—Review a proposed generic letter that will expand periodic in situ testing and surveillance requirements for safety-related, motor-operated valves.

*N. *Appointment of New ACRS Members (Open/Closed)*—Qualifications of candidates nominated for appointment to the ACRS will be discussed.

November 17–19, 1988—Agenda to be announced.

December 15–17, 1988—Agenda to be announced.

ACNW Full Committee Meetings

October 27, 1988—2nd ACNW Meeting with the Commissioners. Agenda to be announced.

November 3–4, 1988—Agenda to be announced.

Date: September 15, 1988.

Andrew L. Bates,

Acting Advisory Committee Management Officer.

[FR Doc. 88–21534 Filed 9–20–88; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 29, 1988 through September 9, 1988. The last biweekly notice was published on September 7, 1988 (53 FR 34600).

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be

considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 21, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Arizona Public Service Company, et al., Docket No. STN 50-528, Palo Verde Nuclear Generating Station (PVNGS), Unit 1, Maricopa County, Arizona

Date of amendment request: July 25, 1988

Description of amendment request: The proposed amendment would revise Technical Specifications Sections 3.3.2, Table 3.3-5; Engineered Safety Features Response Times, Item 10 and Table

Notations, to add a double pound sign (£) and the statement, "Radiation detectors are exempt from response time testing. The response time of the radiation signal portion of the channel shall be measured from the detector output or from the input of first electronic component in channel to closure of dampers M-HJA-M01, M-HJA-M52, M-HJB-M01 and M-HJB-M55." The double pound sign (£) would also be placed beside the response times of item 10. And the second less than or equal to sign is to be deleted because it is a typographical error.

The third change consists of adding a single and a double asterisk to the footnote, it should read less than or equal to 8.6*/8.6** seconds. The asterisks were inadvertently omitted during proof and review typing.

These changes were previously approved during the PVNGS Unit 2 and 3 Technical Specification review process.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensees have provided a discussion of the proposed changes as they relate to these standards; the discussion is presented below.

Standard 1 - Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change does not alter the current design of the facility. The Technical Specifications are being changed to clarify that radiation detectors (monitors) XJ-SQA-RU-29 and XJ-SQB-RU-30 are not to be included in response time measurements for dampers M-HJA-M01, M-HJA-M52, M-HJB-M01 and M-HJB-M55. These monitors have undergone extensive testing in the vendor shop and have demonstrated to respond within 0.5 seconds under worst case accident conditions. Based on this information, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Standard 2 - Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed amendment does not vary, effect, or provide any physical changes to the facility. The change is for clarification and consistency. It clarifies that the response time of the radiation signal portion of the channel shall be measured from the detector output or from the input of first electronic component in channel to closure of dampers M-HJA-M01, M-HJA-M52, M-HJB-M01, M-HJB-M55 and is consistent with the reactor protective instrumentation response time testing.

Standard 3 - Involve a significant reduction in a margin of safety.

The proposed amendment does not involve a significant reduction in a margin of safety because the proposed change does not affect the design basis of the plant. The response time of the radiation signal portion of the channel will be measured using the surveillance requirements specified for these systems thus assuring that the overall system functional capability is maintained comparable to the original design standards. Therefore, this change does not involve a significant reduction in a margin of safety.

The staff has reviewed the licensees' no significant hazards consideration determination and agrees with the licensees' analysis.

Accordingly, the Commission has proposed to determine that the above changes do not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business and Science Division, 12 East McDowell Road, Phoenix, Arizona 85004

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529 and STN 50-530, Palo Verde Nuclear Generating Station (PVNGS), Units 1, 2 and 3, Maricopa County, Arizona

Date of amendment request: August 25, 1988

Description of amendment request: The proposed amendment would delete Figures 6.2-1 "Offsite Organization" and 6.2-2 "Onsite Organization". Section 6.2.1 would be changed to add general requirements that capture the essential aspects of the organizational structure that are defined by the existing onsite and offsite organization charts.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

A discussion of the proposed changes as they relate to these standards is presented below.

Standard 1 - Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated because deletion of the organization charts from the Technical Specifications does not affect plant operation. As in the past, the NRC will continue to be informed of organizational changes through other required controls. In accordance with 10 CFR 50.34(b)(6)(i) the applicant's organizational structure is required to be included in the Final Safety Analysis Report. Chapter 13 of the Final Safety Analysis Report provides a description of the organization and detailed organization charts.

Based on this and the NRC staff's review in Generic Letter 88-06, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Standard 2 - Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated

The proposed amendment does not create the possibility of a new or different kind of accident than previously evaluated because the proposed change is administrative in nature, and no physical alterations of plant configuration or changes to setpoints or operating parameters are proposed.

Standard 3 - Involve a Significant Reduction in a Margin of Safety

The proposed amendment does not involve a significant reduction in a margin of safety because the licensee, through its Quality Assurance programs, its commitment to maintain only qualified personnel in positions of responsibility, and other required controls, assures that safety functions will be performed at a high level of competence. Therefore, removal of the organization chart from the Technical Specifications will not affect the margin of safety.

Accordingly, the Commission has proposed to determine that the above change does not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business and Science Division, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529 and STN 50-530, Palo Verde Nuclear Generating Station (PVNGS), Units 1, 2 and 3, Maricopa County, Arizona

Date of amendment request: September 6, 1988

Description of amendment request: The proposal amendment would change Technical Specification 6.3.1, Unit Staff Qualifications, to modify the Senior Reactor Operator (SRO) license requirements for the Operations Manager.

Specification 6.3.1 ensures that personnel who operate a nuclear power plant meet or exceed minimum qualifications as defined in a national standard. Specifically, Section 4.2.2 of ANS 3.1-1978 ensures compliance with 10 CFR 50.54(1) which requires that the licensed activities of licensed operators shall be directed by an individual who holds an SRO license.

The proposed amendment would modify the SRO license requirements for the Operations Manager by requiring that either he or the Operations Supervisor hold a valid SRO license. The proposed change would also require that the individual who holds the SRO license would direct the licensed activities of the licensed operators.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has provided the following discussion of the proposed changes as they relate to these standards.

Standard 1 - Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change does not alter the current design of the facility. The change allows one of two individuals in plant management to be exempt from the SRO license requirement, while the other would fulfill the license requirement for the Operations Manager function and direct licensed activities of the licensed operators. Since 10 CFR 50.54(1) will still be complied with, the proposed change meets the criteria of Standard 1 as stated above.

Standard 2 - Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change does not vary, effect, or provide any physical changes to the facility. The change is administrative in nature and will allow for the same level of direction as before, i.e., a person with an SRO license directing licensed activities, while allowing for more management involvement in plant operation. Therefore, the change meets the criteria of Standard 2 as stated above.

Standard 3 - Involve a Significant Reduction in a Margin of Safety.

The proposed change does not involve a significant reduction in a margin of safety because it does not affect the design basis of the plant. The proposed change will allow for more management interaction in plant operation since only one individual will be required to maintain an SRO license while still providing the proper direction of licensed activities of licensed operators. The increased management interaction will provide a better oversight of plant operations and will add to the safe operation of the plant. Therefore, the proposed change meets the criteria of Standard 3 as stated above.

The staff has reviewed the licensees' no significant hazards consideration determination and agrees with the licensees' analysis.

Accordingly, the Commission has proposed to determine that the above change does not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business and Science Division, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: Mr. George W. Knighton

Arkansas Power & Light Company, Docket No. 50-313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: June 30, 1988

Description of amendment request: The proposed amendment would modify the Technical Specifications (TSs) for the Reactor Protection System. Specifically the maintenance and test requirements section of the TSs would be revised to include testing of the silicon controlled rectifiers used to interrupt power to the control rods. The Instrumentation Limiting Conditions for Operation section of the TSs would also be revised. These proposed changes are required by Item 4.4 of Generic Letter 83-28, "Required Actions Based On Generic Implications of Salem Anticipated Transient Without Scram Events," and are based on guidance provided by Generic Letter 85-10, "Technical Specifications For Generic Letter 83-28, Items 4.3 and 4.4."

Basis for proposed no significant hazards consideration determination: As stated in 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards consideration, if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The Commission has provided guidance for the application of the above criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51

FR 7751). These examples include: Example (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: e.g., "a more stringent surveillance requirement."

The proposed changes to the testing of Reactor Protection System, specifically the testing of silicon controlled rectifiers used to interrupt power to control rods, and the associated changes to the limiting conditions for operation, are additional limitations not presently included in the Technical Specifications, and are therefore within the scope of the example.

Since the application for amendment involves a proposed change that is encompassed by an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Technical University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036

NRC Project Director: Jose A. Calvo

Commonwealth Edison Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of application for amendment: August 31, 1988

Description of amendment request: The amendments would provide specific operability requirements for low pressure ECCS systems while the reactor is in cold shutdown and refueling conditions. Present Dresden Technical Specifications require Low Pressure Coolant Injection (LPCI) and both Core Spray subsystems to be operable whenever irradiated fuel is in the reactor vessel except that all the subsystems may be inoperable in cold shutdown provided no work is being done which has the potential for draining the reactor vessel. Also, containment cooling is required whenever irradiated fuel is in the reactor vessel and reactor coolant temperature is greater than 212° F with the same exception as for the LPCI and Core Spray subsystems while in cold shutdown. Since the primary system is not pressurized in cold shutdown or refuel, the ECCS water makeup requirements are significantly less than for the conditions of reactor power operation or hot shutdown.

Specifically, one proposed change would rewrite present Technical Specification 3.5.F.3 and replace it with more prescriptive requirements for ECCS operability during cold shutdown and refueling. The proposed Technical Specifications would be applicable when the reactor is in cold shutdown or refueling condition with irradiated fuel in the reactor vessel and would require at least two pumps of low pressure ECCS to be operable along with an operable flow path for each pump taking suction from the suppression pool or the condensate storage tank and transferring water to the reactor vessel. These pumps could be the two Core Spray pumps, two Low Pressure Coolant Injection pumps, or a Core Spray pump and LPCI pump. Two new Technical Specifications are proposed, 3.5.F.4 and 3.5.F.5, to provide action requirements if one or both of the required ECCS systems are inoperable. Another new Technical Specification, 3.5.F.6, is proposed to allow all the low pressure core and containment cooling subsystems to be inoperable when the reactor is in the cold shutdown or refueling conditions and irradiated fuel is in the reactor vessel, provided that the reactor vessel head is removed, the reactor cavity is flooded, and the spent fuel pool water level is maintained above the low level alarm point with the pool to cavity gates removed.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not; (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee addressed the above three standards in the amendment application as follows:

(1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The licensee stated that the necessary ECCS pumps and flow paths to provide makeup water to the reactor vessel in the cold shutdown and refuel conditions would be maintained. Further, the licensee maintains that the proposed action would ensure that operations with a potential for draining the reactor vessel or core alterations are not performed without ECCS makeup capability or the reactor cavity water inventory maintained above the fuel pool low level alarm point. As an additional restriction, with both of the required ECCS pumps and/or associated flow paths inoperable, secondary containment integrity would be established. Standard Technical Specifications permit current BWR operations at other plants during similar conditions so that two ECCS pumps with associated flow paths to the reactor are available to provide sufficient makeup capability for accidents that have a potential to drain the vessel. Necessary ECCS makeup capability is maintained. Therefore, this does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated. The licensee states that the necessary ECCS makeup capability during cold shutdown and refueling conditions would be maintained. The proposed changes would add restrictions to take all low pressure code and containment cooling systems out of service during cold shutdown and refueling conditions. The licensee further stated that these restrictions would ensure that sufficient water volume would be available in the reactor cavity and refueling pools before taking all these systems out of service. The proposed changes would not introduce any new modes of operation but would maintain necessary ECCS availability; therefore they do not create the possibility of a new or different kind of accident than previously evaluated.

(3) The proposed amendment does not involve a significant reduction is the margin of safety. Fewer ECCS systems would be required to be operable in cold shutdown and refueling conditions than are required by present Technical Specifications. The licensee maintains that the present Technical Specifications are overly restrictive and do not reflect the difference in water makeup requirements for reactor power operation conditions and cold shutdown conditions. With the reactor not pressurized in cold shutdown and refueling conditions, the ECCS makeup requirements are less than when in the pressurized condition. Later BWR plants similarly require that two ECCS pumps with associated flow paths to the reactor be available to provide sufficient water makeup capability for the cold shutdown and refueling conditions. The added action requirements if one or both of the required ECCS pumps and/or associated flow paths are inoperable

would ensure that operations such as core alterations and those with a potential for draining the vessel are not conducted without ECCS makeup capability or the reactor cavity water inventory maintained above the fuel pool low level alarm point. In addition, the actions proposed will require establishing secondary containment integrity if the required ECCS pumps and/or associated flow paths are not returned to operable status.

Restrictions would also be added to present Technical Specification 3.5.F.3 requirements concerning all low pressure core and containment cooling systems being allowed out of service during the cold shutdown conditions. The proposed restrictions would require the reactor vessel head to be removed, the cavity to be flooded, the spent fuel pool gates to be removed, and the fuel pool water level to be maintained above the low level alarm point. These restrictions would also be applied to the refueling conditions.

The licensee states that the present margin of safety shall not be significantly affected because necessary ECCS water makeup capability for the cold shutdown and refueling conditions would be maintained and additional restrictions would be imposed before taking all low pressure core and containment cooling systems out of service. Hence, the changes do not result in a significant decrease in the margin of safety.

The staff has reviewed the licensee's no significant hazards analyses given above. Based on this review, the staff proposes to determine that the proposed amendments meet the three 10 CFR 50.92(c) standards and do not involve a significant hazards consideration.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Attorney for licensee: Michael 1. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

NRC Project Director: Daniel R. Muller

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket No. 50-498, South Texas Project, Unit 1, Matagorda County, Texas

Date of amendment request: August 16, 1988

Description of amendment request: The amendment would delete Figure 6.2-1, "Offsite Organization," and Figure 6.2-2, "Onsite Organization," from the Technical Specifications and provide appropriate changes to the administrative control requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards in 10 CFR 50.92(c) for determining whether a significant hazards consideration exists. A proposed amendment to an Operating License for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability of consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The Houston Lighting & Power Company reviewed the proposed change and determined, and the staff agrees that:

(1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated because deletion of the organization charts does not affect plant operation. As in the past, the NRC will continue to be informed of organizational changes through other required controls. In accordance with 10 CFR 50.34(b)(6)(i) the applicant's organizational structure is required to be included in the Final Safety Analysis Report. Chapter 13 of the Final Safety Analysis Report provides a description of the organization and detailed organization charts. As required by 10 CFR 50.71(e), the applicant submits annual updates to the FSAR. Appendix B to 10 CFR Part 50 and 10 CFR 50.54(a)(3) govern changes to organization described in the Quality Assurance Program. Some of these organizational changes require prior NRC approval.

(2) The proposed amendment does not create the possibility of a new or different kind of accident than previously evaluated because the proposed change is administrative in nature, and no physical alterations of plant configuration or changes to setpoints or operating parameters are proposed.

(3) The proposed amendment does not involve a significant reduction in the margin of safety because of the administrative nature of the change and the addition of general requirements that capture the essential aspects of the organizational structure that are defined by existing onsite and offsite organization charts. Therefore, removal of the organization chart from the Technical Specifications will not affect the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Rooms Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Warton, Texas 77488 and Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW., Washington, DC 20036

NRC Project Director: Jose A. Calvo

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: April 22, 1988, as revised July 8, 1988 and August 12, 1988

Description of amendment request: The amendment would change Technical Specification 3/4.3.1.3.3, "Control Rod Scram Accumulators," by adding Action statements to provide alternate means for determining accumulator operability if the accumulator pressure and leakage alarm is inoperable.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided an analysis of no significant hazards considerations in its request for a license amendment. The licensee's analysis of the proposed amendment against the three standards in 10 CFR 50.92 is reproduced below.

1. No significant increase in the probability or consequences of an accident previously evaluated results from this change.

a. As stated in the UFSAR Section 4.6.1.1.2.5.3 and the GGNS Technical Specification bases, the control rod drive accumulators are necessary to scram the control rods within the required time.

Specifically, they are necessary to scram the control rods within the required insertion times of Technical Specification 3/4 1.3.2. The resulting scram negative reactivity insertion rate is designed to prevent the Minimum Critical Power Ratio (MCPR) from becoming less than the Safety Limit of Technical Specification 2.1.2 during the limiting power transient. Other transients and accidents also assume the scram function brings the reactor subcritical. Also, even though a control rod with an inoperable accumulator may still be slowly scrammed via reactor pressure or inserted with normal drive water pressure, operability of the accumulator ensures there is a means available to insert the control rod even under the most unfavorable depressurization of the reactor.

This change would allow control rod scram accumulators to be verified operable even though their pressure and/or leak detector alarms may not be functional. The alarm circuit serves no control function. The Rod Control and Information System (RC&IS), of which the alarm circuit is a part, is not classified as safety related nor essential (see UFSAR 7.7.1.2). Failure of the alarm circuit itself cannot increase the probability or consequences of a previously evaluated accident. Allowing alternate methods to verify operability will reduce the likelihood of unwarranted shutdowns and/or the unnecessary declaring of control rods inoperable, thereby reducing unnecessary transients on plant systems and fuel.

b. The proposed change allows for verification of the operability of a scram accumulator in the event the detector and/or alarm circuit has failed. The verification methods involve positive local verification and are reliable for determining operability of the accumulator. A review of the operating experience at GGNS for the first five months of 1988 revealed eight occasions when accumulator recharging was necessary due to low pressure, and five occasions when accumulator draining was necessary. The smallest interval observed between draining and subsequent alarm was 13 days. The 48 hour interval between successive drainings allowed by this proposed change provides sufficient assurance that even in the worst case observed leakage, there is not a significant probability of having accumulated moisture above the alarm setpoint. The recent history of recharging accumulators shows the interval for the single accumulator with the most rapid pressure decay to be approximately seven days. The 24 hour interval between successive pressure surveillances provides sufficient assurance that even in the worst case observed pressure decay, there is not a significant probability of developing an inoperable accumulator. The methods of verifying operability of the accumulators and the frequencies proposed were reviewed by the system vendor and were found to be an acceptable alternate when the pressure and/or leak detector alarm circuits are inoperable.

c. An alternate method has been determined to be sufficiently frequent to detect low accumulator pressure and/or accumulated moisture when the alarm circuitry is inoperable. As such, the determination of operability of the CRD accumulators by this alternate method will not increase the probability of accumulator failures. Because the probability of accumulator failure is not increased, this proposed change will not significantly increase the probability or consequences of an accident previously evaluated.

2. This change would not create the possibility of a new or different kind of accident from any previously evaluated.

a. Allowing the determination of operability of the CRD accumulators by other than operable alarm circuits is not postulated to cause the failure of any CRD accumulator. This change would allow control rod scram accumulators to be verified operable even though their pressure and/or leak detector alarms may not be functional. The alarm circuit serves no control function. The Rod Control and Information System (RC&IS), of which the alarm circuit is a part, is not classified as safety related nor essential (see UFSAR 7.7.1.2). Failure of the alarm circuit itself cannot create a new or different kind of accident.

b. Control rod scram accumulators will be maintained operable by evaluation against the currently existing criteria. These proposed additional action requirements will allow alternate methods to be used to verify compliance with operability criteria (specifically, minimum pressure and no accumulated water). The CRD accumulator vendor (General Electric) has concurred with the proposed method of verifying operability and the acceptability of the proposed frequencies. These methods are either currently required at longer intervals (verification of pressure) or are consistent with standard practice and vendor recommendations for eliminating a potential inoperable condition (allowing draining to assure no water accumulation).

c. Actual function and operating configurations are not affected by this change and therefore would not create the possibility of a new or different kind of accident from any previously evaluated.

3. This change would not involve a significant reduction in the margin of safety.

a. The operability of the CRD accumulators is provided to ensure adequate control rod scram under all operating reactor pressures. They are necessary to scram the control rods within the required insertion times of Technical Specification 3/4 1.3.2. The resulting scram negative reactivity is designed to prevent the Minimum Critical Power Rates (MCPR) from becoming less than the Safety Limit of Technical Specification 2.1.2. The margin of safety in the function of the CRD accumulator is maintained provided the CRD accumulator is pressurized to [greater than or equal to] 1520 psig. There is no specified maximum moisture leakage which will render the accumulator incapable of performing its intended function. Provided sufficient accumulated pressure remains when the moisture is drained the CRD accumulator remains capable of supporting its design function and therefore maintaining its margin of safety. The proposed change will maintain the CRD accumulator free of accumulated moisture and above its design minimum pressure in the event of inoperable alarm circuits at surveillance intervals determined acceptable by the vendor (General Electric).

b. The determination of operability based on frequent verification is judged by the vendor to be an acceptable alternative to a continuous alarm indication for detecting low accumulator pressure or accumulator seal degradation during the time period required to repair the alarm circuitry.

c. The function of the vast majority of equipment required operable relies on periodic surveillance without requiring reliance on continuous alarm capability. In this change the continuous monitoring capability of the alarm circuit is maintained (and is preferred), but provisions for alternate periodic surveillance will also be provided in the form of action requirements.

d. These changes will minimize unnecessary challenges to plant systems including the scram accumulators due to unwarranted shutdowns and/or declaration of control rod inoperability when the accumulator can be verified operable.

Therefore, this change will not involve a significant reduction in the margin of safety.

The licensee has concluded that the proposed amendment meets the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards consideration.

The NRC staff has made a preliminary review of the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: Elinor G. Adensam

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: August 2, 1988

Description of amendment request: By application for license amendment dated August 2, 1988, Northeast Nuclear Energy Company, et al. (the licensee), requested a change to Technical Specifications (TS) 4.7.8.c "Snubbers," for Millstone Unit 2. The proposed change to the TS would decrease the sample size, for subsequent tests of snubbers, from 10% to 5% of the snubber test population.

Basis for proposed no significant hazards consideration determination: Technical Specification 4.7.8.c requires

that the licensee periodically, functionally, test 10% of each type of seismic sway arrestor (snubber). For each snubber of a particular type (hydraulic, mechanical, design or vendor specific) that fails the initial test a subsequent test of 10% of the snubber test population would also be required. The testing would continue until all snubbers in the test, population have been tested or until no additional failures have been detected. The licensee has proposed that the subsequent test population, following snubber test failure, be decreased from 10% to 5% of the test population.

The licensee's recent experience with snubbers at Millstone Unit 2 has shown this equipment to be reliable. Following a 100% overhaul/test of snubbers during the 1985 refueling outage, the following was noted:

- During the 1986 refueling outage, one hydraulic snubber failed to pass the functional test. Subsequent testing revealed no additional failures. For mechanical snubbers, one failure was detected with one additional failure during subsequent testing.
- During the 1987 refueling outage, there were no snubber test failures.

Title 10 CFR 50.92, "Issuance of amendment" contains standards for evaluating the existence of no significant hazards considerations. In this regard, the proposed change to TS 4.7.8.c will not:

- Involve a significant increase in the probability or consequences of an accident previously evaluated. Although the lowering of the subsequent snubber test population from 10% to 5% may result in a failure to detect faulty snubbers, the number of such undetected faulty snubbers is sufficiently low as to maintain the overall seismic resistance capability of safety systems. Accordingly, neither the probability nor consequences of existing accidents will be increased.
- Create the possibility of a new or different kind of accident. Safety systems that were designed to be seismic-resistant, as a result of the functioning of snubbers, will continue to be seismic-resistant with no significant decrease in capability. Thus, no new or different types of accidents will be created as a result of seismic events.
- Involve a significant reduction in a margin of safety. Although there may be small, localized, reductions in safety margins with regard to seismic resistance of safety systems due to undetected snubber failures, the overall reduction in safety margin will not be significant. Snubber failures that would cause a significant reduction in safety margin would be detected by the 5% retest population.

Based on the above, the staff proposes to determine that the proposed change to TS 4.7.8.c does not involve a significant hazards consideration.

Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: August 11, 1988

Description of amendment request: The proposed amendment would change Technical Specification (TS) 4.6.1.2, "Containment Leakage," to allow the use of the "mass point" methodology, per ANSI/ANS 56.8-1981, in addition, or as an alternative to, the presently approved "total time" methodology.

Basis for proposed no significant hazards consideration determination: At the present time, TS 4.6.1.2 requires the use of ANSI N45.4-1972 (the "total time" method) for calculation of the containment leak rate. The licensee has proposed that the use of ANSI/ANS 56.8-1981 (the mass point method) be incorporate in TS 4.6.1.2 to be used in conjunction with, or instead of, the total time method.

It has been recognized by the professional community that the mass point method is an acceptable means for calculation of containment leakage in addition to the two other methods, point-to-point and total time, which are referenced in ANSI N45.4-1972 and endorsed by the present regulations. The mass point method calculates the air mass at each point in time, and plots it against time. A linear regression line is plotted through the mass-time points using a least square fit. The slope of this line is proportional to the leakage rate. The mass point method has some advantages when it is compared with the other methods. In the total time method, a series of leakage rates is calculated on the basis of air mass differences between an initial data point and each individual data point thereafter. If for any reason (such as instrument error, lack of temperature equilibrium, ingassing, or outgassing) the initial data point is not accurate, the results of the test will be affected. In the point-to-point method, the leak rates are based on the mass difference between each pair of consecutive points which are then averaged to yield a single leakage rate estimate. Mathematically, this can be shown to be the difference between the air mass at the beginning of the test and the air mass at the end of the test expressed as a percentage of the containment air mass.

It follows from the above that the point-to-point method does not make use of any mass readings taken during the test and thus the leakage is calculated on the basis of the difference in mass between two measurements taken at the beginning and at the end of the test, which are 24 hours apart.

ANSI/ANS 56.8-1981, which was intended to replace ANSI N45.4-1972, specifies the use of the mass point method, to the exclusion of the two older methods. However, the staff has determined that these three methods (mass point, total time and point-to-point) are acceptable methods which may be used to calculate containment leakage rates. The NRC staff anticipates publishing, for comment, a proposed revision to Appendix J that would permit the use of the mass point method.

Title 10, CFR 50.92, "Issuance of Amendment," contains standards for addressing the existance of no significant hazards considerations with regard to issuance of license amendments. In this regard, the proposed change to TS 4.6.1.2 would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change to the TS involves a method of containment testing, has no effect on reactor operation and thus cannot effect the probability of an accident. Since the mass point methodology provides a reliable indication of containment leakage, and the TS will continue to assure that containment leakage will remain acceptably low, there will be no increase in the consequences of previously analyzed accidents involving off-site releases.

2. Create the possibility of a new or different kind of accident from any previously evaluated. The proposed change to the TS, which involves an acceptable means of containment leak rate testing, will not result in a degradation of containment integrity or otherwise affect any other system important to safety. Accordingly, no new or different kind of accident will be created.

3. Involve a significant reduction in a margin of safety. Since containment integrity will continue to be maintained with use of the mass point methodology, there will be no decrease in the margin of safety for those accidents requiring containment integrity.

Accordingly, the staff has made a proposed determination that the

application for amendment involves no significant hazards consideration.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Project Director: John F. Stolz

Portland General Electric Company et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: November 9, 1987, as supplemented February 25, 1988.

Description of amendment request: The proposed amendment would revise Trojan Technical Specification (TS) Section 3.9.9, "Containment Ventilation Isolation System," (CVIS), by changing the Modes in which the TS would be applicable from "Mode 6" to "During Core Alterations." This proposed change will produce consistency with TS Section 3.9.4, "Containment Building Penetrations" which establishes containment building penetration closure requirements during fuel movement or core alterations, yet permits containment building penetrations (e.g., airlocks and equipment hatch) to be open during other periods of Mode 6 operation.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.92 states that a proposed amendment will not involve a significant hazards consideration if the proposed amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has determined the following:

This proposed change does not involve a significant increase in the probability or consequences of an accident.

Operability of the CVIS enables automatic isolation of the containment ventilation penetrations. Containment building penetration closure, while in Mode 6, is relied upon only while core alterations or movement of irradiated fuel within the containment is in progress per TS 3.9.4. This Technical Specification requires that during core alterations the containment equipment door be closed, one door in each air lock be closed, and each penetration from containment atmosphere to outside atmosphere be either closed or capable of being closed by a containment ventilation isolation valve. The licensee states that these operating and closure restrictions on containment building penetrations are sufficient to restrict radioactive material release from a fuel element rupture while in the refueling mode. As a result of this proposed change, the same applicability requirements would apply to the CVIS as apply to containment building penetrations. The CVIS would be required to be operable to support containment building penetration closure requirements. The proposed change to the Action Statement would provide clarification that only valves that rely on the CVIS for automatic closure are required to be closed should the CVIS become inoperable. The licensee states that the consequences of an accident are not increased since this change does not involve a substantive change to the condition of the containment building in Mode 6.

This proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The licensee states that the operability of CVIS is not relevant to accident creation, since CVIS functions to mitigate the consequences of an accident after it has occurred.

This proposed change does not involve a significant reduction in a margin of safety.

The licensee states that the requirements for CVIS operability would match those for containment building penetration closure during refueling operations, and affected containment ventilation valves would be closed should the CVIS become inoperable. Penetration closure and CVIS operability would be required during core alterations and fuel movement in containment. The licensee further states that relaxation of CVIS operability requirements would be permitted only when these evolutions are not in progress, and that the required status of the containment building would not be materially affected during Mode 6.

The staff has reviewed the licensee's no significant hazards analysis and concurs with their conclusions. As such, the staff proposes to determine that the requested change does not involve a significant hazards consideration.

Local Public Document Room location: Portland State University Library, 731 S.W. Harrison Street, Portland, Oregon 97207

Attorney for licensee: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRC Project Director: George W. Knighton

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: December 2, 1986 as supplemented October 22, 1987 and July 15, 1988.

Brief description of amendment: In accordance with the requirements of 10 CFR 73.55, the licensee submitted an amendment to the Physical Security Plan for the Fort St. Vrain Nuclear Generating Station to reflect recent changes to that regulation. The proposed amendment would modify paragraph 2.D(3) of Facility Operating License No. DPR-34 to require compliance with the revised Plan.

Basis for proposed no significant hazards consideration determination: On August 4, 1986 (51 FR 27817 and 27822), the Nuclear Regulatory Commission amended Part 73 of its regulations, "Physical Protection of Plants and Materials," to clarify plant security requirements to afford an increased assurance of plant safety. The amended regulations required that each nuclear power reactor licensee submit proposed amendments to its security plan to implement the revised provisions of 10 CFR 73.55. The licensee submitted its revised plan on December 2, 1986, with additional information on October 22, 1987 and July 15, 1988, to satisfy the requirements of the amended regulations. The Commission proposes to amend the license to reference the revised plan.

In the Supplementary Materials accompanying the amended regulations, the Commission indicated that it was amending its regulations "to provide a more safety conscious safeguards system while maintaining the current levels of protection" and that the "Commission believes that the clarification and refinement of requirements as reflected in these amendment is appropriate because they afford an increased assurance of plant safety."

The Commission has provided guidance concerning the application of the criteria for determining whether a significant hazards consideration exists by providing certain examples of actions involving no significant hazards considerations and examples of actions involving significant hazards

considerations (51 FR 7750). One of these examples of actions involving no significant hazards considerations is example (vii) "a change to conform a license to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations." For the foregoing reasons, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Byrant O'Connell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201-0840

NRC Project Director: Jose A. Calvo

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: August 3, 1988 (TS 247)

Description of amendment requests: The proposed amendment would modify the technical specifications (TS) of the Browns Ferry Nuclear (BFN) Plant, Units 1, 2 and 3 by revising the limiting conditions for operation (LCOs) and the surveillance requirements for fire protection systems. These changes are proposed in order to eliminate ambiguity and to bring the BFN TS into conformance with the guidelines of the Boiling Water Reactor (BWR) Standard Technical Specifications (STS) and other acceptable industry practices. These changes more clearly define the applicability of the fire protection systems and define the actions and compensatory measures to be taken to ensure the safety of protected equipment.

Basis for proposed no significant hazards consideration determination: The Commission has provided Standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92, on the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the licensee has performed and provided the following analysis:

NRC has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from an accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

1. This proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The amendment does not modify or introduce any new equipment or systems not previously analyzed by the BFN Final Safety Analysis Report (FSAR) nor do these changes delete or degrade any safety-related equipment currently installed at BFN. The BWR STS, NRC regulations, National Fire Protection Association standards, and vendor recommendations for BFN were used as guidance in preparing those proposed amendments. These changes will not change the BFN FSAR accident analysis. The BFN FSAR accident analysis envelopes any accident scenario that could result from the implementation of the proposed amendment.

2. The proposed amendment does not create the possibility of a new or different kind of accident from an accident previously evaluated. This amendment does not introduce any new equipment, modification to existing equipment or any adverse conditions to current operating practices. The operating requirements, procedures or modes of system operability are not degraded as a result of these changes. Operating limits are not affected and systems are not challenged in such fashion that a new or different accident scenario would be created.

3. The proposed amendment does not significantly reduce the margin of safety. Plant safety is enhanced by providing more detailed and comprehensive surveillance requirements to ensure fire protection systems are capable of performing their intended functions. Additional LCOs are provided to ensure that the required safety-related systems and safe shutdown systems have adequate fire protection. The amendment does not invalidate the BFN-FSAR assumptions and analysis and conforms to the intent of the General Electric STS.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Suzanne Black

Wolf Creek Nuclear Operating Corporation, Kansas Gas and Electric Company, Kansas City Power & Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50-482 Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: December 2, 1987 as supplemented February 18 and August 2, 1988.

Brief description of amendment: In accordance with the requirements of 10 CFR 73.55, the licensee submitted an amendment to the Physical Security Plan for the Wolf Creek Generating Station to reflect recent changes to that regulation. The proposed amendment would modify paragraph 2.E of Facility Operating License No. NPF-42 to require compliance with the revised Plan.

Basis for proposed no significant hazards consideration determination: On August 4, 1986 (51 FR 27817 and 27822), the Nuclear Regulatory Commission amended Part 73 of its regulations, "Physical Protection of Plants and Materials," to clarify plant security requirements to afford an increased assurance of plant safety. The amended regulations required that each nuclear power reactor licensee submit proposed amendments to its security plan to implement the revised provisions of 10 CFR 73.55. The licensee submitted its revised plan on December 2, 1986, with additional information on February 18 and August 2, 1988, to satisfy the requirements of the amended regulations. The Commission proposes to amend the license to reference the revised plan.

In the Supplementary Materials accompanying the amended regulations, the Commission indicated that it was amending its regulations "to provide a more safety conscious safeguards system while maintaining the current levels of protection" and that the "Commission believes that the clarification and refinement of requirements as reflected in these amendment is appropriate because they afford an increased assurance of plant safety."

The Commission has provided guidance concerning the application of the criteria for determining whether a significant hazards consideration exists by providing certain examples of actions involving no significant hazards considerations and examples of actions involving significant hazards considerations (51 FR 7750). One of these examples of actions involving no significant hazards considerations is example (vii) "a change to conform a license to changes in the regulations,

where the license change results in very minor changes to facility operations clearly in keeping with the regulations." For the foregoing reasons, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Jose A. Calvo

Yankee Atomic Electric Company Docket No. 50-029 Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of amendment request: August 11, 1988

Description of amendment request: The proposed amendment would delete references to specific values of boron concentration and to the requirement for an inverse count rate multiplication measurement under stated conditions.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee's analyses contained in the August 11, 1988 letter states the following:

This change is requested in order to replace reference to a specific value with a more generalized form which will meet the LCO requirement, and to delete a surveillance requirement in Mode 6 which is unnecessary. As such, this proposed change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. This change will not increase significantly the probability or consequences of an accident, as the shutdown margin of the core will continue to be adequately monitored and sufficient control to preclude inadvertent criticality already exists.

2. Create the possibility of new or different kind of accident from any previously analyzed. This modification only provides an administrative wording change and deletes an unnecessary surveillance requirement. Therefore, it does not create the possibility of a new or different kind of an accident because it does not modify plant operation.

3. Involve a significant reduction in a margin of safety. This modification only provides an administrative wording change and deletes an unnecessary surveillance requirement which does not affect the safety margins which currently exist during Mode 6 operation. Thus, this change does not involve a reduction in a margin of safety.

Based on the considerations contained herein, it is concluded that there is reasonable assurance that operation of the Yankee plant, consistent with the proposed Technical Specifications, will not endanger the health and safety of the public. This proposed change has been reviewed by the Nuclear Safety Audit and Review Committee.

The staff has reviewed the licensee's analysis and agrees with it. Therefore, we conclude that the amendment satisfies the three criteria listed in 10 CFR 50.92. Based on that conclusion the staff proposes to make a no significant hazards consideration determination.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massacusetts 01301.

Attorney for licensee: Thomas Dignan, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Project Director: Richard H. Wessman

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529 and 50-530 Palo Verde Nuclear Generating Station, Unit 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: April 6, 1988

Brief description of amendments: The Amendments revise Technical Specifications 3/4.3.3.8, Radioactive Gaseous Effluent Monitoring Instrumentation, and 3/4.11.2.5, Explosive Gas Mixture, to modify the monitoring requirements for hydrogen and oxygen in the waste gas holdup system.

Date of issuance: September 6, 1988

Effective date: September 6, 1988

Amendment Nos.: 36, 23 and 12

Facility Operating License Nos. NPF-41, NPF-51 and NPF-74. Amendments change the Technical Specifications.

Date of initial notice in **Federal Register:** June 1, 1988 (53 FR 20040). The Commission's related evaluation of the amendments is contained in a Safety Evaluaton dated September 6, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, Business and Science Division, 12 East McDowell Road, Phoenix, Arizona 85004

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: June 13, 1988 as supplemented on August 9, 1988.

Brief description of amendments: The proposed amendments would change the Technical Specifications (TS) as follows:

1. Modify the Units 1 and 2 TS requirement 6.2, "Organization," by incorporating the changes recommended in the NRC Generic Letter 88-06, "Removal of Organization Charts from Technical Specification Administrative Control Requirements," by:

a. deleting the organization charts of TS Figures 6.2.-1, "Management Organization Chart - Calvert Cliffs Nuclear Power Plant - Baltimore Gas & Electric Company," and 6.2-2, "Organization Chart (Two Unit Operation) - Calvert Cliffs Nuclear Power Plant - Baltimore Gas & Electric Company," and replacing them with a TS 6.2.1.a requirement to establish onsite and offsite organizations with lines of authority, responsibility and communication defined and documented in Chapter 12 of the Updated Final Safety Analysis Report (UFSAR) as organization charts for all management levels, intermediate levels and operating organization positions;

b. defining the responsibilities of the Manager - Calvert Cliffs Nuclear Power Plant and the Vice President - Nuclear in TS 6.2.1.b and c;

c. add TS 6.2.1.d to provide all training, health physics and quality assurance staff members with independence from but reportability to onsite management;

d. specifying in TS 6.2.2, "Unit Staff," the staffing positions required to hold operator licenses as was previously reflected in TS Figure 6.2.2;

e. adding a new TS 6.2.1.a requirement to establish and document the lines of authority, responsibility and communication in Chapter 12 of the UFSAR through functional descriptions of departmental responsibilities and relationships, and job descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions. Change 1.e would become effective 90 days following the effective date for changes 1.a through d.

2. Make changes to the Units 1 and 2 TS 6.1, "Responsibility," 6.5.1, "Plant Operations and Safety Review Committee (POSRC)," 6.8, "Procedures," 6.16, "Process Control Program," and 6.17, "Offsite Dose Calculation Manual (ODCM)," to reflect the changes in nomenclature of (a) the title Manager - Nuclear Operations to the new title of Manager - Calvert Cliffs Nuclear Power Plant and, (b) the title of General Supervisor - Operations to the new title of General Supervisor - Nuclear Operations.

Date of issuance: August 31, 1988
Effective date: September 1, 1988
Amendment Nos.: 131 and 112
Facility Operating License Nos. DPR-53 and DPR-69. Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** July 27, 1988 (53FR28283). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 31, 1988.
No significant hazards consideration comments received: No
Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: June 30, 1988
Brief Description of amendment: The amendment changed the degraded voltage trip and alarm setpoints based on a recent analysis of the electrical power distribution system for Pilgrim Station. The installation of newer, more reliable and higher quality solid state relays allows the revised setpoints to be used.
Date of issuance: September 8, 1988
Effective date: September 8, 1988
Amendment No.: 120
Facility Operating License No. DPR-35: Amendment revised the technical specifications.
Date of initial notice in **Federal Register:** (53 FR 28284) July 27, 1988. The Commission's related evaluation on the amendment is contained in a Safety Evaluation Report dated September 8, 1988.
No significant hazards consideration comments received: No
Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Boston Edison Company Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: May 20, 1987
Brief Description of amendment: This amendment consists of changes to the Technical Specifications regarding the surveillance test frequency for ATWS RPT/ARI instruments.
Date of issuance: September 8, 1988
Effective date: September 8, 1988
Amendment No.: 121
Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** April 6, 1988 (53 FR 11365). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 8, 1988.
No significant hazards consideration comments received: No.
Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of application for amendment: May 10, 1988
Brief description of amendment: The amendment revises the operability requirements of Technical Specification 3.3.3.7, Chlorine Detection Systems. The current specification requires two independent chlorine detector trains to be operable in all modes with each train consisting of a detector at each control room ventilation system intake and two detectors at the chlorine storage area. The change requires the detectors at the chlorine storage area to be operable only when there is liquified chlorine in amounts in excess of 20 pounds stored at the chlorine storage area.
Date of issuance: August 23, 1988
Effective date: August 23, 1988
Amendment No.: 8
Facility Operating License No. NPF-63. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** June 21, 1988 (53 FR 23324). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 23, 1988.
No significant hazards consideration comments received: No
Attorney for the Licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P.O. Box 1551, Raleigh, North Carolina 27602
Local Public Document Room location: Richard B. Harrison Library, 1313 New Bern Avenue, Raleigh, North Carolina 27610

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station, Units Nos. 1 and 2, LaSalle, County, Illinois

Date of application for amendments: April 26 and May 31, 1988
Description of amendments request: These amendments provide additional

requirements for monitoring core performance and other actions to be taken by the reactor operator in the high power/low flow region of the power to flow map. The Unit 1 amendment also deleted License Condition 2.C.(34) which is now obsolete.

Date of Issuance: September 7, 1988
Effective Date: September 7, 1988
Amendment Nos: 60, 40
Facility Operating License Nos. NPF-11 and NPF-18: Amendments revised the Technical Specifications for NPF-11 and NPF-18 and deleted a License Condition in NPF-11.

Date of initial notice in **Federal Register:** June 1, 1988 (53 FR 20041). The Commission's related evaluation of the amendment is contained in a Safety Evalution dated September 7, 1988.

No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois, Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

GPU Nuclear Corporation, et al., Docket Nos. 50-289 and 50-320, Three Mile Island Nuclear Station, Units 1 and 2, Dauphin County, Pennsylvania

Date of application for amendment: July 8, 1988

Brief description of amendments: The amendments modified paragraph 2.c.(3) of License No. DPR-50 and paragraph 2.D of License No. DPR-73 to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of these amendments.

Date of issuance: September 2, 1988
Effective date: September 2, 1988
Amendment Nos.: 145 (for DPR-50) and 31 (for DPR-73)

Facility Operating License Nos. DPR-50 and DPR-73. Amendments revised the licenses.

Date of initial notice in **Federal Register:** June 22, 1988 (53 FR 23470). The Commission's related evaluation of this amendment is contained in a letter to GPU Nuclear Corporation dated September 2, 1988 and a Safeguards Evaluation Report dated September 2, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: May 31, 1988.

Brief description of amendment: The amendment adds Action requirements to Technical Specification 3.1.3.1 in the event that the scram discharge volume vent and/or drain valves become inoperable.

Date of issuance: August 29, 1988
Effective date: August 29, 1988
Amendment No.: 26

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 27, 1988 (53 FR 28288). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: June 21, 1988

Brief description of amendment: This amendment deleted Figure 6.2.1-1, River Bend Station Organization and Figure 6.2.2-1, River Bend Station Organization from the Technical Specifications (TS) and replaced them with a narrative description of the River Bend Nuclear Group organization structure functional requirements in Section 6.2.1 and unit staff qualifications in Section 6.2.2 of the TSs. This amendment also deletes a duplicative address for correspondence in Section 6.9.1.6 of the TS.

Date of issuance: August 29, 1988
Effective date: August 29, 1988
Amendment No.: 27

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 27, 1988 (53 FR 28290). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: May 25, 1988 as supplemented July 6, 1988.

Brief description of amendment: The amendment delays the implementation of neutron flux monitoring system modifications from prior to startup from the second refueling outage until a refueling outage following the issuance of the NRC staff's safety evaluation of the Boiling Water Reactor Owners Group Topical Report, "Position on NRC Regulatory Guide 1.97, Revision 3, Requirements for Post-Accident Neutron Monitoring System," NEDO-31558, March 1988.

Date of issuance: August 29, 1988
Effective date: August 29, 1988
Amendment No.: 28

Facility Operating License No. NPF-47. The amendment revised the License.

Date of initial notice in **Federal Register:** July 27, 1988 (53 FR 28288). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Illinois Power Company Docket No. 50-461, Clinton Power Station, Unit 1 Dewitt County, Illinois

Date of application for amendment: February 5, 1988, as supplemented July 27, 1988.

Description of amendment request: The proposed change will increase the trip setpoint and allowable value for turbine building temperature monitors.

Date of issuance: September 2, 1988
Effective date: September 2, 1988
Amendment No.: 9

Facility Operating License No. NPF-62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 6, 1988 (53 FR 11372). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 2, 1988.

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: June 29, 1988.

Brief description of amendment: Modification of Technical Specification 3.12, "Station Service Power", which provides limiting conditions for operation for the electric power system.

Date of issuance: September 7, 1988

Effective date: September 7, 1988

Amendment No.: 106

Facility Operating License No. DPR-36. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 27, 1988 (53 FR 28291). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 7, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Date of application for amendments: April 18, 1988.

Brief description of amendments: The amendments revise Sections 2.2.1, 3.3.1, 4.3.1 and the associated bases of the Technical Specifications to allow a turbine trip without a reactor trip below 50 percent thermal power.

Date of Issuance: August 26, 1988

Effective date: August 26, 1988

Amendment Nos: 30 and 29

Facility Operating Licenses Nos. DPR-80 and DPR-82: Amendments revised the Technical Specifications

Date of initial notice in **Federal Register:** July 13, 1988 (53 FR 26529). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 26, 1988.

No significant hazards consideration comments received: No

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Date of application for amendments: October 29, 1986 as supplemented July 5, 1988.

Brief description of amendments: The amendments change the Technical Specifications to decrease the maximum closure time for the containment vacuum/pressure relief valves from 10 seconds to 5 seconds. The issuance of these amendments resolves license conditions 2.C.(6)g for Unit 1 and 2.C(5)b for Unit 2.

Date of Issuance: August 29, 1988

Effective date: August 29, 1988

Amendment Nos: 31 and 30

Facility Operating Licenses Nos. DPR-80 and DPR-82: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 12, 1987 (52 FR 29925). The July 5, 1988, submittal clarified certain aspects of the original request, but the substance of the changes noticed in the **Federal Register** and the proposed no significant hazards determination were not affected. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 29, 1988.

No significant hazards consideration comments received: No

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Philadelphia Electric Company, Public Service Electric and Gas Company Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: December 1, 1986 and December 16, 1987

Brief description of amendments: These amendments modified and combined paragraphs 2.C.(4) and 2.C.(4)(c) of Facility Operating License DPR-44 for Unit 2 and modified and combined paragraphs 2.C.(3) and 2.C.(3)(c) of Facility Operating License DPR-56 for Unit 3 to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of this amendment.

Date of issuance: August 25, 1988

Effective date: August 25, 1988

Amendments Nos.: 135 and 138

Facility Operating License Nos. DPR-44 and DPR-56: Amendments revised the license.

Date of initial notice in **Federal Register:** June 29, 1988 (53 FR 24514). The Commission's related evaluation of the amendments is contained in a letter to Philadelphia Electric Company dated August 25, 1988 and a Safeguards Evaluation Report dated August 25, 1988.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: September 2, 1987

Brief description of amendment: This amendment modified the Technical Specification rod block monitor (RBM) surveillance requirement to change the time when RBM channel functional tests to demonstrate operability of the RBM channels are required to be performed.

Date of issuance: August 29, 1988

Effective date: August 29, 1988

Amendment No. 18

Facility Operating License No. NPF-57. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 7, 1987 (52 FR 37552). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 1988

No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: May 3, 1988

Brief description of amendments: The amendments changed Technical Specification 4.8.2.5.2.e to remove the requirement to perform both a battery service test and a battery performance discharge test during certain plant shutdowns.

Date of issuance: August 29, 1988

Effective date: August 29, 1988

Amendment Nos. 88 and 61

Facility Operating License Nos. DPR-70 and DPR-75: These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 27, 1988 (53 FR 28294). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 29, 1988.

No significant hazards consideration comments received: No

Local Public Document Room location: Salem Free Public Library, 112

West Broadway, Salem, New Jersey 08079

Southern California Edison Company, et al., Docket Nos. 50-206, 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 1, 2 and 3, San Diego County, California

Date of application for amendments: December 14, 1987

Brief description of amendments: The amendments approve a minor change in the location of a vital area boundary.

Date of issuance: August 25, 1988

Effective date: August 25, 1988

Amendment Nos.: 107, 55 and 66

Provisional Operating License No. DPR-13 and Facility Operating License Nos. NPF-10 and NPF-15: Amendments revised the operating licenses.

Date of initial notice in **Federal Register:** June 15, 1988 (53 FR 22407). The Commission's related evaluation of the amendments is contained in Safeguards Evaluation Report which is being withheld from public disclosure under the provisions of 10 CFR 73.21 since it contains safeguards information.

No significant hazards consideration comments received: No comments.

Local Public Document Room location: General Library, University of California, Post Office Box 19557, Irvine, California 92713.

Southern California Edison Company, et al., Docket Nos. 50-206, 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 1, 2 and 3, San Diego County, California

Date of application for amendments: December 2, 1986, as supplemented December 18, 1987 and April 22, 1988.

Brief description of amendments: The amendments modified the licenses to require compliance with the amended Physical Security Plan. The Plan was amended to conform to the requirements of 10 CFR 75.55.

Date of issuance: September 6, 1988

Effective date: September 6, 1988. Consistent with the provisions of 10 CFR 73.55, search requirements within 180 days from the effective date of this amendment.

Amendment Nos.: 108, 67 and 56

Provisional Operating License No. DPR-13 and Facility Operating License Nos. NPF-10 and NPF-15: Amendments revised the operating licenses.

Date of initial notice in **Federal Register:** June 29, 1988 (53 FR 24516). The Commission's related evaluation of the amendments is contained in a letter to Southern California Edison and a Safeguards Evaluation Report both dated September 6, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: General Library, University of California, Post Office Box 19557, Irvine, California 92713.

Southern California Edison Company, et al, Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: April 27, 1984, May 12, November 4 and December 14, 1987, as supplemented April 14, May 6, and June 3, 1988.

Brief description of amendments: These amendments revise the following Technical Specifications (TS) 3.1.3.6, "Regulating CEA Insertion Limits," TS 3.1.3.7, "Part Length CEA Insertion Limits," TS 3.10.2, "Group Height, Insertion and Power Distribution Limits," and Bases 3/4.1.3, "Movable Control Assemblies"; TS 3/4.3.2, "Engineered Safety Features Actuation System Instrumentation"; and TS 3/4.4.10, "Reactor Coolant Gas Vent System."

Date of issuance: August 3, 1988

Effective date: August 3, 1988

Amendment Nos.: 64 and 53

Facility Operating License Nos. NPF-10 and NPF-15: Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** June 4, 1985 (50 FR 23550), March 9, 1988 (53 FR 7601) and March 23, 1988 (53 FR 9516). (The June 4, 1985 notice inadvertently identified the application dates as December 9, 1983 and April 27, 1984. The application was submitted by letter dated April 27, 1984. The December 9 letter is correspondence of a related nature, not an application for amendment.) Submittals by the licensee following issuance of the initial notices provided supplemental information; they did not change the initial proposed determination of no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 3, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: General Library, University of California, P.O. Box 19557, Irvine, California 92713.

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of application for amendments: April 20, 1988 (TS 239)

Brief description of amendments: The amendments modify Technical Specification Section 3.4, Standby Liquid Control System, to allow the use of enriched sodium pentaborate.

Date of issuance: September 2, 1988

Effective date: September 2, 1988, and shall be implemented within 60 days

Amendments Nos.: 154, 150, 125

Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 29, 1988 (53 FR 24516). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 2, 1988.

No significant hazards consideration comments received: No

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Suzanne Black

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: April 17, 1987, June 2, 1987, and June 19, 1988 (TS 87-07, 87-31 and 87-25)

Brief description of amendments: The amendments are to Sections 3, Instrumentation, and 6, Containment Systems, of the Sequoyah Units 1 and 2 Technical Specifications (TS). The changes are the following: (1) correct errors in Tables 3.3-7 and 4.3-4 on seismic monitoring instrumentation, (2) delete references to the nonexistent Section 6.9.1.13.b from two Action statements for radioactive effluent instrumentation and (3) add a surveillance requirement for containment isolation on the containment vacuum relief valves.

Date of issuance: September 1, 1988

Effective date: September 1, 1988

Amendment Nos.: 81, 72

Facility Operating Licenses Nos. DPR-77 and DPR-79. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 29, 1987 (52 FR 28388), November 4, 1987 (52 FR 42369), and April 20, 1988 (53 FR 13020), respectively. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 1, 1988.

No significant hazards consideration comments received: No

Local Public Document Room location: Chattanooga-Hamilton County

Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Virginia Electric and Power Company, et al., Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of application for amendment: January 14, 1988

Brief description of amendment: This amendment changed the NA-1 TS to allow the widening of the axial flux difference bands from the current ±5% about a target value to +6% to -15% at 100% power and +20% to -28% at 50% power. The implementation of the relaxed power distribution control methodology is intended for application in the latter part of the NA-1 Fuel Cycle. The amendment is effective for forthcoming fuel cycles based on VEPCO's submittal of the NA-1 core surveillance report to the NRC on a cycle-by-cycle basis (Cycle 7, Cycle 8, etc.).

Date of issuance: September 7, 1988

Effective date: September 7, 1988

Amendment No.: 105

Facility Operating License No. NPF-4: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 18, 1988 (53 FR 17794). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 7, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of applications for amendment: April 21, 1987 and May 10, 1988.

Brief description of amendment: The amendment revises Sections 6.5.1.2 and 6.8.2 of the Technical Specifications to reflect changes of position titles and changes in responsibilities of designated positions. Organization charts are removed from the Technical Specifications and typographical errors in the index to the Technical Specifications are corrected.

Date of issuance: September 8, 1988

Effective date: September 8, 1988

Amendment No.: 63

Facility Operating License No. NPF-21: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 9, 1987 (52 FR 34021). A second notice was published on July 13, 1988 (53 FR 26535). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 8, 1988.

No significant hazards consideration comments received: No.

Local Public Document Room location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Dated at Rockville, Maryland, this 15th day of September, 1988.

For the Nuclear Regulatory Commission

Gary M. Holahan,

Acting Director, Division of Reactor Projects - III, IV, V and Special Projects Office of Nuclear Reactor Regulation

[Doc. 88-21412 Filed 9-20-88; 8:45 am]

BILLING CODE 7590-01-D

Atomic Safety and Licensing Board

[Docket No. 55-08347, ASLBP No. 88-577-02-EA]

Maurice P. Acosta, Jr.; Order Designating Location of Prehearing Conference

Before Administrative Judges: B. Paul Cotter, Jr., Chairman, Dr. Harry Foreman, Dr. Kenneth A. McCollom.

September 14, 1988.

Please take notice that the prehearing conference in the above-identified proceeding scheduled for October 18, 1988, commencing at 9:30 a.m. local time, will be held in: Classroom 2C, Second Floor, California Western School of Law, 350 Cedar Street, San Diego, California 92101.

The date of the prehearing conference, but not the location or time, were announced in the Board's Order of September 9, 1988.

For the Atomic Safety and Licensing Board.

B. Paul Cotter, Jr.

Chairman, Administrative.

Dated at Bethesda, Maryland, this 14th day of September 1988.

[FR Doc. 88-21533 Filed 9-20-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461]

Illinois Power Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-62 issued to the Illinois Power Company [1] (IP), Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc., (the licensees), for operation of the Clinton Power Station, Unit 1, located in DeWitt County, Illinois.

This amendment includes four changes to Technical Specification Sections 3/4.3.7.1, 3/4.3.7.11 and 3/4.3.7.12 concerning radiation monitoring instrumentation. The first change consists of revisions which both account for and allow credit to be taken for redundancy of the common Central Control Terminals (CCTs) where process radiation monitor status and indications are provided. These revisions consist of: Including the CCTs in the OPERABILITY requirements for certain radiation monitor channels required to be OPERABLE by the Technical Specifications; changing the ACTION statements, as applicable, to account for inoperability of the CCTs versus inoperability of the monitor itself that provides input to the CCTs; enhancing the CHANNEL CHECK for the applicable radiation monitors to ensure that channel communication is established to the Main Control Room—CCTs or Radiation Protection—CCTs; and changing the expanded CHANNEL FUNCTIONAL TEST requirements for the radiation monitors to make the wording of the requirement based on the Standard Technical Specifications more specific and applicable to the Clinton design without altering the intent of the requirement.

The second change consists of revisions to the CHANNEL FUNCTIONAL TEST requirement for the Liquid Radwaste Discharge Monitor. The former requirement was a demonstration of automatic isolation of the release pathway with the monitor controls not set in the OPERATE mode. The change deletes this specific requirement since the monitor is not designed to effect an isolation for this specific condition.

The third change consists of a specific revision to make the channel/instrument descriptions for the Standby Gas Treatment System (SGTS) Exhaust Process Radiation Monitor (PRM) agree with the HVAC Exhaust PRM descriptions since they are designed and operated in a similar manner. These revisions do not change the intent of the Specification or the manner in which the surveillances are conducted.

The fourth change consists of several changes to ACTION 72 to Table 3.3.7.1-1 to make it consistent with other applicable Specifications. To support

[1] Illinois Power Company is authorized to act as agent for Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc. and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

these changes, which are associated with the OPERABILITY of the pre-treatment off-gas process radiation monitor, changes are also made in the related Specifications 4.11.2.7.1 and 4.22.2.7.2.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on February 3, 1988 (53 FR 3092). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the Environmental Assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated October 30, 1987, (2) Amendment No. 10 to License No. NPF-62, and (3) the Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC; and at Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Dated at Rockville, Maryland, this 14th day of September 1988.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III-2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88-21536 Filed 9-20-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-206, 50-361 and 50-362]

Southern California Edison Co., et al., San Onofre Nuclear Generating Station, Units 1, 2 and 3; Consideration of Issuance of Amendments to Operating Licenses And Proposed No Significant Hazards Consideration Determination And Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Provisional Operating License No. DPR-13, Facility Operating License No. NPF-10 and Facility Operating License No. NPF-15 which authorize operation of San Onofre Nuclear Generating Station, Units 1, 2 and 3 located in San Diego County, California.[1] The request for amendment was submitted by letter dated September 13, 1988.

The proposed amendments would delete the on-site and off-site organizational charts from the technical specifications and substitute therefor written requirements with respect to the essential elements of organizational matters. The proposed amendments would also revise the reporting arrangements for the Nuclear Safety Group and the Independent Safety and Engineering Group to allow organizational flexibility consistent with deleting the organizational charts.

The licensee states that the changes in its organizational structure which would require these changes are scheduled to be placed in effect on October 3, 1988 and requested that the proposed amendments be processed on an exigent basis. The proposed changes are entirely consistent with NRC Generic Letter 88-06 which suggested these changes to reduce the number of inconsequential organizational amendments, and therefore NRC review effort to review the changes should be minimal. The NRC staff has decided to expedite the proposed amendments so that the changes, if found acceptable, can be placed in effect on or about October 3, 1988, as requested by the licensee.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Because the proposed amendments involve only administrative matters (organizational charts and reporting) as described above, the proposed amendments do not involve changes in the probability or consequences of accidents previously evaluated or create the possibility of a new or different kind of accident or involve a significant reduction in a margin of safety. Therefore, the NRC staff proposes to determine that the proposed amendments do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Written comments should be addressed to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room P-216, 7920 Norfolk Avenue, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of written comments may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 21, 1988 the licensees may file a request for a hearing with respect to issuance of the amendments to the subject operating licenses, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition

[1] The licensees for Unit 1 are Southern California Edison Company and San Diego Gas and Electric Company; the licensees for Units 2 and 3 are Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside California and the City of Anaheim, California.

should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendments are issued before the expiration of 30 days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue the amendments until the expiration of the 15-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 15-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petiton for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-White Flint, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Charles R. Kocher, Assistant General Counsel and James Beoletto Esq., Southern California Edison Company, P.O. Box 800, Rosemead, California 91770, attorneys for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 15th day of September, 1988.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Senior Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88–21535 Filed 9–20–88; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–26081; File No. Sr–NYSE–88–25]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Auxiliary Closing Procedures for Orders Relating to Expiring Stock Index contracts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is herby given that on September 15, 1988, the New York Stock Exchange ("NYSE" or "Exchange") submitted to 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 adds auxiliary closing procedures for assisting in handling the order flow associated with the concurrent expiration of stock index futures, stock index options and options on stock index futures on September 16, 1988. It specifies procedures substantively identical to those used on June 17, 1988, and on several earlier expiration Fridays. Only the dates have changed.

Specifically, the auxiliary procedures provide that market-at-the-close stock orders in 50 pilot stocks relating to index arbitrage positions must be received by 3:30 p.m. on September 16. The Exchange will promptly disseminate the size of substantial market order imbalances (50,000 shares or more) as of

3:30 in the pilot stocks. The procedures also ban entry of market-at-the-close orders in the pilot stocks after 3:30 p.m. unless orders (A) offset the imbalances and (B) are not for the purpose of liquidating an index arbitrage position.

The Exchange characterizes the proposed rule change as a Rule of the Board of Directors of the Exchange. The proposed rule change supersedes all other Exchange rules and policies inconsistent with it.

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 propsoed 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

1. *Purpose.* The purpose of the proposed rule change is to comply with the request of the Commission that the Exchange repeat the June 19, 1987, closing procedures on subsequent concurrent expirations of stock index futures, stock index options and options on stock index futures. (*See* September 16, 1987, letter to Robert J. Birnbaum, President, NYSE, from Richard G. Ketchum, Director, SEC.) The proposed rule change will make the procedures a rule of the Exchange.

2. *Statutory Basis.* The basis under the Act for the proposed rule change is section 6(b)(5), which requires that rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market 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 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

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act. Confirmation to the industry of the Exchange's intention to comply with the Commission's request that the Exchange repeat the closing procedures specified by the proposed rule change should occur as soon as possible to permit investors and firms to plan accordingly. Moreover, the procedures contain no substantive changes from the procedures used on previous expiration Fridays. Accordingly, the Exchange seeks action by the Commission in time to permit notification of interested parties well in advance of the September 16 expiration.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder. The market-on-close procedures described herein have been utilized on the prior eight expiration Fridays (the quarterly expiration when stock index futures, stock index options and options on stock index futures have simultaneous expirations). These procedures were part of efforts by the Commission and the self-regulatory organizations to address stock market volatility that has been associated with certain index arbitrage trading strategies on expiration Fridays. By requiring submission of market-at-close orders early and disseminating imbalances, the NYSE could attract contra-side interest to alleviate imbalances caused by the closing of index arbitrage positions. The procedures have proven to be operational successes, and have significantly contributed to the smooth handling of the increased order flow associated with these expirations.

The Commission finds good cause for approving this rule change prior to the thirtieth day after the date of publication of notice of filing thereof in order to implement these procedures on the upcoming September 16, 1988, expiration. Moreover, the procedures contain no substantive changes from the procedures utilized by the NYSE on June 17, 1988, and several earlier expiration Fridays.[1]

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 Room, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the NYSE. All submissions should refer to the file number in the caption above and should be submitted by October 12, 1988.

It therefore is ordered, pursuant to section 19(b)(2) of the 1934 Act,[2] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: September 15, 1988.

[FR Doc. 88-21526 Filed 9-20-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-26080; File No. SR-OCC-88-05]

Self-Regulatory Organizations; Options Clearing Corp., Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to Short Positions

The Options Clearing Corporation ("OCC") on May 26, 1988, filed a proposed rule change with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934

[1] No comments were received for proposed rule changes containing the same procedures on prior expiration Fridays.

[2] 15 U.S.C. 78s(b)(2) (1982).

("Act").[1] The proposal provides for the disposition of an OCC clearing member's short positions in the event the member is suspended. The Commission is approving this proposal on an accelerated basis.[2]

I. OCC's Description of the Proposal

The proposal would amend OCC Rule 1106, which governs open positions of suspended OCC clearing members.[3] Rule 1106(b), which governs certain open short positions of suspended clearing members,[4] would be amended to provide that, where possible, OCC will arrange for the transfer of certain open short positions to other clearing members, subject to the intructions of the clearing member or its trustee. The existing text of Rule 1106(b) contemplates that OCC will arrange such transfers itself; but OCC states in its filing that, based on practical experience, OCC should not be expected to arrange such transfers without the cooperation of the suspended clearing member or its trustee.

For covered short positions,[5] OCC Rule 1106(b), as revised, would provide that if the suspended clearing member or its trustee instructs OCC to transfer such a position to another clearing member, OCC will do so, provided that the transferee clearing member would be in compliance with OCC's margin requirements after having given effect to the transfer.

OCC Rule 1106(b), as revised, would require OCC to notify a suspended clearing member or its trustee of any closing or transfer of an open short position pursuant to Rule 1106. This proposal would replace the existing requirement that OCC must notify the customers affected by the closing or transfer of any such positions. OCC states in the filing that inasmuch as it lacks access to the customer account information of suspensed clearing members, it must discharge its notice obligations by notifying the trustees who, in turn, will notify the customers.

Additionally, the rule proposal would expand the express coverage of Rule 1106 to positions in index option contracts.[6] Rule 1106(c), governing the closing of long and short positions by offset, would be modified to include a reference to per-unit premium margin for non-equity options in OCC Rule 602A.[7] The proposal also includes several technical changes of a conforming nature.

II. OCC's Rational for the Proposal

OCC states that the proposal is consistent with the purposes and requirements of section 17A of the Act in that it promotes the protection of investors and the public interest by improving: (1) OCC's liquidation procedures, and (2) the description of those procedures in OCC's rules.

III. Discussion of the Proposal

The Commission believes that this proposal is consistent with the Act, particularly section 17A of the Act. The proposal would modify OCC Rule 1106(b) by, among other things, expressly authorizing a participatory role for the trustee of a suspended OCC clearing member in the transfer of certain open short positions of the suspended member. The Commission recognizes that the participation of the trustee, specifically a trustee appointed by the Securities Investor Protection Corporation ("SIPC") to take charge of the assets and operations of a broker-dealer under the Securities Investor Protection Act,[8] would increase the efficiency of such transfers.[9]

The proposal also would require OCC: (1) To notify the SIPC trustee or the suspended clearing member in event of transfer of any of such member's open short positions under OCC Rule 1106; and (2) upon instruction of the SIPC trustee, to transfer covered short positions from a suspended clearing member to another clearing member (provided the transferee would meet OCC margin requirements). Additionally, the proposal would expand the coverage of OCC Rule 1106 to include positions in index options; and it would modify OCC Rule 1106(c), which governs the closing of long and short positions by offset, to include a reference to per-unit premium margin for non-equity options in OCC Rule 602A. The Commission believes that the express inclusion of the SIPC trustee in these liquidation procedures as well as the other proposed modifications of Rule 1106, including the conforming changes, would improve the quality and specificity of OCC's Rules and thereby benefit the public interest.

IV. Conclusion

For the reasons discussed in this order, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder. The Commission finds good cause for approving the proposed rule change on an accelerated basis prior to the thirtieth day after the date of publication of notice of the filing thereof. The Commission believes that OCC's proposed rule change should improve OCC's procedures for dealing with broker-dealer liquidations, improve the description of these procedures in OCC's rules, and serve the public interest by enabling OCC to apply the proposed close-out procedures.

V. 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

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[1] OCC initially submitted this proposal for immediate effectiveness under section 19(b)(3)(A) of the Act. But on August 8, 1988, at the Commission's request, OCC filed a letter with the Commission that requested processing of the proposal under section 19(b)(2) of the Act, which requires actual Commission approval for the proposal to become effective. The letter also requested accelerated effectiveness of the proposal. *See* letter from James C. Young, Staff Counsel, to Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, dated August 4, 1988.

OCC states in its filing that it submitted certain provisions of this rule proposal to the Commission in 1982 in File No. SR–OCC–82–03. OCC notes, however, that prior to final Commission action on that proposal, OCC requested its withdrawal under an assumption, which it now finds to have been erroneous, that the same provisions were included in a related OCC rule filing (File No. SR–OCC–83–04). The Commission granted the requested withdrawal of the proposal in Securities Exchange Act Release No. 20317 (October 21, 1983), 48 FR 49958.

[2] Section 19(b)(2) of the Act expressly authorizes accelerated approval of proposed rule changes where the Commission finds good cause for so doing and publishes its reasons for so finding.

[3] An "open position" is a position in an option contract that has not yet expired, been exercised, or closed out by purchase or sale transaction. *See* M. Thomsett, *Investment & Securities Dictionary*, 51, 192 (1988).

[4] OCC's rules define the term "short position" as a person's obligation as the writer (or as agent for the writer) of one or more option contracts of a series of options. *See* OCC By-Laws, Art. I, Sec. 1(ss).

[5] Proposed Rule 1106(b) would define a "covered short position" for the purposes of that rule as an open short position where (1) in a call option contract one or more specific or escrow deposits have been made, and (2) in a put option contract where Treasury bills have been deposited. OCC states that this definition is designed, in part, to include index option escrow accounts as provided in OCC Rule 1801. Telephone conversation between James G. Yong, Staff Counsel, OCC, Robert Wilcox, Attorney, Schiff, Harden & Waite, and Thomas C. Etter, Attorney, Securities and Exchange Commission, June 27, 1988.

[6] OCC states in its filing that if and when File No. SR–OCC–88–04 (filed with the Commission on May 5, 1988) becomes effective, Rule 1106 also would apply to yield-based Treasury options.

[7] OCC Rule 602A, governing margin on non-equity options, parallels the daily options "marking price" for equity options of OCC Rule 601.

[8] Securities Investor Protection Act of 1970, 15 U.S.C. 78aaa *et seq.*

[9] SIPC has advised the Commission's staff that it has no comment on the proposed rule change. Telephone conversation between Michael Don, Deputy General Counsel, SIPC, and Harry Melamed, Senior Special Counsel, Securities and Exchange Commission, July 18, 1988.

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 OCC. All submissions should refer to File No. OCC 88–05 and should be submitted by October 12, 1988.

It is therefore ordered, pursuant to section 19(b) of the Act, that the above-mentioned proposed rule change (SR–OCC–88–05) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88–21586 Filed 9–20–88; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

September 15, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

CareerCom Corporation
Common Stock, $0.01 Par Value (File No. 7–3910)
ServiceMaster Limited Partnership
Partnership Shares (File No. 7–3911)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 6, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–21527 Filed 9–20–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–24714]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

September 15, 1988.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below.The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 11, 1988 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Columbia Gas System, Inc., et al. (70–7480)

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, Commonwealth Propane, Inc. ("Commonwealth"), 800 Moorefield Park Drive, Richmond, Virginia 23236–3659, a propane distribution subsidiary of Columbia, Lynchburg Gas Company ("Lynchburg"), a gas utility subsidiary of Columbia, and Lynco Development Corporation ("Lynco"), a propane distribution subsidiary of Lynchburg, both located at 600 Main Street, Lynchburg, Virginia 24504, have filed a post-effective amendment to this application-declaration pursuant to sections 6 (a), 7, 9, 10, 12 (c), (f), (g) and 13 of the Act and Rules 42, 43, 90 and 91.

On March 15, 1988, the Commission issued an order (HCAR No. 24599) which, among other things, approved the acquisition by Columbia of Lynchburg. That order stated that following the acquisition, Lynco would be consolidated with Commonwealth. A post-effective amendment has now been filed adding Lynco and Commonwealth as applicants-declarants in this matter and requesting authorization for the issuance of stock by Commonwealth and the acquisition of that stock by Lynchburg pursuant to a Merger Agreement dated as of September 1, 1988. Pursuant to that Merger Agreement, Lynco will merge into Commonweatlh. Shares of Commonwealth's common stock will be issued to Lynchburg in exchange for shares of Lynco's common stock held by Lynchburg based on the ratio of the respective common stock book values per share. Following the merger, the Commonwealth common stock acquired by Lynchburg will be transferred to Columbia in exchange for lynchburg common stock of equal book value. Lynchburg will continue to provide certain propane warehousing services for Commonwealth, as the surviving propane distribution company.

The Connecticut Light and Power Company (70–7543)

The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, a subsidiary of Northeast Utilities, a registered holding company, has filed a delcaration pursuant to sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

The proposed transaction relates to the financing of CL&P's portion of the cost of acquiring, constructing, and installing certain pollution control facilities and/or sewage or solid waste disposal facilities ("Facilities") at the Seabrook Nuclear Power Station, Unit No. 1. The Industrial Development Authority of the State of New Hampshire ("Issuer") intends to issue pollution control revenue bonds

("Bonds") in the principal amount of not more than $10 million, for a term not exceeding 30 years. The Bonds will be issued under an Indenture of Trust between the Issuer and a trustee. The Issuer will loan the proceeds of the Bonds to CL&P pursuant to a financing agreement. Under the financing agreement, CL&P will make payments corresponding to the amounts needed to pay the principal of, premium, if any, and interest on the Bonds as they become due. CL&P's obligation to repay its loan will be evidenced by a promissory note.

The Bonds will be secured by an irrevocable letter of credit which will permit the trustee to draw funds from the issuing bank to pay unpaid principal, premium, if any, and interest on the Bonds, and to pay tendering holders for Bonds which cannot be remarketed. CL&P will pay an annual letter of credit commission and a one-time commitment fee.

CL&P requests that its borrowing under the financing agreement be excepted from the competitive bidding requirements of Rule 50, pursuant to Rule 50(a)(5). CL&P also submits that, because of the uniqueness and complexity of the proposed financing it wishes to begin negotiations with potential underwriters as soon as possible so that a lead or sole underwriter may be tentatively selected and such underwriter may begin negotiating and documenting the terms of the transaction. CL&P may proceed with preliminary negotiations.

Louisiana Power & Light Company (70–7555)

Louisiana Power & Light Company ("LP&L"), 142 Delaronde Street, New Orleans, Louisiana 70114, a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration pursuant to sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

By Commission orders dated June 15, 1984, June 26, 1984 and December 26, 1984 (HCAR Nos. 23331, 23342 and 23547), LP&L caused to be issued by the Parish of St. Charles, Louisiana, a total of $115 million of Series 1984 and $105 million of Second Series 1984 Adjustable/Fixed Rate Pollution Control Revenue Bonds ("First Series Bonds" and "Second Series Bonds", respectively, and, collectively, "Revenue Bonds").

The First Series Bonds and the Second Series Bonds are presently secured by letters of credit issued by Citibank, N.A. and Marine Midland Bank, N.A., respectively. In order to provide continued security for, and improve the marketability of, the Revenue Bonds, LP&L proposes to (a) issue and pledge a new series of its first mortgage bonds ("Bonds"); or (b) extend the existing, or procure new, letters of credit with altered terms; and/or (c) obtain insurance for one or more of the banks participating in the letters of credit. LP&L also proposes, if advantageous at the time, to effect such financing on an unsecured basis.

LP&L has requested an exception from the competitive bidding requirements pursuant to Rule 50(a)(5) with respect to the issuance and pledge of the Bonds so that it may offer the Bonds through a negotiated public offering or private placement.

Central Power & Light Company, et al. (70–7556)

Central Power and Light Company, 565 N. Carancahua, Corpus Christi, Texas 78401, Public Service Company of Oklahoma ("PSO"), 212 E. 6th Street, Tulsa, Oklahoma 74119, Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, and West Texas Utilities Company, 301 Cypress, Abilene, Texas 79601 (collectively, the "CSW Companies"), each an electric utility subsidiary of Central and South West Corporation, a registered holding company, have filed an application-declaration pursuant to section 9(a), 10 and 12(c) of the Act and Rule 42 thereunder.

By order dated October 23, 1986 (HCAR No. 24219), the Commission authorized each of the CSW Companies to acquire and retire through December 31, 1988, up to 20% of the par value of its preferred stock and 10% of the aggregate principal amount of its first mortgage bonds issued and outstanding on September 30, 1986. PSO and SWEPCO have repurchased some securities pursuant to that order.

The CSW Companies are each requesting to extend this authority, through December 31, 1990, to purchase and retire up to 20% of the par value of its preferred stock and 10% of the aggregate principal amount of its first mortgage bonds issued and outstanding on June 30, 1988, in open market and negotiated transactions at prices not exceeding the then current general redemption prices for such securities. Purchases would be made only if the issuer of the security in question determined that it would be in the best interest of the issuer to do so based on, among other things, the interest or dividend rates of the securities, the issuer's financing plans and capital structure, and the issuer's then current cash position. Funds for such purchases will be made available from internally generated funds or short-term borrowings.

Central and South West Corporation, et al. (70–7557)

Central and South West Corporation, a registered holding company ("CSW"), and CSW Energy, Inc., a subsidiary of CSW ("Energy"), both located at 2121 San Jacinto Street, Suite 2500, Dallas, Texas 75201, have filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, 12(b) and 13(b) of the Act and Rules 43, 50, 86, 87, 90 and 91 thereunder.

By orders dated August 4, 1983 (HCAR No. 23021), March 12, 1985 (HCAR No. 23627), February 6, 1987 (HCAR No. 24314), and July 31, 1987 (HCAR No. 24434), CSW was authorized to finance the investments of Energy through equity investments, loans and associated guarantees in a maximum amount not to exceed $52 million until December 31, 1988, and CSW and Energy were authorized to invest in qualifying cogeneration facilities and small power production facilities through December 31, 1988. CSW and Energy now seek to extend this investment authority through December 31, 1990.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–21528 Filed 9–20–88; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 1080]

Fishermen's Protective Act Procedures; Fees

ACTION: Notice of fees for the agreement year from October 1, 1988 through September 30, 1989.

SUMMARY: Section 7 of the Fishermen's Protective Act of 1967, as amended, requires fees from participating vessel owners for deposit into the Fishermen's Guaranty Fund. These fees partially fund a program which compensates fishing vessel owners for certain losses they have incurred when their vessels have been seized by foreign nations. This notice establishes the fee for the fiscal year 1989 (October 1, 1988 through September 30, 1989) agreement at $22 per gross vessel ton. This fee is payable in to equal installments, the first due on October 1, 1988, and the second due on May 1, 1989. While the basic fee is $22

per gross vessel ton, the fee for those vessels licensed to fish pursuant to the South Pacific Tuna Treaty is set at $11 per gross vessel ton, which would provide coverage only for fishing activities *inside* the area covered by such Treaty. All vessels fishing *outside* the area covered by the treaty during the time the agreement is in effect must pay the entire $22.00 fee for fiscal year 1989 coverage.

EFFECTIVE DATE: October 1, 1988—September 30, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. H. Stetson Tinkham, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520, Telephone number (202) 647–2009.

SUPPLEMENTARY INFORMATION: The Fishermen's Guaranty Fund, under section 7 of the Fishermen's protective Act (22 U.S.C. 1971–1980), (the "Act"), compensates U.S. fishing vessel owners who have entered into guaranty agreements for certain losses caused by a foreign country's seizure or detention of a U.S. fishing vessel based on claims to jurisdiction not recognized by the United States or exercised in a manner inconsistent with international law as recognized by the United States. The fee of $22 per gross vessel ton established for the upcoming agreement year (October 1, 1988 through September 30, 1989) is predicated on several factors.

First, it is logical to set a fee at a level which will encourage participation and, at the same time, raise the largest amount of revenue. Recent experience would indicate that a fee in excess of $30 has the effect of decreasing participation in the program. In 1986, when the fee was set at $30, there were only 28 agreement holders and not all of these paid the full fee. The previous year when the fee was set at $16, there were 87 agreement hodlers. Because of the timing of the transfer of the Fund from the Department of Commerce to the Department of State (the transfer was not fully implemented until the middle of Fiscal Year 1987) and because of a legal challenge to the 1986 fee structure, only 22 vessels participated in the 1987 program. In this regard, 1987 was not a typical year. Participation in the Fund increased to 51 vessels in 1988, when the fee was set at $22.00.

Second, the ten year average disbursement for the Fund is approximately $1.47 million annually. In recent years, there has been a noticeable increase in the average amount per claim. The average annual disbursement for the past five years has been approximately $1.59 million. At the same time, it appears that the demands on the Fund are cyclical in nature. For example, despite a high level of demand against the Fund in FY 1986, there were no claims filed against the Fund in FY 1987, and only two claims in FY 1988. Another factor to be considered in setting the fee level is the Memorandum Decision in M/V BRENDA JOLENE *et al.* v. United States of America (U.S. District Court for the Southern District of California, Civil Action #86–0916–E (IEG), March 23, 1987) which found that the amount of the fee should be based on a percentage of what the U.S. Government seeks in appropriations for the Fund rather than based solely on what the demands against the Fund are anticipated to be. This finding is being considered in the formulation of the Department's FY 1989 budget. Nevertheless, expected demands against the Fund may be one of the factors considered in determining the amount of the appropriation the Department will seek.

A final factor involved in determining the fee level is the entry into force of the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty) on June 15, 1988. The Treaty will dramatically reduce the risk of seizures in that part of the Pacific Ocean. This potential reduction of demands against the Fund should be considered.

If it is assumed during FY 1989 that 30 tuna vessels would participate at a fee level of $22 per ton and 30 different tuna vessels at a fee level of $11 per ton (the approximate numbers of tuna vessels fishing in both the Eastern and Western Pacific, respectively), the amount of total fee income could range up to approximately $900,000.

Taking all of these factors into account, and because it is probably unrealistic to assume that all the vessels will participate, the Department believes that a fee level as proposed in this notice would result in total monies available to the Fund within the range of average annual demands on the Fund.

Fees are established by publication of notices in the **Federal Register.** Agreement holders for the fiscal year, October 1, 1987 through September 30, 1988, may renew their agreements by sending in a signed guaranty agreement form and the first installment of the fee now being set. U.S fishing vessel operators who did not participate last year may send in signed application for agreement forms, a signed guaranty agreement (page one left blank), a U.S. Coast Guard form CG–1330, "Certificate of Ownership of Vessel," along with the first installment of this year's fee, in order to enter into guaranty agreements for the Fiscal Year 1989.

Program fees for the coming agreement year (October 1, 1988 through September 30, 1989) are hereby established at $22 per gross vessel ton. Vessels fishing pursuant to the South Pacific Tuna Treaty will be obligated to pay $11 per gross vessel ton, which would provide coverage only for fishing activities *inside* the area(s) encompassed by the international agreement during FY 1989.

The fee is due on the date this notice is published in the **Federal Register**, but is optionally payable in two equal installments, the first due no later than October 1, 1988, and the second due no later than May 1, 1989. In the event of a late fee payment, program coverage will commence one day after the postmark date of the fee payment. No seizure which occurs after September 30, 1988, but before one day after postmark date of fee payment, will be eligible for compensation. Coverage may be obtained at any time during the Fiscal Year for the balance of that year upon payment of the full ($22/ton) fee. Coverage will commence as above, however. Coverage for a vessel which fails to submit its second fee installment shall cease to be in effect as of midnight April 30. Fees will not be prorated for coverage during fractional parts of the year. Similar procedures will apply for vessels fishing exclusively in the Treaty area.

For the purpose of this notice, postmark means the date and time at which the U.S. Postal Service cancels postage. Use of certified mail is encouraged. If fees are delivered by uncertified metered mail or by any means other than U.S. Mail, the actual date and time of receipt will determine the effective date.

Classification

This action is taken under the authority of 22 U.S.C. 1977, complies with Executive Order 12291, and is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information requirement, as defined in the Paperwork Reduction Act.

As a "matter relating to Agency * * * contracts," this notice is exempt for the notice, comment, and delayed effectiveness provisions of the Administrative Procedure Act. This means analysis under the Regulatory Flexibility Act is not required.

For the Secretary of State.

Frederick Bernthal,

Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

Date: September 9, 1988.

[FR Doc. 88-21576 Filed 9-20-88; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM-8/1219]

Secretary of State's Advisory Committee on Private International Law, Study Group on International Contract Practices; Meeting

The Department of State has established a Study Group to review proposals of certain international organizations affecting international contract and related commercial practices, which may have significance for American public and private interests. The Study Group will function as part of the Secretary of State's Advisory Committee on Private International Law, and will provide guidance for United States positions to be put forward in the respective international organizations. The first meeting of the Study Group will be at 10:00 a.m. on Friday, October 7, 1988 in Washington, DC, at the Department of State, 22d and "C" Streets NW., Conference Room 1105.

The initial focus of the Study Group will be on international procurement and the formulation of United States positions for the October meeting of a United Nations Commission on International Trade Law (UNCITRAL) Working Group.

The agenda of the Study Group meeting will include a review of national procurement practices, both public and private, a Report on international procurement by the Secretariat preparatory to the October 1988 UNCITRAL Working Group meeting (United Nations Doc. A/CN.9/WG.V/WP.22) and current procurement rules and practices of international lending agencies, U.S. federal agencies and the American private sector. The Study Group will consider the scope of UNCITRAL work that should be approved, including whether to cover procedures or substantive rules, bidding and award only or all phases of procurement through delivery and performance, open access to markets, competitive or restricted bidding, subcontracting, multinational parties, and related issues of party autonomy and jurisdiction. The meeting will also cover the impact on project financing and trade of any proposed rules. The Study Group will consider whether the United States should support further work in this field by UNCITRAL, such as preparation of a model national law or standard international regulations.

The Study Group will review the status of two related international projects. The first will involve an UNCITRAL review in December 1988 of possible work by the Commission in the field of countertrade and barter. Information on that project is set forth in a Report of the Secretary-General on International Countertrade, United Nations Doc. A/CN.9/302, March 1988. The second involves a project by the International Institute for Unification of Private Law (UNIDROIT) to set forth current legal principles of international commercial contracts, in the nature of a restatement.

Copies of the Reports referred to above and other relevant information may be obtained by contacting Harold S. Burman at (202) 653-9852 or writing the Office of the Assistant Legal Adviser for Private International Law, L/PIL, Room 6417, Department of State, Washington, DC 20520.

Members of the general public may attend the meeting up to the capacity of the meeting room. Access to the meeting room is controlled, and the office indicated above should be notified not later than Tuesday, October 4th of the name, affiliation, address and phone number of persons expecting to attend.

In order to facilitate planning for the meeting, members of the public are requested to indicate whether they expect to comment on particular issues. Persons interested but unable to attend the meeting may submit comments or proposals to the address indicated above. Participants should use the "C" Street entrance at 22d Streets NW.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice-Chairman, Secretary of State's Advisory Committee on Private International Law.

[FR Doc. 88-21542 Filed 9-20-88; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Certification Basis for the Boeing Model 747-400 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amended type certification basis.

SUMMARY: This document establishes the amended type certification basis for the new Boeing Model 747-400 airplane. The publication of this nonrulemaking document is done in the interest of keeping the public informed and provides all interested persons with the airworthiness standards applicable to the Model 747-400.

ADDRESS: Details of the FAA disposition of the comments may be obtained by writing to the Federal Aviation Administration, Seattle Aircraft Certification Office, ANM-100S, Attention: 747-400 Certification Basis Docket, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Kaji K. Patel, Project Manager, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 431-1973.

SUPPLEMENTARY INFORMATION:

Background

The Boeing Commercial Airplane Company applied on May 17, 1985, for a change to Type Certificate No. A20WE to include the new Model 747-400. The Model 747-400 is a long range derivative of the currently certificated Model 747-300 that will be able to operate at heavier gross weights. It will incorporate four high-bypass ratio turbofan engines (Pratt & Whitney PW400 Series, General Electric CF6-80C2 or Rolls Royce RB211-524G) with digital electronically-controlled engine and thrust management systems. The Model 747-400 will incorporate simplified and automated cockpit controls, and electronic cockpit displays to facilitate operation by two flight crewmembers.

Discussion

A notice which invited public comments on the proposed certification basis of the Model 747-400 was published in the **Federal Register**, 52 FR 47818, on December 16, 1987. Seven organizations responded to the invitation and commented on the proposed certification basis.

One commenter, representing the airline industry, concurred with the proposed certification basis. The remaining commenters, which represented various airline employee groups, provided comments on the following topics:

1. New type certificate vs. amended type certificate.
2. Crew workload, cockpit configuration and displays.
3. Pilot rating and human factors.
4. Fire detection, resistance, and protection capabilities in the main deck cargo compartment.

5. Number and location of passenger emergency exists.

6. Horizontal stabilizer fuel tank installation.

7. Crew rest area.

8. Incorporation of President's Task Force recommendations for a two-crew airplane.

9. Application of amendment levels as specified for the following Sections of the FAR.

§ 25.783 Doors, Amdt. 25–54.

§ 25.812 Emergency Lighting, Amdt. 25–58.

§ 25.858 Cargo Compartment Fire Detection, Amdt. 25–54.

§ 25.1529 Instructions for Continued Airworthiness, Amdt. 25–54.

10. Resources of the certification authority to certificate the advance technology Model 747–400 airplane.

11. Cost Effectiveness of Two Crew Operation.

The commenters provided constructive comments on the proposed certification basis with special concern expressed for the topics listed above. Each comment was reviewed in detail and considered in the development of the certification basis for the Model 747–400.

The FAA has prepared a response to each of the 11 general topics. A disposition of comments which contains these responses is filed in the Model 747–400 Certification Basis Docket.

With the following exceptions and some minor changes, the certification basis for the Model 747–400 is as proposed in the invitation for comments:

1. Item Number 2 under "Exemptions from FAR Part 25" is deleted, since Exemptions 1870A and 1870B apply to convertible and all cargo airplanes only. To date, Boeing has not made an application for convertible or all cargo version of the Model 747–400.

2. A special condition item concerning flight deck electronic displays has been added under "Additional Special Conditions."

Type Certification Basis

Based on the date of application and pursuant to the provisions of § 2.101, the type certification basis of the Boeing Model 747–400 is:

Part 25 of the FAR, effective February 1, 1965, as amended by Amendments 15–1 through 25–59 except as noted below:

Section No.	Title	Thru amendment 25–
Performance		
25.107	Takeoff speeds	41
25.109	Accelerate-stop distance.	41
Controllability and maneuverability		
25.149	Minimum control speed.	41
Miscellaneous flight requirements		
25.251	Vibration and buffeting.	22
Structure—general		
25.305	Strength and deformation.	22
Flight maneuver and gust conditions		
25.331	General	45
25.351	Yawing conditions	45
Supplementary conditions		
25.365	Pressurized cabin loads.	53
Fatigue evaluation		
25.571	Damage-tolerance and fatigue evaluation of structure.	9
Design and construction—General		
25.607	Fasteners	22
25.631	Bird strike damage	[1] (NA)
Control surfaces		
25.657	Hinges	22
Control systems		
25.675	Stops	37
25.683	Operation tests	22
Personnel and cargo accommodations		
25.772	Pilot compartment doors.	46
25.783	Doors	53
25.785	Seats, berths, safety belts, harnesses.	50
25.787	Stowage compartments.	31
25.789	Retention of items of mass in passenger and crew compartments.	45
Emergency provisions		
25.809	Emergency exit arrangement.	45
25.812 [2]	Emergency lighting	31
Ventilation and heating		
25.832 [2]	Cabin ozone concentration.	[1] (NA)
Fire protection		
25.858	Cargo compartment fire detection systems.	[1] (NA)
Lights		
25.1401	Anticollision light system.	26
Miscellaneous equipment		
25.1438	Pressurization and pneumatic systems.	40
Operating limitations		
25.1529	Instructions for continued airworthiness.	[1] (NA)

[1] Not applicable—The requirements of this section do not apply to this type design because the original certification basis, which did not include this section, has been determined to be adequate.

[2] Compliance with a later amendment to these sections is required for part 121 operators.

Part 36 of the FAR as amended by Amendments 36–1 through 36–15, and any later amendments in existence at the time of certification. The Boeing Company has elected to comply with the Stage 3 noise level requirements.

Special Federal Aviation Regulation (SFAR) 27, as amended by Amendments 27–1 through 27–6 and any later amendments in existence at the time of type certification.

The following special conditions, exemptions and equivalent safety findings, which are part of the Model 747–300 certification basis, are also part of the certification basis for the Model 747–400 (Ref. Type Certificate Data Sheet No. A20WE):

The special conditions include those enclosed with FAA letter to The Boeing Company dated February 20, 1970 and the following:

1. Special Condition 4A, revised to apply to airplanes with the landing gear load evener system deleted, was recorded as an enclosure to an FAA letter to the Boeing Company dated May 12, 1971.

2. Special Condition No. 25–61–NW–1 for occupancy not to exceed 32 passengers on the upper deck of airplanes with spiral staircase was transmitted to The Boeing Company by FAA letter dated February 26, 1975.

3. Special Condition No. 25–71–NW–3 for occupancy not to exceed 45 passengers on the upper deck of airplanes with straight segmented stairway was transmitted to The Boeing Company by FAA letter dated September 8, 1976.

4. Modification of Special Condition No. 25–71–NW–3 for occupancy not to exceed 110 passengers on the upper deck of airplanes with straight segmented stairway was transmitted to The Boeing Company by FAA letter dated August 3, 1981.

5. Special Condition No. 25–77–NW–4 (modification of the autopilot system to approve the airplane for use of the system under Category IIIb landing conditions) was transmitted to The

Boeing Company by FAA letter dated July 8, 1977.

Exemptions from FAR Part 25:

No. 1013A dated December 24, 1969—Exemption from § 25.471(b) to allow lateral displacement of the C.G. from the airplane centerline.

The following optional requirements, which are part of the Model 747–300 certification basis, apply also to the 747–400:

Ditching Provisions, § 25.801

Ice Protection Provisions, § 25.1419

The following equivalent safety findings, previously made for earlier models under the provisions of § 21.21(b)(1), are also applicable to the Model 747–400:

Independently illuminated exit signs, § 25.812(k)(2)

Pilot compartment view, § 25.773

Additional Exemptions

As of this date, Boeing has not petitioned the FAA for any exemptions relative to the type certification of the Model 747–400 series airplanes.

Additional Special Conditions

At this time, the FAA has identified several additional novel design features that may require the promulgation of special conditions in order to provide appropirate safety standards. The Boeing Model 747–400 will have several digital electronic systems controlling essential and critical functions and a crew rest area located in the aft cabin above the main deck. Under the provisions of §§ 21.101(b)(2) and 21.16, the FAA is currently proposing or has already established special conditions concerning the following items:

1. Functional reliability of digital electronic engine control and thrust management systems.
2. Lightning protection of digital electronic systems.
3. Protection from the effects of unwanted radio frequency (RF) energy.
4. Accommodations for an overhead crew rest area in the aft cabin. Final Special Conditions, 25–NM–16, published in the **Federal Register**, 52 FR 46348, on December 7, 1987.
5. Flight deck electronic displays.

These special conditions, and any other deemed necessary, have been or will be proposed in a Notice(s) of proposed special condition pursuant to § 11.28 of Part II. All public comments received in response to notice will be considered before the special conditions are issued.

Additional Design Review

Even though the Model 747–400 design meets the provisions of the applicable airworthiness, noise, and engine emission regulations and special conditions, the provisions of § 21.21(b)(2) require that no feature or characteristic makes the airplane unsafe. At this time the following subjects have been identified for further review and evaluation.

1. Passenger and cargo compartment decompression and evaluation of sudden pressurization of unpressurized compartments.
2. The number and spacing of passenger emergency exist doors.
3. Horizontal stabilizer tank fuel leakage.
4. Pneumatic system bleed ducts.

Post Certification Activity

Finally, design evaluation does not end with the issuance of the type certificate. Regulations require aircraft owners and operators to submit various reports and data on the aircraft's service experience. The FAA continues to monitor the safety performance of the design after the type design is approved and the product is introduced into service. This is accomplished through the various reports and data the FAA receives daily as well as through post certification design reviews. The airworthiness standards, such as Part 25, as well as the operational standards, such as Parts 91, 121, and 125, are amended from time-to-time to consider new technologies and to upgrade the existing level of safety. If, during an evaluation, an unsafe condition is found as a result of service experience and that condition is likely to exist or develop in other products of the same type, the FAA issues an airworthiness directive (AD) under Part 39 to require a change to the type design or to define special inspection or operational limitations. In effect, these are also retroactive applications of required type design change.

Issued in Seattle, Washington, on August 26, 1988.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 88–21476 Filed 9–20–88; 8:45 am]

BILLING CODE 4910–13–M

Approval of Noise Compatibility Program; New Orleans International Airport, New Orleans, LA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the New Orleans Aviation Board under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-federal responsibilities in Senate Report No. 96–52 (1980). On February 25, 1987, the FAA determined that the noise exposure maps submitted by the New Orleans Aviation Board under Part 150 were in compliance with applicable requirements. On August 17, 1988, the administrator approved the New Orleans International Airport noise compatibility program. Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the New Orleans International Airport noise compatibility program is August 17, 1988.

FOR FURTHER INFORMATION CONTACT: Donald C. Harris, Department of Transportation, Federal Aviation Administration, 440 Blue Mound Road, Fort Worth, Texas 76193–0611, (817) 624–5609. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for New Orleans International Airport, effective August 17, 1988.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 1500 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonable consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commence, unjustly discriminate against types of classes or aero-nautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and measurement of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airpors District Office in Houston, Texas.

The New Orleans Aviation Board submitted to the FAA on October 20, 1987, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from September 27, 1985, through October 20, 1987. The New Orleans International Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on February 25, 1987. Notice of this determination was published in the Federal Register on March 13, 1987.

The New Orleans International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of the study completion to beyond the year 1991. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on February 20, 1988, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 24 proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective August 17, 1988.

Outright approval was granted for 23 of the 24 specified program elements. Program element number 3, which proposed restrictions on general aviation training flights, was disapproved due to insufficient information in the program regarding a demostrated noise problem. Ten noise abatement measures were approved, including continuation of the existing preferential runway use program; extension of nighttime hours of that program from 6 a.m. to 7 a.m.; development of a test procedure for northbound departures using the localizer backcourse; incorporation of Runway 19 arrival procedures into the preferential runway use program; continuation of existing restrictions on practice instrument approaches for turbine aircraft weighing more than 12,500 pounds and extension of these restrictions from 6 a.m. to 7 a.m.; maintain existing engine run-up regulations; install a permanent noise monitoring system; maintain existing noise abatement staff and establish permanent position of noise abatement officer; and establish a noise abatement committee. Seven remedial noise mitigation measures were approved, including acquisition of property exposed to aircraft noise of Ldn 75 and above; soundproofing of residences and schools exposed to aircraft noise of Ldn 70 to 75; cost sharing soundproofing program in areas exposed to aircraft noise of Ldn 65 to 70; property transaction assistance; establish limited redevelopment programs in transaction areas closest to airport; acquisition of avigation easements to areas exposed to aircraft noise of Ldn 65 to 75 from nonparticipants in soundproofing or transaction assistance.

Preventive noise mitigation measures include the development of comprehensive compatible planning and urban growth management; implementation of capital improvements and public works projects consistent with compatibility objectives; implementation of compatible use zoning and adoption of noise/height/safety overlay zoning; requirement for soundproofing of new noise sensitive structures within Ldn 65 areas; requirement for avigation easements for new subdivisions in areas exposed to aircraft noise greater than Ldn 60; requirement for fair disclosure within areas currently or predicted to be exposed to aircraft noise greater than Ldn 65 in Jefferson and St. Charles Parishes; and encourage the continuance of FAA mortgage insurance policies.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on August 17, 1988. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the New Orleans Aviation Board.

Issued in Fort Worth, Texas, on September 1, 1988.

Don P. Watson,

Acting Regional Administrator, Southwest Region.

[FR Doc. 88-21475 Filed 9-20-88; 8:45 am]

BILLING CODE 4910-13-M

Intent To Prepare an Environmental Impact Statement and To Hold an Environmental Scoping Meeting for Detroit Metropolitan Wayne County Airport, Detroit, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice to hold a public scoping meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an environmental document will be prepared and considered for development planned for the next twenty year time period at Detroit Metropolitan Wayne County Airport. To ensure that all significant issues related to the proposed action are identified, a public meeting will be held.

FOR FURTHER INFORMATION CONTACT: Ernest Gubry, Airports Engineer,

Federal Aviation Administration, Detroit Airports District Office, 8800 Beck Road, Willow Run Airport—East Side, Belleville, Michigan 48111 (313) 484–3100.

SUPPLEMENTARY INFORMATION: The FAA, in cooperation with the Michigan Aeronautics Commission, Michigan State Highway and Transportation Department and Wayne County Division of Airports will prepare an Environmental Impact Statement (EIS) for development scheduled to occur at Detroit Metropolitan Wayne County Airport over the next twenty years. This development involves the construction of new and/or upgrading at airfield, terminal, and support facilities.

1. New 8,500 foot crosswind 9R/27L runway, ultimately 10,000 feet in length;
2. Construction of a new 10,000 foot runway 4/22;
3. Acquisition of property for airfield development including relocation under the Uniform Relocation Assistance and Real Property Acquisition Act;
4. Construction of new taxiways;
5. Construction of a new south airfield passenger terminal complex and apron;
6. Modifications and imporvements of existing terminal and cargo facilities;
7. Relocation of the Air Traffic Control Tower;
8. Construction of cargo facility;
9. Existing roadway improvements (relocation of Goddard and Wayne Roads);
10 Alternative southern access roadway at Eureka Road;
11. Stormwater drainage improvements; and
12. Short and long term parking improvements.

Comments and suggestions are invited from Federal, State and local agencies, and other interested parties to ensure that the full range of issues related to these proposed projects are addressed and all significant issues identified. Copies of materials to be evaluated can be obtained by contacting the FAA informational contact listed above. Comments and suggestions may be mailed to the same address.

Public Scoping Meeting: To facilitate receipt of comments, two public scoping meetings will be held on Thursday, October 27, 1988, in the Airport Manager's Offices, Mezzanine Level, L.C. Smith Terminal at Detroit Metropolitan Wayne County Airport, Detroit, Michigan. One meeting will be held at 9:30 a.m. for Federal Agencies and another at 2:30 p.m. for state and local agencies, and other interested parties.

Issued in Des Plaines, Illinois, on September 1, 1988.

Stanley Rivers,

Manager, Airports Division, FAA, Great Lakes Region.

[FR Doc. 88–21474 Filed 9–20–88; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Cumberland & Sagadahoc Counties, ME

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway bypass project in the towns of Topsham and Brunswick in Sagadahoc County and Cumberland County, Maine.

FOR FURTHER INFORMATION CONTACT: Robert R. Beaudry, Assistant Division Administrator, Federal Highway Administration, Room 614 Federal Building, 40 Western Avenue, Augusta, Maine 04330, Telephone (207) 622–8486, or David A. Ober, Engineer of Location & Environment, Maine Department of Transportation, Transportation Building, Augusta, Maine 04333, Telephone (207) 289–3321.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maine Department of Transportation, will prepare an environmental impact statement (EIS) on a proposed bypass to serve State Route 196 and U.S. Route 201 traffic in Topsham, Maine, destined for U.S. Route 1 in Brunswick, Maine. The proposed bypass will involve a structure over the Androscoggin River which separates the two towns. Improvements are necessary to provide for existing and projected traffic demand that currently flows on U.S. Route 201 through congested areas in Topsham and Brunswick, passing over the Androscoggin River on the existing Frank Wood Bridge.

Primarily engineering and environmental studies for determining the location, design and environmental consequences of bypass alternative identified two corridors that satisfied the objectives of the project. Corridor A which begins in Topsham at the junction of State Route 196 and Interstate 95 and ends on U.S. Route 1 in Brunswick in the vicinity of the Maine Central Railroad crossing and Corridor B which begins as does Corridor A but then proceeds more northerly crossing Middlesex Road, Foreside Road and ends on U.S. Route 1 in Brunswick in the vicinity of Cooks Corner. The lengths of the Corridor alternatives vary from about 2.4 miles to about 4.2 miles. The results of the study show that corridor B involves significantly more wetland, more developed properties, more upland habitat, disrupts more neighborhoods, and is longer and more costly. Meetings with environmental agencies at both the Federal and State level resulted in an indication that Corridor B would not be acceptable when compared to Corridor A. The development of the EIS will, therefore, involve detailed studies and collection of environmental and engineering data of alternatives within Corridor A.

Alternatives to be evaluated in the EIS include (1) taking no action, (2) Transportation Systems Management options, (3) alternative alignments within Corridor A, (4) Corridor B.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public meetings may be held in the Topsham-Brunswick area as the project develops. In addition a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on September 12, 1988.

William D. Richardson,

Division Administrator, Augusta, Maine.

[FR Doc. 88–21519 Filed 9–20–88; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Advisory Committee to the National Center for State and Local Law Enforcement Training; Meeting

AGENCY: Advisory Committee to the National Center for State and Local Law Enforcement Training, Treasury.

ACTION: Notice of meeting.

SUMMARY: The agenda for this meeting includes: Opening remarks by the Director of the Federal Law Enforcement Training Center and Committee Co-Chair; discussion of FY 89 program status; Operation Alliance update; a report from the Assessment Sub-Committee; program development activities; and Operation Outreach proposals.

DATE: September 28, 1988.

ADDRESS: Federal Law Enforcement Training Center, Building 94, Board Room, Glynco, Georgia.

FOR FURTHER INFORMATION CONTACT: Howard N. Goetsch, Assistant Director, Office of State and Local Training, Federal Law Enforcement Training Center, Glynco, Georgia 31524.

Signed: September 8, 1988.

Charles F. Rinkevich,

Director.

[FR Doc. 88-21623 Filed 9-20-88; 8:45 am]

BILLING CODE 4810-32-M

VETERANS ADMINISTRATION

Agency Information Collection Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The responsible department or staff office; (2) the title of the collection(s); (3) the agency form number(s), if applicable; (4) a description of the need and its use; (5) how often the form(s) must be filled out, if applicable; (6) who will be required or asked to report; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to fill out the form; and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from John Turner, Department of Veterans Benefits (203C), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503 (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: September 12, 1988.

By direction of the Administration.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Revision

1. Department of Veterans Benefits.
2. Application for Conversion, Government Life Insurance.
3. VA Form Letter 29-165.
4. This form letter is used to apply for conversion of a term policy to a permanent plan of insurance.
5. On occasion.
6. Individuals or households.
7. 4,500 responses.
8. 1,125 hours.
9. Not applicable.

Revision

1. Department of Veterans Benefits.
2. Application for National Service Life Insurance (RH).
3. VA Form Letter 29-4364.
4. This form is used by veterans to apply for Service Disabled Veterans Insurance (RH). The data collected is used by the Veterans Administration to determine eligibility for this plan of insurance.
5. On occasion.
6. Individuals or households.
7. 4,250 responses.
8. 2,833 hours.
9. Not applicable.

Revision

1. Department of Veterans Benefits.
2. Application for Reinstatement (Insurance Lapsed More Than 6 Months).
3. VA Form Letter 29-352.
4. This form is used by veterans to apply for reinstatement of their Government Life Insurance or Total Disability Income Provision which has lapsed for more than six months.
5. On occasion.
6. Individuals or households.
7. 2,426 responses.
8. 1,213 hours.
9. Not applicable.

[FR Doc. 88-21487 Filed 9-20-88; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Wage Committee; Meetings

The Veterans Administration, in accordance with Pub. L. 92-463, gives notice that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 6, 1988, at 2:30 p.m.
Thursday, October 20, 1988, at 2:30 p.m.
Thursday, November 3, 1988, at 2:30 p.m.
Thursday, November 17, 1988, at 2:30 p.m.
Thursday, December 1, 1988, at 2:30 p.m.
Thursday, December 15, 1988, at 2:30 p.m.
Thursday, December 29, 1988, at 2:30 p.m.

The meetings will be held in Room 304, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Veterans Administration and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairperson for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairperson, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue NW., Washington, DC 20420.

Dated: September 7, 1988.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 88-21486 Filed 9-20-88; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 183
Wednesday, September 21, 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).

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Thursday, September 29, 1988 at 10:00 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Unv. TA-203-18 (Wood Shakes and Shingles)—briefing and announcement, by those Commissions wishing to do so, of the nature of the advice they will be giving to the U.S. Trade Representative regarding termination of the import relief now in effect.
6. Presentation of the U.S. Savings Bonds Awards
7. Any items left over the previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

Secretary.

September 7, 1988.

[FR Doc. 88-21594 Filed 9-16-88; 5:08 am]

BILLING CODE 7020-02-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Tuesday, September 20, 1988 at 11:00 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain Strip Lights (Docket Number 1463).
5. Inv. 731-TA-421 (P) (Shock Absorbers and Parts, Components, and Subassemblies Thereof from Brazil)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

Secretary.

September 7, 1988.

[FR Doc. 88-21595 Filed 9-16-88; 5:08 pm]

BILLING CODE 7020-02-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m. Tuesday, September 27, 1988.

PLACE: Conference Rooms 8A, B & C, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Aircraft Accident Report: Continental Airlines, Inc., Flight 1713, McDonnell-Douglas DC-9-14, Denver, Colorado, November 15, 1987.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Bea Hardesty,

Federal Register Liaison Officer.

September 16, 1988.

[FR Doc. 88-21586 Filed 9-16-88; 4:57 pm]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of September 19, 26, October 3, and 10, 1988.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 19

Thursday, September 22

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Commission Order on Seabrook (Tentative)

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 Peach Bottom (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 Policy Statement on Training and Qualification (Public Meeting)

Week of October 10—Tentative

Friday, October 14

10:00 a.m.
Briefing on Proposed Rule for Maintenance of Nuclear Power Plants (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Discussion/Possible Vote on Pilgrim Restart (Public Meeting)

ADDITIONAL INFORMATION: Affirmation of "Revision to the General Statement of Policy and Procedures for Enforcement Actions (10 CFR Part 2, Appendix C)" (Public Meeting) was held on September 16.

Affirmation of "Decisions on (1) Rule Waiver Petition Seeking a Financial Qualifications Review in Seabrook and (2) Petition for Review of ALAB-895" scheduled for September 16, *cancelled.*

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 a 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.

Andrew L. Bates,

Office of the Secretary.

September 16, 1988.

[FR Doc. 88-21652 Filed 9-19-88; 2:17 pm]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [53 FR 36149 September 16, 1988].

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Wednesday, September 14, 1988.

CHANGE IN THE MEETING: Additional meeting.

The following items will be considered at an open meeting on Thursday, September 22, 1988, at 10:00 a.m.

1. The Commission will consider whether to publish a report discussing various of its actions relating to improvements that could be made in the municipal securities markets. The report would also discuss the regulatory background of municipal securities and recent efforts made by various groups to improve investor protection in the municipal securities area. For further information, please contact Douglas E. Crow at (202) 272–2434.

2. The Commission will consider whether to publish a release proposing for comment a rule that would require municipal underwriters participating in offerings exceeding $10 million: To obtain and review copies of nearly final official statements prior to bidding for or purchasing an offering; to contract with the issuers or their agents to obtain final official statements in sufficient quantities to make them available in accordance with rules established by the Municipal Securities Rulemaking Board ("MSRB"); and, to make available copies of preliminary and final official statements to investors and other interested persons on request. The release also would emphasize the responsibility of municipal underwriters to have a reasonable basis for believing in the accuracy of key representations concerning the securities that they underwrite, and would request comment on proposals by the MSRB and other industry groups to create a central repository for municipal official statements. For futher information, please contact Edward L. Pittman at (202) 272–2848.

Commission Grundfest, as duty officer, determined that Commission business required the above changes.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Karen Burgess at (202) 272–2000.

Jonathan G. Katz,

Secretary.

September 19, 1988.

[FR Doc. 88–21698 Filed 9–19–88; 4:58 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 53, No. 183
Wednesday, September 21, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672 and 675

[Docket No. 80872-8172]

Foreign Fishing; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands

Correction

In proposed rule document 88-20174 beginning on page 34322 in the issue of Tuesday, September 6, 1988, make the following corrections:

1. On page 34323, in the first column, in the seventh line, after the word "but" insert "one".

2. On the same page, in the third column, in the third line, "PSC-" should read "JVP-".

3. On page 34325, in the second column, in the second complete paragraph, in the fifth line, "0648—097" should read "0648—0097".

§ 611.93 [Corrected]

4. On the same page, in the third column, in § 611.93(b)(3)(ii)(A), in the 15th line, after the word "species" insert "or species".

§ 675.20 [Corrected]

5. On page 34326, in the second column, in § 675.20(a)(6), in the fifth line from the bottom, "members" should read "amounts".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TA89-1-51-000 and TM89-1-51-000]

Great Lakes Gas Transmission Co.; Proposed Changes in F.E.R.C. Gas Tariff; Purchased Gas Adjustment Clause Provisions

Correction

In notice document 88-21083 appearing on page 35895 in the issue of Thursday, September 15, 1988, make the following correction:

In the second column, in the heading, the docket numbers appeared incorrectly and should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TQ89-1-7-000 and TM89-1-7-000]

Southern Natural Gas Co; Proposed Changes to FERC Gas Tariff

Correction

In notice document 88-21090 appearing on page 35898 in the issue of Thursday, September 15, 1988, make the following correction:

In the first column, in the heading, the docket number appeared incorrectly and should read as set forth above.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300190A; FRL 3441-1]

Aluminum Isopropoxide and Aluminum Secondary Butoxide; Tolerance Exemption

Correction

In rule document 88-20117 beginning on page 34508 in the issue of Wednesday, September 7, 1988, make the following correction:

§ 180.1091 [Corrected]

On page 34509, in the second column, in § 180.1091, the eighth line should read "amitraz [*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 8F3600/R975; FRL-3434-9]

Pesticide Tolerances for Clopyralid

Correction

In rule document 88-19297 beginning on page 33488 in the issue of Wednesday, August 31, 1988, make the following corrections:

1. On page 33488, in the second column, under **SUPPLEMENTARY INFORMATION**, in paragraph 4, in the second line, "<" should read ">".

2. On the same page, in the same column, in the same section, in paragraph 5, in the third line, "<" should read ">".

3. On the same page, in the same column, in the same section, in paragraph 7, in the second line, "<" should read ">".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[FRL-3380-2]

Drinking Water Regulations; Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper

Correction

In the issue of Thursday, September 15, 1988, on page 35952, in the first column, paragraph 5 to proposed rule document 88-18577 was inaccurate and should be removed.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-42023D; FRL-3437-6]

Maryland State Plan for Certification of Pesticide Applicators

Correction

In notice document 88-19785 appearing on page 33534 in the issue of Wednesday, August 31, 1988, make the following corrections:

1. In the first column, in the heading, the subject heading appeared incorrectly and should read as set forth above.

2. In the same column, under **ADDRESSES**, in paragraph 1, in the fourth line, "19197" should read "19107".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-42011E; FRL-3437-8]

Pennsylvania State Plan for Certification of Pesticide Applicators

Correction

In notice document 88-19786 appearing on page 33534 in the issue of Wednesday, August 31, 1988, make the following correction:

In the third column, under **SUPPLEMENTARY INFORMATION**, in the seventh line, "410907" should read "41907".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59849; FRL-3439-3]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 88-19790 beginning on page 33543 in the issue of Wednesday, August 31, 1988, make the following corrections:

On page 33543, in the third column, in the **SUMMARY**, in the 2nd line, "Substance" should read "Substances"; and in the 13th line, "(49 Fr 56066)" should read "(49 FR 46066)".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51711; FRL-3438-9]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 88-19788 beginning on page 33537 in the issue of Wednesday, August 31, 1988, make the following corrections:

1. On page 33538, in the first column, under **SUPPLEMENTARY INFORMATION**, in the third line, "nonconfidential" was misspelled.

2. On the same page, in the second column, under **P 88-1730**, in the second line, "Chromium" was misspelled.

3. On page 33540, in the third column, under **P 88-1785**, in the 11th line, "irritation" was misspelled.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51712; FRL-3439-2]

Toxic and Hazardous Substances; Certain Chemicals; Premanufacture Notices

Correction

In notice document 88-19789 beginning on page 33541 in the issue of Wednesday, August 31, 1988, make the following corrections:

1. On page 33541, in the third column, under **DATES**, in the 13th line, "P-88-181828" should read "P-88-1828"; and in the 24th line, "88-1818" should read "88-1813".

2. On page 33542, in the second column, under **P-88-1814**, in the fourth line, "glycol" was misspelled.

3. On the same page, in the third column, under **P-88-1828**, in the second line, "polyurethane" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Notice of Meeting

Correction

In notice document 88-19040 appearing on page 32107 in the issue of Tuesday, August 23, 1988, make the following correction:

In the first column, under **SUMMARY**, in the eighth line, "EPA's" should read, "FDA's".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-CE-24-AD; Amdt. 39-6014]

Airworthiness Directives; Cessna Model 208B Airplanes

Correction

In rule document 88-19952 beginning on page 34940 in the issue of Friday, September 2, 1988, make the following corrections:

1. On page 34940, in the third column, the **DATES** entry should read as follows: **DATES:** *Effective:* September 30, 1988. *Compliance:* As prescribed in the body of the AD.

2. On page 34041, in the second column, in the bottom line, "October 3, 1988" should read "September 30, 1988."

BILLING CODE 1505-01-D

federal register

Wednesday
September 21, 1988

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Managment and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program; Final Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-88-1789; FR-2494]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program

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

ACTION: Final notice.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents (FMRs) periodically, but not less frequently than annually, to be effective on October 1 of each year. The Department published proposed FY–1989 FMRs for the Section 8 Existing Housing Program on April 13, 1988 (53 FR 12278) and solicitated public comments. Today's notice announces final FY–1989 FMR schedules for the Section 8 Existing Housing Certificate Program (Part 882, Subparts A and B), including space rentals by owners of manufactured homes under the Section 8 Existing Housing Certificate Program (Part 882, Subpart F); the Section 8 Moderate Rehabilitation Program (Part 882, Subparts D and E); and Section 8 existing housing assisted under Part 886, Subparts A and C (Section 8 loan management and property disposition programs). FMRs are also used to determine payment standard schedules in the Housing Voucher Program.

EFFECTIVE DATE: The FMRs published in this notice are effective on October 1, 1988.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Housing Voucher Division, Office of Elderly and Assisted Housing, telephone (202) 755–6477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755–5577. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) (or payment standards based on FMRs in the Housing Voucher Program) established by HUD for different areas. In general, the FMR for an area in the amount that would be needed to rent privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less freqently than annually, to be effective on October 1 of each year. The FMRs must reflect changes based on the most recent available data, so FMRs will be current for the year in which they apply. The Department's regulations provide that HUD will develop FMRs by publishing proposed FMRs for public comment, analyzing the public comment, and publishing final FMRs. (See 24 CFR 888.115). On April 13, 1988 (53 FR 12278), the Department proposed FMRs for Section 8 existing housing for FY 1989. Today's notice contains an analysis and response to public comments and makes appropriate revisions to the proposed FMRs.

The FMRs for FY 1989 announced in this notice govern the following Section 8 Housing Assistance Payments Programs: The Section 8 Existing Housing Certificate Program under Part 882 (Subpart A and B), including space rentals by owners of manufactured homes (Subpart F), the Moderate Rehabilitation Program under Part 882 (Subparts D and E), the section 8 Housing Assistance Program for Projects with HUD-insured or HUD-held Mortgages under Part 886 (Subpart A), as well as for existing housing under the Section 8 Housing Assistance Program for the Dispostion of HUD-owned Projects under Part 886 (Subpart C). In addition, FMRs are used to establish payment standards for the Housing Voucher Program.

Proposed Fair Market Rents

The Proposed FY 1989 FMRs published on April 13, 1988 (53 FR 12278) reflected estimated rent levels projected forward to April 1, 1989. The criteria and methodology used by HUD in developing the proposed FMRs appear at 24 CFR Part 888, Subpart A, and have been in used since 1983.

The criteria used by HUD in developing FMRs are: (1) The 45th percentile rent (that is, the rent below which 45 percent of the standard quality rental housing units are distributed); (2) rents based on units occupied by recent movers (households who moved within two years before the date of the survey data used in these calculations); and (3) exclusion from the data base on public housing units and recently completed housing (units built within two years of the survey dates). (See 24 CFR 888.113.) The FMRs for manufactured home spaces are based on the 45th percentile rent for manufactured home spaces. (See 24 CFR 888.113(a)).

In establishing the proposed FMRs, HUD used the most accurate data available. Data used to compute the FY 1989 FMRs include the 1980 Census data, Post-1980 American Housing Survey (AHS) data, the reliable area specific data submitted by public commenters since FY 1986, the year the FMRs were revised with the 1980 Census.

The proposed FY 1989 FMRs were calculated by updating FY 1988 FMRs one additional year to April 1, 1989, based on the most recent CPI data available on average annual changes for rents and utilities. The proposed FY 1989 FMRs for manufactured home spaces were calculated by updating FY 1988 FMRs to April 1, 1989, using the most current average annual change in the CPI residential rent index (with heating costs included in the rent factored out).

Administrative Fees

The FMRs published for effect will be used to calculate the PHA ongoing administrative fee. For a PHA administering a Section 8 program in an area where the two-bedroom FMR has increased, the PHA's administrative fee will be adjusted as of October 1, 1988. For a PHA administering a Section 8 program in an area where the two-bedroom FMR is decreased, the PHA's administrative fee will be adjusted as of the first day of the PHA's fiscal year that begins after October 1, 1988.

Public Comments

HUD received 85 comments covering 116 FMR areas in response to the publication of its proposed FY–1989 FMRs. Approximately three-fourths of these comments were submitted by PHAs. Of the remainder, eleven were from state and local governments, and eight were from members of Congress, state legislators, management companies, and private citizens receiving housing assistance. Multiple comments were received for serveral FMR areas, including nine comments for the Providence, RI area, six comments

for Orange County, NY, and four comments for the Pawtucket-Woonsocket-Attleboro, RI–MA area.

Almost every commenter stated that the proposed FMRs for the commenter's area were too low. Three commenters stated that they supported the proposed FMRs for their areas, including the Maine State Housing Authority, which endorsed the proposed FMRs for their jurisdiction, the Housing Authority of the City of New Haven, CT, and the Redevelopment and Housing Authority of Hampton, VA. The Housing Authority of Billings, MT commented that their FMRs were too high. After reviewing the information submitted, the Department agrees with the request to maintain the FMRs for Billings, MT at last year's levels.

As a result of decreases in local CPI surveys, the FMRs in five metropolitan areas in Texas were proposed for modest decreases. These areas are: The Dallas PMSA; the Fort Worth-Arlington PMSA; the Houston PMSA; the Galveston-Texas City PMSA; and the Brazoria PMSA. The Department did not receive any comments concerning these areas. All FMR areas in Alaska also were proposed for decreases based on the CPI data for the Anchorage area, which is used to adjust FMRs statewide. The Alaska State Building Authority submitted a comment opposing these reductions. Their comment, however, did not include market area data specifying current 45th percentile rent levels or locality specific rent level changes. Lacking such information, the Department continues to believe that the Anchorage CPI is the most valid measure of rent changes for Alaska.

As a result of incorporating recently obtained data from the 1984 AHSs for metropolitan areas, FMR decreases were proposed for the Birmingham, AL and the Cleveland, OH FMR areas. The Department received comments from three suburban PHAs in the Cleveland area and one in the Birmingham area. None of these comments contained sufficient rental data to cause the Department to change the decision to reduce the AHS-based FMRs. As a follow-up to a previous comment submitted by the Wayne County Housing Authority in Pennsylvania, the Department obtained additional data concerning the FMR levels in Wayne and Pike Counties and is now publishing increases in the FMRs for these two counties.

The Department evaluated all comments carefully and has sought to look behind the information presented, when the data appeared to have merit but were incompletely or poorly represented. The results of our evaluation are as follows: For 46 areas, the FMRs are being increased in response to information provided by the commenters; for one area, Billings, MT, the FMRs will remain at last year's levels at the request of the commenter; for 22 areas, the commenters expressed their support of the proposed FMRs; and for 47 areas, the proposed FMRs will not be changed because no data were provided by the commenters, or the data provided were insufficient.

Computation of FMRs

a. Geographic Area

Section 888.113 provides that FMRs are established for all Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties and county equivalents. Five commenters were concerned with the area in which their jurisdictions had been included. They argued, given the actual markets existing in their areas, that either it would be more appropriate for their jurisdiction to be included in an adjacent FMR area (with higher FMRs), that FMRs for their areas should be recomputed to reflect FMRs in an adjacent or similarly situated area with higher FMRs, or that certain lower cost areas should be excluded from their FMR area.

An FMR published for Section 8 Existing Housing is established on a market area basis (*i.e.*, a geographic area within which housing units are in mutual competition). The factors used by the Office of Management and Budget (OMB) to define metropolitan areas include commuting patterns and population densities. These factors are also appropriate to define housing market areas. The Department believes that these OMB definitions constitute a rational basis for determining housing market areas and will continue to use the definitions of metropolitan areas adopted by OMB. Accordingly, we will continue to define FMR areas as entire metropolitan areas and, for areas outside of metropolitan areas, as entire counties.

Since FMRs in any geographic area reflect the rent level below which 45 percent of the rents will fall, actual rents will vary within each area. Thus, portions of a FMR area may have rent levels that exceed the FMR. For such areas within FMR market areas that have active Section 8 Existing programs and also rent levels that are on average higher than the published FMRs, HUD's regulations permit, under specified conditions, PHAs to approve initial rents that exceed FMRs. (See, *e.g.*, 24 CFR 882.106(a).) HUD has found that these exception rents usually will be sufficient to achieve program objectives.

b. Data Base

As noted above, HUD computes FMRs by using a combination of 1980 census, AHS, and CPI data. Two commenters questioned HUD's use of the 1980 census data as a base; both believed it to be out-of-date for their areas. HUD continues to believe that the estimates resulting from the application of the census, AHS, and CPI data provide FMRs that generally reflect local market conditions and changes. However, the Department relies on the public comment process to identify those areas where the use of the data is not appropriate or where there have been abrupt changes in local market areas. (Most questions regarding the accuracy of the HUD data base have been addressed at length in prior FMR publications. See HUD's August 29, 1986, publication of FMRs for FY–1986 (50 FR 31014, 31015–16); the June 30, 1987, publication of FMRs for FY–1987 (52 FR 24382, 24383–84); and the March 19, 1988, publication of FMRs for FY–1988 (53 FR 8888, 8890).)

c. Local Conditions

Most commenters felt that HUD's proposed FMRs ignored local conditions that mandate higher FMRs. They cited factors that create a high demand for, and low supply of, suitable rental properties in their areas. These included the location of universities, military bases, or industries in the area; the proximity of urban centers; the loss of housing due to condominium or cooperative conversions, gentrification, condemnation, demolition, or natural disasters; the high demand for seasonal rentals; declines in new construction; rapid population increases; and other factors. Many cited increases in housing costs, including utilities, insurance, security, debt servicing, and local taxes.

HUD recognizes that the proposed FMRs may not keep pace with abrupt changes in local rental housing conditions. However, the Department relies on local data submitted during the public comment period to identify such changes. To the extent that the public comments have demonstrated that the proposed FMRs do not adequately reflect local conditions, and have included information on the appropriate rent levels, the final FMRs published today have been revised.

Several commenters noted that increased utility costs have caused or will soon cause PHAs to increase the amount of utility allowances. These commenters noted that the increased

allowances will effectively reduce the amount available for contract rent and urged HUD to permit FMR increases to offset the projected increases to the allowances.

The FMRs developed under Part 888 are intended to include the cost of contract rent *and* utilities (except telephones). In market areas for which data were submitted to demonstrate utility cost increases beyond the level reflected in the proposed FMRs, HUD has made appropriate adjustments.

d. Tax Code Changes

Several commenters predicted that recent tax code changes will increase ownership costs and argued that the FMRs should reflect these expected increases. Like all increases to expenses associated with the ownership of rental housing, if the projected changes occur, they will be reflected by an increase to the 45th percentile, standard quality, recent mover FMR standard. To the extent that these tax impacts will occur and are reflected in 45th percentile rents for future years, HUD will make appropriate increases to future FMR levels.

Impact of the FMRs

Many commenters discussed the impact that low FMRs would have on the functioning of Section 8 existing housing. The primary concern was that the proposed FMRs would not ensure an adequate supply of decent, safe, and sanitary housing. Specifically, commenters argued that the proposed FMRs would (1) not provide a sufficient economic incentive to owners to participate or continue to participate in the program; (2) severely limit the options of certificate and housing voucher holders, making it difficult or impossible to locate housing within prescribed time limits; (3) cause the clustering of assisted families in areas of low income or minority concentration, contrary to the purposes of the Section 8 program; (4) reduce the quality of housing by limiting family options to marginally acceptable units and by failing to provide the owner with sufficient revenues to maintain and rehabilitate deteriorating rental units; (5) increase homelessness; (6) have a negative impact on the Housing Voucher Program by increasing the percentage of family income necessary to rent an acceptable unit; (7) make it easier for owners to discriminate against low income and minority individuals; and (8) encourage owners to demand illegal "side payments" from certificate holders.

The Department balanced many competing factors in establishing the FMR standard. HUD's objective was to set FMRs at a level high enough to provide a broad range of housing locations and amentities to assisted families while recognizing the need to serve as many families as possible within the limited resources. The use of the 45th percentile of recent mover rents is a standard that meets this objective.

Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the section 8 Existing Housing program is categorically excluded from the Department's National Environment Policy Act procedures under 24 CFR 50.20(d).

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities, because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

This document does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the document indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules are amended as follows:

Date: August 31, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Section 8 Fair Market Rent Schedules For Use In The Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program Schedules B & D—General Explanatory Notes

1. Geographic Coverage

a. FMRs for Existing Housing (Schedule B) are established for all Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for nonmetropolitan parts of counties in the New England states.

b. FMRs for Manufactured Home spaces in the Section 8 Certificate Program (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each State.

c. FMRs for Existing Housing (Schedule B) and Manufactured Homes in the Section 8 Certificate Program (Schedule D) are also established for Westchester County, NY, as required by section 8(c)(1) of the U.S. Housing Act of 1937.

d. The current 338 MSAs and PMSAs are those established by the Office of Management and Budget effective October 18, 1986.

2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedules B and D are listed alphabetically by MSA–PMSA and nonmetropolitan county within each State.

b. The constituent counties (and New England towns and cities) included in each MSA and PMSA are listed immediately following the listings of the FMR dollar amounts. All of the constituent parts of an MSA that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210-27-M

A L A B A M A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Anniston, AL MSA	232	281	330	415	464	Calhoun
Birmingham, AL MSA	260	315	370	465	520	Blount, Jefferson, St Clair, Shelby, Walker
Columbus, GA-AL MSA	240	289	342	428	481	Russell
Dothan, AL MSA	271	327	386	482	540	Dale, Houston
Florence, AL MSA	245	299	353	437	490	Colbert, Lauderdale
Gadsden, AL MSA	213	259	306	383	429	Etowah
Huntsville, AL MSA	273	330	389	487	545	Madison
Mobile, AL MSA	282	342	401	503	565	Baldwin, Mobile
Montgomery, AL MSA	249	304	357	447	501	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA	261	318	375	468	525	Tuscaloosa

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Barbour	196	238	281	351	393
Bullock	200	243	286	358	400
Chambers	194	236	278	348	389
Chilton	190	232	274	342	382
Clarke	213	259	306	383	429
Cleburne	194	236	278	348	389
Conecuh	213	259	306	383	429
Covington	196	238	281	351	393
Cullman	237	288	340	425	476
De Kalb	224	272	319	398	448
Fayette	190	232	274	342	382
Geneva	196	238	281	351	393
Hale	190	232	274	342	382
Jackson	224	272	319	398	448
Lawrence	237	288	340	425	476
Limestone	201	245	289	361	404
Macon	213	258	305	381	427
Marion	190	231	272	340	380
Monroe	213	259	306	383	429
Perry	213	259	306	383	429
Pike	213	258	305	381	427
Sumter	213	259	306	383	429
Tallapoosa	194	236	278	348	389
Wilcox	213	259	306	383	429

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bibb	190	232	274	342	382
Butler	204	247	291	364	408
Cherokee	194	236	278	348	389
Choctan	213	259	306	383	429
Clay	194	236	278	348	389
Coffee	265	321	378	473	529
Coosa	194	236	278	348	389
Crenshaw	200	243	286	358	400
Dallas	213	259	306	383	429
Escambia	180	220	257	323	361
Franklin	190	231	272	340	380
Greene	190	232	274	342	382
Henry	196	238	281	351	393
Lamar	190	232	274	342	382
Lee	243	295	348	435	488
Lowndes	200	243	286	358	400
Marengo	213	259	306	383	429
Marshall	209	254	298	370	414
Morgan	237	288	340	425	476
Pickens	190	232	274	342	382
Randolph	194	236	278	348	389
Talladega	194	236	278	348	389
Washington	213	259	306	383	429
Winston	190	231	272	340	380

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

ALASKA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Anchorage, AK MSA	402	489	576	720	806	Anchorage

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aleutian I.	478	580	683	854	956
Bristol Bay	478	580	683	854	956
Fairbanks No. Star	393	478	562	703	788
Juneau	478	580	683	854	956
Ketchikan Gateway	478	580	683	854	956
Kodiak Island	478	580	683	854	956
Nome	478	580	683	854	956
Pr Wales-Outer Ket	478	580	683	854	956
Skgwy-Ykutt-Angoon	478	580	683	854	956
Valdez-Cordova	393	478	562	703	788
Wrangellpetersburg	478	580	683	854	956

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bethel	478	580	683	854	956
Dillingham	478	580	683	854	956
Haines	478	580	683	854	956
Kenai-Penin	393	478	562	703	788
Kobuk	478	580	683	854	956
Matanuska-Susitna	393	478	562	703	788
North Slope	478	580	683	854	956
Sitka	478	580	683	854	956
Southeastfairbanks	393	478	562	703	788
Wade Hampton	478	580	683	854	956
Ykn-Koykk	478	580	683	854	956

ARIZONA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Phoenix, AZ MSA	389	470	554	696	775	Maricopa
Tucson, AZ MSA	369	450	529	662	741	Pima

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Apache	270	328	386	483	541
Coconino	342	416	489	613	686
Graham	275	335	393	492	552
Lapaz	347	423	498	622	697
Nauajo	270	328	386	483	541
Santa Cruz	275	335	393	492	552
Yuma	347	423	498	622	697

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Cochise	275	335	393	492	552
Gila	277	338	399	498	556
Greenlee	275	335	393	492	552
Mohave	347	423	498	622	697
Pinal	277	338	399	498	556
Yavapai	342	416	489	613	686

ARKANSAS

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Fayetteville-Springdale, AR MSA	255	308	363	454	509	Washington
Fort Smith, AR-OK MSA	246	300	353	442	495	Crawford, Sebastian
Little Rock-North Little Rock, AR MSA	294	356	419	525	588	Faulkner, Lonoke, Pulaski, Saline
Memphis, TN-AR-MS MSA	285	345	405	505	565	Crittenden
Pine Bluff, AR MSA	243	297	350	438	490	Jefferson
Texarkana, TX-Texarkana, AR MSA	244	296	349	437	489	Miller

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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A R K A N S A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Arkansas	207	250	296	369	414
Baxter	234	285	337	420	472
Boone	234	285	337	420	472
Calhoun	198	243	284	356	398
Chicot	197	238	281	352	395
Clay	220	268	314	394	441
Cleveland	204	247	292	364	408
Conway	203	246	291	363	406
Cross	208	255	300	370	414
Desha	197	238	281	352	395
Franklin	183	222	262	327	366
Garland	217	264	309	388	435
Greene	220	268	314	394	441
Hotspring	217	264	309	388	435
Independence	230	280	330	412	462
Jackson	230	280	330	412	462
Lafayette	202	243	288	361	404
Lee	208	255	300	370	414
Little River	202	243	288	361	404
Madison	234	285	337	420	472
Mississippi	238	291	342	427	479
Montgomery	217	264	309	388	435
Newton	234	285	337	420	472
Perry	203	246	291	363	406
Pike	217	264	309	388	435
Polk	219	266	312	391	438
Prairie	177	216	255	318	355
St Francis	208	255	300	370	414
Searcy	234	285	337	420	472
Sharp	230	280	330	412	462
Union	198	243	284	356	398
White	230	280	330	412	462
Yell	203	246	291	363	406

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Ashley	197	238	281	352	395
Benton	243	295	344	423	472
Bradley	197	238	281	352	395
Carroll	234	285	337	420	472
Clark	217	264	309	388	435
Cleburne	230	280	330	412	462
Columbia	198	243	284	356	398
Craighead	259	312	368	460	517
Dallas	198	243	284	356	398
Drew	197	238	281	352	395
Fulton	230	280	330	412	462
Grant	204	247	292	364	408
Hempstead	202	243	288	361	404
Howard	202	243	288	361	404
Izard	230	280	330	412	462
Johnson	203	246	291	363	406
Lawrence	220	268	314	394	441
Lincoln	197	238	281	352	395
Logan	183	222	262	327	366
Marion	234	285	337	420	472
Monroe	177	216	255	318	355
Nevada	202	243	288	361	404
Ouachita	198	240	282	354	398
Phillips	208	255	300	370	414
Poinsett	220	268	314	394	441
Pope	203	246	291	363	406
Randolph	220	268	314	394	441
Scott	183	222	262	327	366
Sevier	202	243	288	361	404
Stone	230	280	330	412	462
Van Buren	230	280	330	412	462
Woodruff	230	280	330	412	462

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

C A L I F O R N I A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Anaheim-Santa Ana, CA PMSA	553	671	790	987	1106	Orange
Bakersfield, CA MSA	378	458	540	675	756	Kern
Chico, CA MSA	331	403	474	592	663	Butte
Fresno, CA MSA	344	419	493	616	690	Fresno
Los Angeles-Long Beach, CA PMSA	491	588	684	876	990	Los Angeles
Merced, CA MSA	324	394	464	597	677	Merced
Modesto, CA MSA	362	440	519	649	726	Stanislaus
Oakland, CA PMSA	539	654	772	965	1080	Alameda, Contra Costa
Oxnard-Ventura, CA PMSA	472	574	675	844	946	Ventura
Redding, CA MSA	344	419	493	616	690	Shasta
Riverside-San Bernardino, CA PMSA	401	473	552	714	804	Riverside, San Bernardino
Sacramento, CA MSA	364	434	519	754	800	El Dorado, Placer, Sacramento, Yolo
Salinas-Seaside-Monterey, CA MSA	413	502	589	739	827	Monterey
San Diego, CA MSA	450	552	647	810	906	San Diego
San Francisco, CA PMSA	590	716	848	1056	1182	Marin, San Francisco, San Mateo
San Jose, CA PMSA	590	715	840	1050	1175	Santa Clara
Santa Barbara-Santa Maria-Lompoc, CA MSA	467	567	668	836	936	Santa Barbara
Santa Cruz, CA PMSA	528	641	756	944	1058	Santa Cruz
Santa Rosa-Petaluma, CA PMSA	465	564	665	831	931	Sonoma
Stockton, CA MSA	320	386	455	582	679	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	432	493	580	837	903	Napa, Solano
Visalia-Tulare-Porterville, CA MSA	321	391	460	667	730	Tulare
Yuba City, CA MSA	284	346	407	536	601	Sutter, Yuba

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alpine	378	458	540	675	756
Calaveras	378	458	540	675	756
Del Norte	344	419	493	616	690
Humboldt	355	431	508	635	712
Inyo	378	458	540	675	756
Lake	344	419	493	616	690
Madera	312	379	445	559	624
Mendocino	344	419	533	674	690
Mono	378	458	540	675	756
Plumas	316	383	451	563	633
San Luis Obispo	427	519	612	765	856
Siskiyou	316	383	451	563	633
Trinity	344	419	493	616	690

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Amador	378	458	540	675	756
Colusa	285	347	409	513	575
Glenn	285	347	409	513	575
Imperial	358	435	512	640	716
Kings	312	379	445	557	624
Lassen	316	383	451	563	633
Mariposa	378	458	540	675	756
Modoc	316	383	451	563	633
Nevada	423	515	605	757	847
San Benito	312	379	477	613	687
Sierra	423	515	605	757	847
Tehama	316	383	451	563	633
Tuolumne	378	458	540	675	756

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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C O L O R A D O

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Boulder-Longmont, CO PMSA	378	460	542	677	758	Boulder
Colorado Springs, CO MSA	307	372	439	549	615	El Paso
Denver, CO PMSA	360	426	502	624	700	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA	353	430	505	632	708	Larimer
Greeley, CO MSA	306	371	437	547	613	Weld
Pueblo, CO MSA	305	369	435	545	611	Pueblo

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alamosa	305	369	435	545	611
Baca	266	321	372	466	523
Chaffee	338	410	482	604	676
Clear Creek	338	410	482	604	676
Costilla	305	369	435	545	611
Custer	338	410	482	604	676
Delores	305	369	435	545	611
Elbert	261	317	372	466	523
Garfield	383	465	548	686	767
Grand	403	487	574	718	805
Hinsdale	403	487	574	718	805
Jackson	403	487	574	718	805
Kit Carson	261	317	372	466	523
La Plata	339	407	480	599	672
Lincoln	266	321	372	466	523
Mesa	383	465	548	686	767
Moffat	383	465	548	686	767
Montrose	403	487	574	718	805
Otero	266	321	372	466	523
Park	338	410	482	604	676
Pitkin	403	487	574	718	805
Rio Blanco	383	465	548	686	767
Routt	403	487	574	718	805
San Juan	305	369	435	545	611
Sedgwick	261	317	372	466	523
Teller	338	410	482	604	676
Yuma	261	317	372	466	523

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Archuleta	305	369	435	545	611
Bent	266	321	372	466	523
Cheyenne	261	317	372	466	523
Conejos	305	369	435	545	611
Crowley	266	321	372	466	523
Delta	403	487	574	718	805
Eagle	403	487	574	718	805
Fremont	338	410	482	604	676
Gilpin	338	410	482	604	676
Gunnison	403	487	574	718	805
Huerfano	305	369	435	545	611
Kiowa	266	321	372	466	523
Lake	338	410	482	604	676
Las Animas	305	369	435	545	611
Logan	261	317	372	466	523
Mineral	305	369	435	545	611
Montezuma	305	369	435	545	611
Morgan	261	317	372	466	523
Ouray	403	487	574	718	805
Phillips	261	317	372	466	523
Prowers	266	321	372	466	523
Rio Grande	305	369	435	545	611
Saguache	305	369	435	545	611
San Miguel	403	487	574	718	805
Summit	403	487	574	718	805
Washington	261	317	372	466	523

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

CONNECTICUT

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
Bridgeport-Milford, CT PMSA	424	515	608	758	851	Fairfield county towns of Bridgeport, Easton, Fairfield Monroe, Shelton, Stratford, Trumbull New Haven county towns of Ansonia, Beacon Falls, Derby Milford, Oxford, Seymour
Bristol, CT PMSA	352	427	503	629	706	Hartford county towns of Bristol, Burlington Litchfield county towns of Plymouth
Danbury, CT PMSA	459	559	658	823	922	Fairfield county towns of Bethel, Brookfield, Danbury New Fairfield, Newtown, Redding, Ridgefield, Sherman Litchfield county towns of Bridgewater, New Milford
Hartford, CT PMSA	423	516	603	760	847	Hartford county towns of Avon, Bloomfield, Canton East Granby, East Hartford, East Windsor, Enfield Farmington, Glastonbury, Granby, Hartford, Manchester Marlborough, Newington, Rocky Hill, Simsbury South Windsor, Suffield, West Hartford, Wethersfield Windsor, Windsor Locks Litchfield county towns of Barkhamsted, New Hartford Middlesex county towns of East Haddam New London county towns of Colchester Tolland county towns of Andover, Bolton, Columbia Coventry, Ellington, Hebron, Somers, Stafford, Tolland Vernon, Willington
Middletown, CT PMSA	356	434	511	640	716	Middlesex county towns of Cromwell, Durham, East Hampton Haddam, Middlefield, Middletown, Portland
New Britain, CT PMSA	377	458	539	674	756	Hartford county towns of Berlin, New Britain, Plainville Southington
New Haven-Meriden, CT MSA	456	555	653	817	915	Middlesex county towns of Clinton, Killingworth New Haven county towns of Bethany, Branford, Cheshire East Haven, Guilford, Hamden, Madison, Meriden New Haven, North Branford, North Haven, Orange Wallingford, West Haven, Woodbridge
New London-Norwich, CT-RI MSA	405	493	579	724	812	New London county towns of Bozrah, East Lyme, Franklin Griswold, Groton, Ledyard, Lisbon, Montville, New London North Stonington, Norwich, Old Lyme, Preston, Salem Sprague, Stonington, Waterford Windham county towns of Canterbury
Norwalk, CT PMSA	489	594	699	873	979	Fairfield county towns of Norwalk, Weston, Westport Wilton
Stamford, CT PMSA	590	716	843	1054	1180	Fairfield county towns of Darien, Greenwich, New Canaan Stamford
Waterbury, CT MSA	367	445	524	655	734	Litchfield county towns of Bethlehem, Thomaston Watertown, Woodbury New Haven county towns of Middlebury, Naugatuck, Prospect Southbury, Waterbury, Wolcott

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

C O N N E C T I C U T continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Hartford	352	427	503	629	706	Hartland
Litchfield	390	473	556	696	780	Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent Litchfield, Morris, Norfolk, North Canaan, Roxbury Salisbury, Sharon, Torrington, Warren, Washington Winchester
Middlesex	437	529	623	779	872	Chester, Deep River, Essex, Old Saybrook, Westbrook
New London	312	380	447	560	627	Lebanon, Lyme, Voluntown
Tolland	422	513	603	755	846	Mansfield, Union
Windham	373	453	534	667	748	Ashford, Brooklyn, Chaplin, Eastford, Hampton, Killingly Plainfield, Pomfret, Putnam, Scotland, Sterling Thompson, Windham, Woodstock

D E L A W A R E

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Wilmington, DE-NJ-MD PMSA	380	455	541	676	804	New Castle

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Kent	318	386	454	567	636
Sussex	318	386	454	567	636

D I S T . O F C O L U M B I A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Washington, DC-MD-VA MSA	470	570	671	838	939	Washington

F L O R I D A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Bradenton, FL MSA	342	416	490	612	686	Manatee
Daytona Beach, FL MSA	331	401	472	591	662	Volusia
Fort Lauderdale-Hollywood-Pompano Beach, FL PMSA	371	450	530	663	742	Broward
Fort Myers-Cape Coral, FL MSA	352	427	502	629	705	Lee
Fort Pierce, FL MSA	352	427	502	629	705	Martin, St Lucie
Fort Walton Beach, FL MSA	235	285	335	420	470	Okaloosa
Gainesville, FL MSA	298	362	426	533	596	Alachua, Bradford
Jacksonville, FL MSA	311	378	446	557	625	Clay, Duval, Nassau, St Johns
Lakeland-Winter Haven, FL MSA	280	342	402	503	564	Polk
Melbourne-Titusville-Palm Bay, FL MSA	322	386	455	569	638	Brevard
Miami-Hialeah, FL PMSA	379	452	529	667	743	Dade
Naples, FL MSA	361	437	516	646	723	Collier

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F L O R I D A continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Ocala, FL MSA	260	316	371	464	520	Marion
Orlando, FL MSA	344	419	492	599	669	Orange, Osceola, Seminole
Panama City, FL MSA	249	304	358	448	500	Bay
Pensacola, FL MSA	278	340	399	499	559	Escambia, Santa Rosa
Sarasota, FL MSA	370	450	530	661	742	Sarasota
Tallahassee, FL MSA	294	356	420	525	587	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	308	374	440	551	618	Hernando, Hillsborough, Pasco, Pinellas
West Palm Beach-Boca Raton-Delray Beach, FL MSA	359	429	499	610	672	Palm Beach

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Baker	227	274	323	404	454
Charlotte	340	414	487	608	682
Columbia	233	283	332	416	466
Dixie	208	255	300	374	420
Franklin	192	233	273	343	384
Glades	340	414	487	608	682
Hamilton	208	255	300	374	420
Hendry	340	414	487	608	682
Holmes	223	270	319	399	447
Jackson	200	242	285	357	400
Lafayette	208	255	300	374	420
Levy	260	316	371	464	520
Madison	208	255	300	374	420
Okeechobee	244	297	349	436	490
Sumter	260	314	371	464	520
Taylor	208	255	300	374	420
Wakulla	221	268	316	396	442
Washington	223	272	320	401	448

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Calhoun	192	233	273	343	384
Citrus	260	314	371	464	520
De Soto	244	297	349	436	490
Flagler	262	317	374	468	525
Gilchrist	208	255	300	374	420
Gulf	192	233	273	343	384
Hardee	244	297	349	436	490
Highlands	244	297	349	436	490
Indian River	352	427	502	629	705
Jefferson	192	233	273	343	384
Lake	273	332	390	489	548
Liberty	192	233	273	343	384
Monroe	399	484	641	766	832
Putnam	262	317	374	468	525
Suwannee	208	255	300	374	420
Union	208	255	300	374	420
Walton	261	316	373	467	523

G E O R G I A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Albany, GA MSA	258	311	368	461	516	Dougherty, Lee
Athens, GA MSA	266	325	382	477	534	Clarke, Jackson, Madison, Oconee
Atlanta, GA MSA	372	451	529	662	740	Barrow, Butts, Cherokee, Clayton, Cobb, Coweta, De Kalb Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry Newton, Paulding, Rockdale, Spalding, Walton
Augusta, GA-SC MSA	271	327	382	477	534	Columbia, Mcduffie, Richmond
Chattanooga, TN-GA MSA	289	351	413	517	580	Catoosa, Dade, Walker
Columbus, GA-AL MSA	240	289	342	428	481	Chattahoochee, Columbus

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G E O R G I A continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Macon-Warner Robins, GA MSA	267	327	386	481	536	Bibb, Houston, Jones, Peach
Savannah, GA MSA	271	330	389	485	544	Chatham, Effingham

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Appling	222	270	319	398	446
Bacon	209	254	298	373	419
Baldwin	212	258	303	379	425
Barton	225	274	324	404	454
Berrien	220	267	314	394	440
Brantley	209	254	298	373	419
Bryan	257	298	352	439	493
Burke	213	259	304	382	427
Camden	246	298	352	439	493
Carroll	257	309	364	456	509
Chattooga	225	274	324	404	454
Clinch	209	254	298	373	419
Colquitt	215	261	306	384	430
Crawford	180	219	258	323	360
Dawson	203	250	291	361	401
Dodge	217	264	306	385	425
Early	217	264	306	385	430
Elbert	205	249	293	367	411
Evans	222	270	319	398	446
Floyd	225	274	324	404	454
Gilmer	241	293	344	431	483
Glynn	246	298	352	439	493
Grady	217	264	306	385	430
Habersham	224	272	322	401	450
Hancock	217	264	306	385	425
Harris	219	267	309	386	430
Heard	238	290	341	427	478
Jasper	217	264	306	385	425
Jefferson	213	259	304	382	427
Johnson	217	264	306	385	425
Lanier	220	267	314	394	440
Liberty	246	298	352	439	493
Long	246	298	352	439	493
Lumpkin	203	250	291	361	401
Macon	217	264	306	385	430
Meriwether	238	290	341	427	478

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Atkinson	209	254	298	373	419
Baker	217	264	306	385	430
Banks	200	244	287	358	401
Ben Hill	220	267	314	394	440
Bleckley	217	264	306	385	425
Brooks	220	267	314	394	440
Bulloch	222	270	319	398	446
Calhoun	217	264	306	385	430
Candler	222	270	319	398	446
Charlton	217	263	306	378	419
Clay	217	264	306	385	430
Coffee	209	254	298	373	419
Cook	220	267	314	394	440
Crisp	215	261	306	384	430
Decatur	217	264	306	385	430
Dooly	217	264	306	385	430
Echols	220	267	314	394	440
Emanuel	213	259	304	382	427
Fannin	241	293	344	431	483
Franklin	200	244	287	358	401
Glascock	213	259	304	382	427
Gordon	225	274	324	404	454
Greene	203	246	290	362	405
Hall	289	347	412	514	579
Haralson	225	274	324	404	454
Hart	200	244	287	358	401
Irwin	220	267	314	394	440
Jeff Davis	222	270	319	398	446
Jenkins	213	259	304	382	427
Lamar	199	241	285	356	398
Laurens	212	258	303	379	425
Lincoln	213	259	304	382	427
Lowndes	220	267	314	394	440
Mcintosh	246	298	352	439	493
Marion	219	267	309	386	430
Miller	217	264	306	385	430

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

GEORGIA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Mitchell	217	264	306	385	430
Montgomery	219	268	314	388	430
Murray	241	293	344	431	483
Pickens	241	293	344	431	483
Pike	199	241	285	356	398
Pulaski	217	264	306	385	425
Quitman	215	261	306	384	430
Randolph	217	264	306	385	430
Screven	219	268	314	388	430
Stephens	235	289	337	423	471
Sumter	240	294	347	433	486
Taliaferro	213	259	304	382	427
Taylor	217	264	306	385	430
Terrell	217	264	306	385	430
Tift	220	267	314	394	440
Towns	203	250	291	361	401
Troup	244	294	345	430	479
Twiggs	180	219	258	323	360
Upson	199	241	285	356	398
Warren	213	259	304	382	427
Wayne	222	270	319	398	446
Wheeler	217	264	306	385	425
Whitfield	241	293	344	431	483
Wilkes	213	259	304	382	427
Worth	217	264	306	385	430

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Monroe	180	219	258	323	360
Morgan	203	246	290	362	405
Oglethorpe	203	246	290	362	405
Pierce	209	254	298	373	419
Polk	225	276	324	404	454
Putnam	217	264	306	385	425
Rabun	203	250	291	361	401
Schley	219	267	309	386	430
Seminole	217	264	306	385	430
Stewart	219	267	309	386	430
Talbot	215	261	306	384	430
Tattnall	222	270	319	398	446
Telfair	217	264	306	385	425
Thomas	251	304	358	450	503
Toombs	222	270	319	398	446
Treutlen	217	264	306	385	425
Turner	220	267	314	394	440
Union	203	250	291	361	401
Ware	209	254	298	373	419
Washington	217	264	306	385	425
Webster	219	267	309	386	430
White	203	250	291	361	401
Wilcox	217	264	306	385	425
Wilkinson	217	264	306	385	425

HAWAII

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Honolulu, HI MSA	433	527	619	779	873	Honolulu

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Hawaii	421	510	599	751	841
Maui	421	510	599	751	841

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Kauai	525	638	750	938	1050

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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I D A H O

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Boise City, ID MSA	356	433	510	637	714	Ada

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	277	338	397	496	557
Bear Lake	288	350	412	516	578
Bingham	290	353	412	516	578
Boise	277	338	397	496	557
Bonneville	311	377	445	556	623
Butte	311	377	445	556	623
Canyon	277	338	397	496	557
Cassia	295	358	422	527	591
Clearwater	288	350	412	516	578
Elmore	277	338	397	496	557
Fremont	311	377	445	556	623
Gooding	295	358	422	527	591
Jefferson	311	377	445	556	623
Kootenai	288	350	412	516	578
Lemhi	311	377	445	556	623
Lincoln	295	358	422	527	591
Minidoka	295	358	422	527	591
Oneida	288	350	412	516	578
Payette	277	338	397	496	557
Shoshone	288	350	412	516	578
Twin Falls	295	358	422	527	591
Washington	277	338	397	496	557

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bannock	290	353	412	516	578
Benewah	288	350	412	516	578
Blaine	295	358	422	527	591
Bonner	288	350	412	516	578
Boundary	288	350	412	516	578
Camas	295	358	422	527	591
Caribou	290	353	412	516	578
Clark	311	377	445	556	623
Custer	311	377	445	556	623
Franklin	288	350	412	516	578
Gem	277	338	397	496	557
Idaho	288	350	412	516	578
Jerome	295	358	422	527	591
Latah	288	350	412	516	578
Lewis	288	350	412	516	578
Madison	311	377	445	556	623
Nez Perce	288	350	412	516	578
Owyhee	277	338	397	496	557
Power	290	353	412	516	578
Teton	311	377	445	556	623
Valley	277	338	397	496	557

I L L I N O I S

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Aurora-Elgin, IL PMSA	413	504	594	742	833	Kane, Kendall
Bloomington-Normal, IL MSA	305	372	437	546	612	Mclean
Champaign-Urbana-Rantoul, IL MSA	297	360	425	533	595	Champaign
Chicago, IL PMSA	403	496	580	729	815	Cook, Du Page, Mchenry
Davenport-Rock Island-Moline, IA-IL MSA	326	396	466	582	652	Henry, Rock Island
Decatur, IL MSA	297	360	425	533	595	Macon
Joliet, IL PMSA	416	506	598	746	838	Grundy, Will
Kankakee, IL MSA	294	356	420	525	589	Kankakee
Lake County, IL PMSA	426	518	608	764	855	Lake
Peoria, IL MSA	344	418	491	615	688	Peoria, Tazewell, Woodford

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

I L L I N O I S continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Rockford, IL MSA	312	380	447	558	625	Boone, Winnebago
St. Louis, MO-IL MSA	310	378	445	559	626	Clinton, Jersey, Madison, Monroe, St Clair
Springfield, IL MSA	313	381	448	560	627	Menard, Sangamon

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	233	282	333	416	466
Bond	255	312	366	458	513
Bureau	283	345	407	508	569
Carroll	263	319	377	471	527
Christian	269	326	384	481	539
Clay	240	291	344	429	482
Cranford	240	291	344	429	482
De Kalb	307	373	438	548	614
Douglas	255	312	366	458	513
Edwards	233	282	333	416	466
Fayette	240	291	344	429	482
Franklin	272	329	389	487	545
Gallatin	215	261	309	385	431
Hamilton	233	282	333	416	466
Hardin	215	261	309	385	431
Iroquois	267	323	381	478	535
Jasper	240	291	344	429	482
Jo Daviess	263	319	377	471	527
Knox	276	335	393	493	553
Lawrence	240	291	344	429	482
Livingston	267	323	381	478	535
Mcdonough	255	311	362	451	501
Marion	240	291	344	429	482
Mason	267	320	379	468	521
Mercer	249	303	356	447	501
Morgan	267	320	379	468	521
Ogle	263	319	377	471	527
Piatt	255	312	366	458	513
Pope	215	261	309	385	431
Putnam	283	345	407	508	569
Richland	240	291	344	429	482
Schuyler	233	282	333	416	466
Shelby	269	326	384	481	539
Stephenson	263	319	377	471	527
Vermilion	267	323	381	478	535

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alexander	215	261	309	385	431
Brown	233	282	333	416	466
Calhoun	260	316	373	465	521
Cass	267	320	379	468	521
Clark	255	312	366	458	513
Coles	255	312	366	458	513
Cumberland	255	312	366	458	513
De Witt	255	312	366	458	513
Edgar	255	312	366	458	513
Effingham	240	291	344	429	482
Ford	267	323	381	478	535
Fulton	283	345	407	508	569
Greene	260	316	373	465	521
Hancock	249	303	356	447	501
Henderson	249	303	356	447	501
Jackson	272	329	389	487	545
Jefferson	262	317	378	471	525
Johnson	215	261	309	385	431
La Salle	321	390	459	575	644
Lee	321	390	459	575	644
Logan	267	320	379	468	521
Macoupin	269	326	384	481	539
Marshall	283	345	407	508	569
Massac	215	261	309	385	431
Montgomery	269	326	384	481	539
Moultrie	269	326	384	481	539
Perry	255	312	366	458	513
Pike	233	282	333	416	466
Pulaski	215	261	309	385	431
Randolph	255	312	366	458	513
Saline	215	261	309	385	431
Scott	267	320	379	468	521
Stark	283	345	407	508	569
Union	215	261	309	385	431
Wabash	233	282	333	416	466

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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I L L I N O I S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Warren	255	311	362	451	501
Wayne	233	282	333	416	466
Whiteside	321	390	459	575	644
Washington	255	312	366	458	513
White	233	282	333	416	466
Williamson	272	329	389	487	545

I N D I A N A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Anderson, IN MSA	254	310	363	456	511	Madison
Bloomington, IN MSA	275	334	393	493	551	Monroe
Cincinnati, OH-KY-IN PMSA	269	329	388	485	540	Dearborn
Elkhart-Goshen, IN MSA	269	325	384	480	538	Elkhart
Evansville, IN-KY MSA	283	336	394	495	553	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	283	341	397	499	553	Allen, De Kalb, Whitley
Gary-Hammond, IN PMSA	332	402	473	592	664	Lake, Porter
Indianapolis, IN MSA	285	350	410	515	575	Boone, Hamilton, Hancock, Hendricks, Johnson, Marion Morgan, Shelby
Kokomo, IN MSA	280	342	400	502	562	Howard, Tipton
Lafayette-West Lafayette, IN MSA	296	360	424	530	594	Tippecanoe
Louisville, KY-IN MSA	258	312	366	457	512	Clark, Floyd, Harrison
Muncie, IN MSA	244	294	346	429	480	Delaware
South Bend-Mishawaka, IN MSA	277	335	391	485	540	St Joseph
Terre Haute, IN MSA	251	306	357	443	493	Clay, Vigo

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	250	303	353	441	495
Benton	239	291	344	429	480
Brown	282	344	404	506	567
Cass	248	302	355	443	498
Crawford	207	251	295	371	416
Decatur	282	344	404	506	567
Fayette	243	293	344	429	480
Franklin	243	293	344	429	480
Gibson	269	325	384	480	538
Greene	233	282	334	418	467
Huntington	247	301	353	441	495
Jasper	250	304	357	447	501
Jefferson	269	325	384	480	538
Knox	239	287	334	418	467
Lagrange	256	311	365	458	513
Lawrence	259	316	372	465	520
Bartholomew	282	344	404	506	567
Blackford	226	275	323	404	454
Carroll	239	291	344	429	480
Clinton	239	291	344	429	480
Daviess	233	282	334	418	467
Dubois	207	251	295	371	416
Fountain	239	291	344	429	480
Fulton	240	290	342	430	480
Grant	226	275	323	404	454
Henry	226	275	323	404	454
Jackson	282	344	404	506	567
Jay	226	275	323	404	454
Jennings	282	344	404	506	567
Kosciusko	256	310	364	449	501
La Porte	272	330	388	485	545
Marshall	250	304	357	447	501

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

I N D I A N A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Martin	233	282	334	418	467
Montgomery	239	291	344	429	480
Noble	255	311	365	458	513
Orange	207	251	295	371	416
Parke	239	291	344	429	480
Pike	269	325	384	480	538
Putnam	260	316	371	464	521
Ripley	269	325	384	480	538
Scott	256	312	367	460	515
Starke	250	304	357	447	501
Sullivan	239	291	344	429	480
Union	243	293	344	429	480
Wabash	232	281	331	416	465
Washington	277	337	396	497	556
Wells	252	304	354	443	495

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Miami	248	302	355	443	498
Newton	250	304	357	447	501
Ohio	269	325	384	480	538
Owen	274	333	391	490	549
Perry	207	251	295	371	416
Pulaski	250	304	357	447	501
Randolph	226	275	323	404	454
Rush	239	291	344	429	480
Spencer	207	251	295	371	416
Steuben	255	311	365	458	513
Switzerland	269	325	384	480	538
Vermillion	248	301	351	436	483
Warren	239	291	344	429	480
Wayne	244	294	346	429	480
White	239	291	344	429	480

I O W A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Cedar Rapids, IA MSA	317	383	451	566	635	Linn
Davenport-Rock Island-Moline, IA-IL MSA	326	396	466	582	652	Scott
Des Moines, IA MSA	314	382	450	565	632	Dallas, Polk, Warren
Dubuque, IA MSA	293	354	417	522	585	Dubuque
Iowa City, IA MSA	332	404	475	594	665	Johnson
Omaha, NE-IA MSA	288	349	411	515	578	Pottawattamie
Sioux City, IA-NE MSA	285	346	408	510	572	Woodbury
Waterloo-Cedar Falls, IA MSA	318	384	453	568	637	Black Hawk, Bremer

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	240	292	343	430	481
Allamakee	253	307	363	453	508
Audubon	254	309	365	455	510
Boone	290	350	413	517	579
Buena Vista	249	302	356	445	500
Calhoun	254	309	365	455	510
Cass	261	317	372	466	522
Cerro Gordo	251	305	360	449	504
Chickasaw	253	307	363	453	508
Clay	249	302	356	445	500
Clinton	283	343	405	506	568

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	240	292	343	430	481
Appanoose	240	292	343	430	481
Benton	248	301	354	444	497
Buchanan	253	307	363	453	508
Butler	253	307	363	453	508
Carroll	254	309	365	455	510
Cedar	283	343	405	506	568
Cherokee	254	309	365	455	510
Clarke	240	292	343	430	481
Clayton	253	307	363	453	508
Crawford	254	309	365	455	510

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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I O W A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Davis	240	292	343	430	481
Delaware	283	343	405	506	568
Dickinson	249	302	356	445	500
Fayette	253	307	363	453	508
Franklin	251	305	360	449	504
Greene	254	309	365	455	510
Guthrie	254	309	365	455	510
Hancock	251	305	360	449	504
Harrison	261	317	372	466	522
Howard	253	307	363	453	508
Ida	254	309	365	455	510
Jackson	283	343	405	506	568
Jefferson	265	322	378	474	531
Keokuk	249	302	356	445	499
Lee	266	324	380	476	534
Lucas	240	292	343	430	481
Madison	268	327	383	480	538
Marion	268	327	383	480	538
Mills	261	317	372	466	522
Monona	254	309	365	455	510
Montgomery	261	317	372	466	522
O Brien	249	302	356	445	500
Page	261	317	372	466	522
Plymouth	254	309	365	455	510
Poweshiek	264	321	377	472	530
Sac	254	309	365	455	510
Sioux	249	302	356	445	500
Tama	264	321	377	472	530
Union	240	292	343	430	481
Wapello	283	342	404	505	566
Wayne	240	292	343	430	481
Winnebago	251	305	360	449	504
Worth	251	305	360	449	504

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Decatur	240	292	343	430	481
Des Moines	266	324	380	476	534
Emmet	249	302	356	445	500
Floyd	251	305	360	449	504
Fremont	261	317	372	466	522
Grundy	253	307	363	453	508
Hamilton	254	309	365	455	510
Hardin	264	321	377	472	530
Henry	266	324	380	476	534
Humboldt	254	309	365	455	510
Iowa	248	301	354	444	497
Jasper	268	327	383	480	538
Jones	248	301	354	444	497
Kossuth	251	305	360	449	504
Louisa	266	324	380	476	534
Lyon	249	302	356	445	500
Mahaska	240	292	343	430	481
Marshall	264	321	377	472	530
Mitchell	251	305	360	449	504
Monroe	240	292	343	430	481
Muscatine	266	324	380	476	534
Osceola	249	302	356	445	500
Palo Alto	249	302	356	445	500
Pocahontas	254	309	365	455	510
Ringgold	240	292	343	430	481
Shelby	261	317	372	466	522
Story	290	350	413	517	579
Taylor	240	292	343	430	481
Van Buren	240	292	343	430	481
Washington	248	301	354	444	497
Webster	254	309	365	455	510
Winneshiek	253	307	363	453	508
Wright	254	309	365	455	510

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Kansas City, MO-KS MSA	303	368	433	541	605	Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA	319	387	456	570	639	Douglas
Topeka, KS MSA	289	352	413	518	579	Shawnee
Wichita, KS MSA	308	374	445	553	617	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allen	202	244	288	360	405
Atchison	233	282	333	416	466
Barton	234	284	335	418	468
Brown	233	282	333	416	466
Chautauqua	202	244	288	360	405
Cheyenne	204	247	291	365	409
Clay	254	310	365	456	510
Coffey	254	310	365	456	510
Cowley	202	244	288	360	405
Decatur	204	247	291	365	409
Doniphan	233	282	333	416	466
Elk	202	244	288	360	405
Ellsworth	252	307	361	453	506
Ford	240	291	343	429	482
Geary	254	310	365	456	510
Graham	204	247	291	365	409
Gray	240	291	343	429	482
Greenwood	254	310	365	456	510
Harper	234	284	335	418	468
Hodgeman	240	291	343	429	482
Jefferson	221	269	316	394	443
Kearny	240	291	343	429	482
Kiowa	234	284	335	418	468
Lane	240	291	343	429	482
Linn	202	244	288	360	405
Lyon	254	310	365	456	510
Marion	254	310	365	456	510
Meade	240	291	343	429	482
Montgomery	213	260	306	383	429
Morton	240	291	343	429	482
Neosho	213	260	306	383	429
Norton	204	247	291	365	409
Osborne	204	247	291	365	409
Pawnee	234	284	335	418	468

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Anderson	202	244	288	360	405
Barber	234	284	335	418	468
Bourbon	202	244	288	360	405
Chase	254	310	365	456	510
Cherokee	213	260	306	383	429
Clark	240	291	343	429	482
Cloud	252	307	361	453	506
Comanche	234	284	335	418	468
Crawford	213	260	306	383	429
Dickinson	254	310	365	456	510
Edwards	234	284	335	418	468
Ellis	204	247	291	365	409
Finney	240	291	343	429	482
Franklin	221	268	315	393	441
Gove	204	247	291	365	409
Grant	240	291	343	429	482
Greeley	240	291	343	429	482
Hamilton	240	291	343	429	482
Haskell	240	291	343	429	482
Jackson	233	282	333	416	466
Jewell	252	307	361	453	506
Kingman	234	284	335	418	468
Labette	213	260	306	383	429
Lincoln	252	307	361	453	506
Logan	204	247	291	365	409
Mcpherson	269	326	385	482	538
Marshall	254	310	365	456	510
Mitchell	252	307	361	453	506
Morris	254	310	365	456	510
Nemaha	233	282	333	416	466
Ness	240	291	343	429	482
Osage	221	269	316	394	443
Ottawa	252	307	361	453	506
Phillips	204	247	291	365	409

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

K A N S A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Pottawatomie	254	310	365	456	510
Rawlins	204	247	291	365	409
Republic	252	307	361	453	506
Riley	254	310	365	456	510
Rush	234	284	335	418	468
Saline	252	307	361	453	506
Seward	240	291	343	429	482
Sherman	204	247	291	365	409
Stafford	234	284	335	418	468
Stevens	240	291	343	429	482
Thomas	204	247	291	365	409
Wabaunsee	254	310	365	456	510
Washington	252	307	361	453	506
Wilson	202	244	288	360	405

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Pratt	234	284	335	418	468
Reno	269	326	385	482	538
Rice	269	326	385	482	538
Rooks	204	247	291	365	409
Russell	204	247	291	365	409
Scott	240	291	343	429	482
Sheridan	204	247	291	365	409
Smith	204	247	291	365	409
Stanton	240	291	343	429	482
Sumner	234	284	335	418	468
Trego	204	247	291	365	409
Wallace	204	247	291	365	409
Wichita	240	291	343	429	482
Woodson	202	244	288	360	405

K E N T U C K Y

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Cincinnati, OH-KY-IN PMSA	269	329	388	485	540	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA	267	336	421	511	567	Christian
Evansville, IN-KY MSA	283	336	394	495	553	Henderson
Huntington-Ashland, WV-KY-OH MSA	286	347	409	512	575	Boyd, Carter, Greenup
Lexington-Fayette, KY MSA	299	363	427	535	599	Bourbon, Clark, Fayette, Jessamine, Scott, Woodford
Louisville, KY-IN MSA	258	312	366	457	512	Bullitt, Jefferson, Oldham, Shelby
Owensboro, KY MSA	234	284	335	418	469	Daviess

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	220	268	312	386	432
Anderson	274	335	393	491	550
Barren	234	284	336	418	471
Bell	238	291	342	427	479
Bracken	220	267	314	394	441
Breckinridge	217	264	309	388	434
Caldwell	235	286	339	423	474
Carlisle	225	273	321	402	451
Casey	216	262	308	386	432
Clinton	220	268	312	386	432
Cumberland	220	268	312	386	432
Elliott	203	246	291	363	407
Fleming	220	267	314	394	441

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allen	185	225	265	331	371
Ballard	225	273	321	402	451
Bath	220	267	314	394	441
Boyle	267	323	382	477	534
Breathitt	226	274	323	404	453
Butler	185	225	265	331	371
Calloway	225	273	321	402	451
Carroll	226	275	323	405	453
Clay	203	246	290	362	406
Crittendon	235	286	339	423	474
Edmonson	185	225	265	331	371
Estill	267	323	382	477	534
Floyd	239	292	343	429	481

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

KENTUCKY continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Franklin	274	335	393	491	550
Gallatin	226	275	323	405	453
Grant	226	275	323	405	453
Grayson	217	264	309	388	434
Hancock	228	277	327	409	457
Harlan	238	291	342	427	479
Hart	185	225	265	331	371
Hickman	225	273	321	402	451
Jackson	203	246	290	362	406
Knott	226	274	323	404	453
Larue	217	264	309	388	434
Lawrence	203	246	291	363	407
Leslie	226	274	323	404	453
Lewis	220	267	314	394	441
Livingston	204	247	292	364	408
Lyon	204	247	292	364	408
Mccreary	220	268	312	386	432
Madison	267	323	385	477	534
Marion	217	264	309	388	434
Martin	239	292	343	429	481
Meade	245	299	351	439	492
Mercer	274	335	393	491	550
Monroe	185	225	265	331	371
Morgan	220	268	314	394	441
Nelson	217	264	309	388	434
Ohio	228	277	327	409	457
Owsley	226	274	323	404	453
Perry	226	274	323	404	453
Powell	199	241	284	356	400
Robertson	220	267	314	394	441
Rowan	220	267	314	394	441
Simpson	236	288	340	425	476
Taylor	220	268	312	386	432
Trigg	204	247	292	364	408
Union	228	277	327	409	457
Washington	217	264	309	388	434
Webster	228	277	327	409	457
Wolfe	226	274	323	404	453

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Fulton	225	273	321	402	451
Garrard	267	323	382	477	534
Graves	225	273	321	402	451
Green	220	268	312	386	432
Hardin	245	299	351	439	492
Harrison	240	267	343	429	480
Henry	202	245	288	361	404
Hopkins	235	286	339	423	474
Johnson	239	292	343	429	481
Knox	209	255	299	389	418
Laurel	203	283	356	370	406
Lee	226	274	323	404	453
Letcher	226	274	323	404	453
Lincoln	267	323	382	477	534
Logan	236	288	340	425	476
Mccracken	235	276	326	402	451
Mclean	228	277	327	409	457
Magoffin	239	292	343	429	481
Marshall	235	276	326	402	451
Mason	220	267	314	394	441
Menifee	220	268	314	394	441
Metcalfe	185	225	265	331	371
Montgomery	220	267	314	394	441
Muhlenberg	235	286	339	423	474
Nicholas	199	241	284	356	400
Owen	226	275	323	405	453
Pendleton	226	275	323	405	453
Pike	239	292	343	429	481
Pulaski	220	268	312	386	432
Rockcastle	203	246	290	362	406
Russell	216	262	308	386	432
Spencer	202	245	288	361	404
Todd	204	247	292	364	408
Trimble	202	245	288	361	404
Warren	236	288	340	425	476
Wayne	220	268	312	386	432
Whitley	238	291	342	427	479

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

LOUISIANA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Alexandria, LA MSA	252	306	361	451	504	Rapides
Baton Rouge, LA MSA	317	384	452	565	633	Ascension, East Baton Rouge, Livingston, West Baton Rouge
Houma-Thibodaux, LA MSA	280	340	400	500	561	Lafourche, Terrebonne
Lafayette, LA MSA	317	384	452	565	633	Lafayette, St Martin
Lake Charles, LA MSA	255	307	359	447	500	Calcasieu
Monroe, LA MSA	251	305	359	449	502	Ouachita
New Orleans, LA MSA	348	424	499	623	698	Jefferson, Orleans, St Bernard, St Charles, St John The St Tammany
Shreveport, LA MSA	285	346	409	511	572	Bossier, Caddo

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Acadia	217	264	311	388	435
Assumption	188	228	267	335	376
Beauregard	173	211	249	312	348
Caldwell	197	238	281	346	387
Catahoula	214	260	307	384	430
Concordia	214	260	307	384	430
East Carroll	172	210	247	309	345
Evangeline	208	252	296	372	416
Grant	214	260	307	384	430
Iberville	180	218	257	322	361
Jefferson Davis	173	211	249	312	348
Lincoln	223	273	321	400	449
Morehouse	172	210	247	309	345
Plaquemines	315	381	449	562	628
Red River	223	273	321	400	449
Sabine	223	273	321	400	449
St James	188	228	267	335	376
St Mary	256	313	367	459	514
Tensas	172	210	247	309	345
Vermilion	217	264	311	388	435
Washington	203	247	290	363	407
West Carroll	172	210	247	309	345
Winn	214	260	307	384	430

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allen	173	211	249	312	348
Avoyelles	214	260	307	384	430
Bienville	223	273	321	400	449
Cameron	173	211	249	312	348
Claiborne	223	273	321	400	449
De Soto	223	273	321	400	449
E Feliciana	180	218	257	322	361
Franklin	172	210	247	309	345
Iberia	256	313	367	459	514
Jackson	172	210	247	309	345
La Salle	214	260	307	384	430
Madison	172	210	247	309	345
Natchitoches	223	273	321	400	449
Pointe Coupee	180	218	257	322	361
Richland	172	210	247	309	345
St Helena	180	218	257	322	361
St Landry	208	252	296	372	416
Tangipahoa	203	247	290	363	407
Union	172	210	247	309	345
Vernon	214	260	307	384	430
Webster	194	236	278	347	389
W Feliciana	180	218	257	322	361

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

M A I N E

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
Bangor, ME MSA	313	381	447	560	628	Penobscot county towns of Bangor, Brewer, Eddington Glenburn, Hampden, Hermon, Holden, Kenduskeag, Old Town Orono,.Orrington, Penobscot Indian I, Veazie Waldo county towns of Winterport
Lewiston-Auburn, ME MSA	329	392	443	495	563	Androscoggin county towns of Auburn, Greene, Lewiston Lisbon, Mechanic Falls, Poland, Sabattus
Portland, ME MSA	384	489	618	693	833	Cumberland county towns of Cape Elizabeth, Cumberland Falmouth, Freeport, Gorham, Gray, North Yarmouth Portland, Raymond, Scarborough, South Portland, Standish Westbrook, Windham, Yarmouth York county towns of Buxton, Hollis, Old Orchard Beach
Portsmouth-Dover-Rochester, NH-ME MSA	413	503	590	738	827	York county towns of Berwick, Eliot, Kittery North Berwick, South Berwick, Wells, York

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Androscoggin	286	338	399	489	540	Durham, Leeds, Livermore, Livermore Falls, Minot, Turner Wales
Aroostook	291	353	417	520	583	
Cumberland	322	391	460	572	636	Baldwin, Bridgton, Brunswick, Casco, Harpswell, Harrison Naples, New Gloucester, Pownal, Sebago
Franklin	303	343	408	483	548	
Hancock	305	363	425	531	592	
Kennebec	305	371	437	548	612	
Knox	295	359	422	529	592	
Lincoln	291	352	416	520	582	
Oxford	303	343	408	483	548	
Penobscot	300	363	422	529	592	Alton, Argyle, Bradford, Bradley, Burlington, Carmel Carroll, Charleston, Chester, Clifton, Corinna, Corinth Dexter, Dixmont, Drew, East Millinocket, Edinburg Enfield, Etna, Exeter, Garland, Grand Falls, Greenbush Greenfield, Howland, Hudson, Kingman, Lagrange Lakeville, Lee, Levant, Lincoln, Lowell, Mattawamkeag Maxfield, Medway, Milford, Millinocket, Mount Chase Newburgh, Newport, North Penobscot, Passadumkeag, Patten Plymouth, Prentiss, Seboeis, Springfield, Stacyville Stetson, Summit, Twombly, Webster, Whitney, Winn Woodville
Piscataquis	251	305	360	452	505	
Sagadahoc	333	448	483	563	660	
Somerset	291	352	416	520	582	
Waldo	295	359	422	529	592	Belfast, Belmont, Brooks, Burnham, Frankfort, Freedom Islesboro, Jackson, Knox, Liberty, Lincolnville, Monroe Montville, Morrill, Northport, Palermo, Prospect Searsmont, Searsport, Stockton Springs, Swanville Thorndike, Troy, Unity, Waldo

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

M A I N E continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Washington	295	359	422	529	592	
York	368	434	548	563	683	Acton, Alfred, Arundel, Biddeford, Cornish, Dayton Kennebunk, Kennebunkport, Lebanon, Limerick, Limington Lyman, Newfield, Parsonsfield, Saco, Sanford, Shapleigh Waterboro

M A R Y L A N D

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Baltimore, MD MSA	355	432	508	635	712	Anne Arundel, Baltimore, Carroll, Harford, Howard Queen Annes, Baltimore
Columbia, MD MSA	451	548	645	805	903	Columbia
Cumberland, MD-WV MSA	262	312	365	451	504	Allegany
Hagerstown, MD MSA	293	356	420	525	587	Washington
Washington, DC-MD-VA MSA	470	570	671	838	939	Calvert, Charles, Frederick, Montgomery, Prince George'S
Wilmington, DE-NJ-MD PMSA	380	455	541	676	804	Cecil

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Caroline	277	332	391	490	549
Garrett	263	320	377	470	527
St Marys	365	441	515	645	714
Talbot	317	385	453	567	634
Worcester	286	349	407	509	570

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Dorchester	284	345	407	509	570
Kent	289	352	414	519	580
Somerset	284	345	407	509	570
Wicomico	338	413	484	510	570

M A S S A C H U S E T T S

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
Boston, MA PMSA	560	681	803	1002	1123	Bristol county towns of Mansfield, Norton, Raynham Essex county towns of Lynn, Lynnfield, Nahant, Saugus Middlesex county towns of Acton, Arlington, Ashland, Ayer Bedford, Belmont, Boxborough, Burlington, Cambridge Carlisle, Concord, Everett, Framingham, Groton Holliston, Hopkinton, Hudson, Lexington, Lincoln Littleton, Malden, Marlborough, Maynard, Medford Melrose, Natick, Newton, North Reading, Reading Sherborn, Shirley, Somerville, Stoneham, Stow, Sudbury Townsend, Wakefield, Waltham, Watertown, Wayland, Weston Wilmington, Winchester, Woburn Norfolk county towns of Bellingham, Braintree, Brookline Canton, Cohasset, Dedham, Dover, Foxborough, Franklin Holbrook, Medfield, Medway, Millis, Milton, Needham Norfolk, Norwood, Quincy, Randolph, Sharon, Stoughton Walpole, Wellesley, Westwood, Weymouth, Wrentham Plymouth county towns of Carver, Duxbury, Hanover, Hanson

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M A S S A C H U S E T T S continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
						Hingham, Hull, Kingston, Lakeville, Marshfield Middleborough, Norwell, Pembroke, Plymouth, Plympton Rockland, Scituate Suffolk county towns of Boston, Chelsea, Revere, Winthrop Worcester county towns of Berlin, Bolton, Harvard Hopedale, Lancaster, Mendon, Milford, Southborough Upton
Brockton, MA PMSA	418	505	633	768	861	Bristol county towns of Easton Norfolk county towns of Avon Plymouth county towns of Abington, Bridgewater, Brockton East Bridgewater, Halifax, West Bridgewater, Whitman
Fall River, MA-RI PMSA	366	436	524	607	670	Bristol county towns of Fall River, Somerset, Swansea Westport
Fitchburg-Leominster, MA MSA	401	485	572	715	802	Middlesex county towns of Ashby Worcester county towns of Ashburnham, Fitchburg Leominster, Lunenburg, Westminster
Lawrence-Haverhill, MA-NH PMSA	447	544	652	745	829	Essex county towns of Amesbury, Andover, Boxford Georgetown, Groveland, Haverhill, Lawrence, Merrimac Methuen, Newbury, Newburyport, North Andover, Salisbury West Newbury
Lowell, MA-NH PMSA	430	523	610	739	843	Middlesex county towns of Billerica, Chelmsford, Dracut Dunstable, Lowell, Pepperell, Tewksbury, Tyngsborough Westford
New Bedford, MA MSA	373	419	496	607	670	Bristol county towns of Acushnet, Dartmouth, Fairhaven Freetown, New Bedford
Pawtucket-Woonsocket-Attleboro, RI-MA PMSA	355	430	506	621	709	Plymouth county towns of Marion, Mattapoisett, Rochester Bristol county towns of Attleboro, North Attleborough Rehoboth, Seekonk Norfolk county towns of Plainville Worcester county towns of Blackstone, Millville
Pittsfield, MA MSA	370	449	525	653	736	Berkshire county towns of Cheshire, Dalton, Hinsdale Lanesborough, Lee, Lenox, Pittsfield, Richmond Stockbridge
Salem-Gloucester, MA PMSA	499	605	713	890	997	Essex county towns of Beverly, Danvers, Essex, Gloucester Hamilton, Ipswich, Manchester, Marblehead, Middleton Peabody, Rockport, Rowley, Salem, Swampscott, Topsfield Wenham
Springfield, MA MSA	386	468	551	689	771	Hampden county towns of Agawam, Chicopee, East Longmeadow Hampden, Holyoke, Longmeadow, Ludlow, Monson, Montgomery Palmer, Russell, Southwick, Springfield, Westfield West Springfield, Wilbraham Hampshire county towns of Belchertown, Easthampton Granby, Huntington, Northampton, Southampton South Hadley
Worcester, MA MSA	384	472	553	694	775	Worcester county towns of Auburn, Barre, Boylston Brookfield, Charlton, Clinton, Douglas, Dudley East Brookfield, Grafton, Holden, Leicester, Millbury

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

M A S S A C H U S E T T S continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
						Northborough, Northbridge, North Brookfield, Oxford Paxton, Princeton, Rutland, Shrewsbury, Spencer Sterling, Sutton, Uxbridge, Webster, Westborough West Boylston, Worcester
NONMETROPOLITAN COUNTIES	**EFF**	**1 BR**	**2 BR**	**3 BR**	**4 BR**	**Towns within non metropolitan counties**
Barnstable	496	612	700	875	981	
Berkshire	326	396	466	583	653	Adams, Alford, Becket, Clarksburg, Egremont, Florida Great Barrington, Hancock, Monterey, Mount Washington New Ashford, New Marlborough, North Adams, Otis, Peru Sandisfield, Savoy, Sheffield, Tyringham, Washington West Stockbridge, Williamstown, Windsor
Bristol	361	436	514	617	687	Berkley, Dighton, Taunton
Dukes	496	612	700	875	981	
Franklin	379	449	524	659	734	
Hampden	341	414	487	610	683	Blandford, Brimfield, Chester, Granville, Holland Tolland, Wales
Hampshire	443	514	630	758	880	Amherst, Chesterfield, Cummington, Goshen, Hadley Hatfield, Middlefield, Pelham, Plainfield, Ware Westhampton, Williamsburg, Worthington
Nantucket	496	612	700	875	981	
Plymouth	385	468	550	668	770	Wareham
Worcester	361	426	514	630	700	Athol, Gardner, Hardwick, Hubbardston, New Braintree Oakham, Petersham, Phillipston, Royalston, Southbridge Sturbridge, Templeton, Warren, West Brookfield Winchendon

M I C H I G A N

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Ann Arbor, MI PMSA	394	479	565	706	791	Washtenaw
Battle Creek, MI MSA	265	322	378	475	532	Calhoun
Benton Harbor, MI MSA	295	359	420	526	589	Berrien
Detroit, MI PMSA	367	441	514	642	715	Lapeer, Livingston, Macomb, Monroe, Oakland, St Clair Wayne
Flint, MI MSA	279	339	401	501	560	Genesee
Grand Rapids, MI MSA	313	384	450	562	635	Kent, Ottawa
Jackson, MI MSA	292	353	416	520	583	Jackson
Kalamazoo, MI MSA	304	366	430	529	589	Kalamazoo
Lansing-East Lansing, MI MSA	319	382	448	556	621	Clinton, Eaton, Ingham
Muskegon, MI MSA	259	314	371	464	519	Muskegon
Saginaw-Bay City-Midland, MI MSA	288	347	408	511	572	Bay, Midland, Saginaw

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

M I C H I G A N continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alcona	231	282	332	415	465
Allegan	268	327	383	480	538
Antrim	290	350	413	517	579
Baraga	237	287	338	423	475
Benzie	290	350	413	517	579
Cass	263	319	375	470	526
Cheboygan	231	282	332	415	465
Clare	254	309	365	455	510
Delta	228	277	328	409	458
Emmet	290	350	413	517	579
Gogebic	237	287	338	423	475
Gratiot	291	352	414	519	581
Houghton	266	323	380	475	572
Ionia	271	328	385	481	538
Iron	237	287	338	423	475
Kalkaska	290	350	413	517	579
Lake	266	324	380	476	534
Lenawee	288	348	411	515	577
Mackinac	228	277	328	409	458
Marquette	290	350	413	517	579
Mecosta	266	324	380	476	534
Missaukee	290	350	413	517	579
Montmorency	231	282	332	415	465
Oceana	258	312	369	462	517
Ontonagon	237	287	338	423	475
Oscoda	231	282	332	415	465
Presque Isle	231	282	332	415	465
St Joseph	270	329	387	484	542
Schoolcraft	228	277	328	409	458
Tuscola	261	317	372	466	522
Wexford	290	350	413	517	579

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alger	228	277	328	409	458
Alpena	231	282	332	415	465
Arenac	254	309	365	455	510
Barry	270	329	387	484	542
Branch	270	329	387	484	542
Charlevoix	290	350	413	517	579
Chippewa	228	277	328	409	458
Crawford	231	282	332	415	465
Dickinson	237	300	353	442	496
Gladwin	254	309	365	455	510
Grand Traverse	290	350	413	517	579
Hillsdale	288	348	411	515	577
Huron	261	317	372	466	522
Iosco	254	309	365	455	510
Isabella	291	352	414	519	581
Keweenaw	237	287	338	423	475
Leelanau	290	350	413	517	579
Luce	228	277	328	409	458
Manistee	290	350	413	517	579
Mason	266	324	380	476	534
Menominee	290	350	413	517	579
Montcalm	268	327	383	480	538
Newaygo	266	324	380	476	534
Ogemaw	254	309	365	455	510
Osceola	266	324	380	476	534
Otsewo	231	282	332	415	465
Roscommon	254	309	365	455	510
Sanilac	261	317	372	466	522
Shiawassee	287	347	410	512	575
Van Buren	263	319	375	470	526

M I N N E S O T A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Duluth, MN-WI MSA	296	352	415	520	583	St Louis
Fargo-Moorhead, ND-MN MSA	296	360	423	531	595	Clay
Minneapolis-St. Paul, MN-WI MSA	367	445	528	660	737	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey Scott, Washington, Wright

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

M I N N E S O T A continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Rochester, MN MSA	313	380	448	560	627	Olmsted
St. Cloud, MN MSA	299	363	427	535	598	Benton, Sherburne, Stearns

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aitkin	268	327	384	481	539
Beltrami	258	313	368	460	517
Blue Earth	299	362	419	518	573
Carlton	270	329	384	481	539
Chippewa	238	291	342	429	479
Cook	268	327	384	481	539
Crow Wing	252	305	382	473	526
Douglas	267	326	382	479	537
Fillmore	247	300	355	443	495
Goodhue	258	313	366	455	509
Houston	247	300	355	443	495
Itasca	270	329	384	481	539
Kanabec	268	327	384	481	539
Kittson	258	313	368	460	517
Lac Qui Parle	238	291	342	429	479
Lake Of The Woods	258	313	368	460	517
Lincoln	246	297	347	432	480
Mcleod	281	342	402	504	563
Marshall	258	313	368	460	517
Meeker	281	342	402	504	563
Morrison	252	305	361	451	505
Murray	246	297	347	432	480
Nobles	246	297	347	432	480
Otter Tail	267	326	382	479	537
Pine	268	327	384	481	539
Polk	258	313	368	460	517
Red Lake	258	313	368	460	517
Renville	281	342	402	504	563
Rock	246	297	347	432	480
Sibley	279	340	399	499	559
Stevens	267	326	382	479	537
Todd	252	305	361	451	505
Wabasha	258	313	366	455	509
Waseca	254	309	364	455	509
Wilkin	267	326	382	479	537
Yellow Medicine	238	291	342	429	479

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Becker	267	326	382	479	537
Big Stone	238	291	342	429	479
Brown	254	309	364	455	509
Cass	252	305	361	451	505
Clearwater	258	313	368	460	517
Cottonwood	238	291	342	429	479
Dodge	242	294	345	432	484
Faribault	254	309	364	455	509
Freeborn	292	355	418	522	585
Grant	267	326	382	479	537
Hubbard	258	313	368	460	517
Jackson	246	297	347	432	480
Kandiyohi	281	342	402	504	563
Koochiching	268	327	384	481	539
Lake	268	327	384	481	539
Le Sueur	279	340	399	499	559
Lyon	246	297	347	432	480
Mahnomen	258	313	368	460	517
Martin	254	309	364	455	509
Mille Lacs	268	327	384	481	539
Mower	247	300	355	443	495
Nicollet	279	340	399	499	559
Norman	258	313	368	460	517
Pennington	258	313	368	460	517
Pipestone	246	297	347	432	480
Pope	267	326	382	479	537
Redwood	238	291	342	429	479
Rice	292	355	418	522	585
Roseau	258	313	368	460	517
Steele	292	355	418	522	585
Swift	238	291	342	429	479
Traverse	267	326	382	479	537
Wadena	252	305	361	451	505
Watonwan	254	309	364	455	509
Winona	249	300	355	443	495

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M I S S I S S I P P I

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Biloxi-Gulfport, MS MSA	249	304	358	448	501	Hancock, Harrison
Jackson, MS MSA	317	385	454	568	637	Hinds, Madison, Rankin
Memphis, TN-AR-MS MSA	285	345	405	505	565	De Soto
Pascagoula, MS MSA	273	330	388	488	547	Jackson

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	219	254	299	396	429
Amite	182	221	260	325	365
Benton	204	248	293	367	411
Calhoun	239	291	343	428	484
Chickasaw	246	291	343	432	481
Claiborne	182	221	260	325	365
Clay	236	275	322	404	453
Copiah	192	234	276	345	386
Forrest	237	289	340	424	476
George	185	225	265	331	371
Grenada	242	294	346	433	484
Humphreys	211	256	302	377	422
Itawamba	225	273	321	402	450
Jefferson	182	221	260	325	365
Jones	239	278	313	356	396
Lafayette	239	291	343	428	481
Lauderdale	235	285	336	421	471
Leake	201	245	290	363	407
Leflore	239	265	312	407	438
Lowndes	260	322	370	495	516
Marshall	204	248	293	367	411
Montgomery	183	223	261	327	367
Newton	201	245	290	363	407
Oktibbeha	226	275	322	404	453
Pearl River	237	289	340	424	476
Pike	219	254	299	396	429
Prentiss	204	248	293	367	411
Scott	201	245	290	363	407
Simpson	192	234	276	345	386
Stone	237	289	340	424	476
Tallahatchie	221	267	314	392	442
Tippah	204	248	293	367	411
Tunica	221	267	314	392	442
Walthall	182	221	260	325	365

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alcorn	218	264	311	388	436
Attala	183	223	261	327	367
Bolivar	211	256	302	377	422
Carroll	183	223	261	327	367
Choctaw	236	275	322	404	453
Clarke	237	288	336	421	471
Coahoma	221	267	314	392	442
Covington	185	225	265	331	371
Franklin	182	221	260	325	365
Greene	185	225	265	331	371
Holmes	183	223	261	327	367
Issaquena	211	256	302	377	422
Jasper	237	288	336	421	471
Jefferson Davis	185	225	265	331	371
Kemper	237	288	336	421	471
Lamar	237	289	340	424	476
Lawrence	182	221	260	325	365
Lee	238	291	341	426	476
Lincoln	182	221	260	325	365
Marion	237	289	340	424	476
Monroe	225	273	321	402	450
Neshoba	201	245	290	363	407
Noxubee	226	275	322	404	453
Panola	221	267	314	392	442
Perry	185	225	265	331	371
Pontotoc	246	291	343	432	481
Quitman	221	267	314	392	442
Sharkey	211	256	302	377	422
Smith	201	245	290	363	407
Sunflower	211	256	302	377	422
Tate	221	267	314	392	442
Tishomigo	204	248	293	367	411
Union	246	291	343	432	481
Warren	267	325	382	479	536

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

MISSISSIPPI continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Washington	211	256	302	377	422
Webster	236	275	322	404	453
Winston	236	275	322	404	453
Yazoo	267	325	382	479	536
Wayne	185	225	265	331	371
Wilkinson	182	221	260	325	365
Yalobusha	183	223	261	327	367

MISSOURI

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Columbia, MO MSA	289	351	415	519	582	Boone
Joplin, MO MSA	223	272	320	401	449	Jasper, Newton
Kansas City, MO-KS MSA	303	368	433	541	605	Cass, Clay, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA	238	288	340	424	477	Buchanen
St. Louis, MO-IL MSA	310	378	445	559	626	Franklin, Jefferson, St Charles, St Louis, St. Louis
Springfield, MO MSA	248	303	356	446	498	Christian, Greene

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	226	274	323	406	454
Atchison	214	261	307	384	430
Barry	209	253	300	375	419
Bates	204	247	291	364	409
Bollinger	240	292	343	428	482
Caldwell	214	261	308	384	430
Camden	229	278	326	409	458
Carroll	220	268	316	393	443
Cedar	204	247	291	364	409
Clark	226	274	323	406	454
Cole	251	305	359	450	503
Crawford	219	267	313	392	441
Dallas	209	253	300	375	419
De Kalb	214	261	307	384	430
Douglas	198	241	283	353	396
Gasconade	219	267	313	392	441
Grundy	226	274	323	406	454
Henry	204	247	291	364	409
Holt	214	261	307	384	430
Howell	198	241	283	353	396
Johnson	229	279	344	441	459
Laclede	229	278	326	409	458
Lewis	224	271	320	399	444
Linn	226	274	323	406	454
Andrew	238	288	340	424	477
Audrain	251	305	359	450	503
Barton	204	247	291	364	409
Benton	204	247	291	364	409
Butler	198	241	286	357	399
Callaway	251	305	359	450	503
Cape Girardeau	240	292	343	428	482
Carter	198	241	286	357	399
Chariton	220	268	316	393	443
Clinton	214	261	307	384	430
Cooper	251	305	359	450	503
Dade	209	253	300	375	419
Daviess	214	261	308	384	430
Dent	219	267	313	392	441
Dunklin	198	241	283	353	396
Gentry	214	261	307	384	430
Harrison	214	261	308	384	430
Hickory	204	247	291	364	409
Howard	251	305	359	450	503
Iron	240	292	343	428	482
Knox	226	274	323	406	454
Lawrence	209	253	300	375	419
Lincoln	219	267	313	392	441
Livingston	226	274	323	406	454

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M I S S O U R I continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Mcdonald	209	253	300	375	419
Madison	240	292	343	428	482
Marion	224	271	320	399	444
Miller	229	278	326	409	458
Moniteau	251	305	359	450	503
Montgomery	219	267	313	392	441
New Madrid	198	241	283	353	396
Oregon	198	241	283	353	396
Ozark	198	241	283	353	396
Perry	240	292	343	428	482
Phelps	255	309	364	461	517
Polk	209	253	300	375	419
Putnam	226	274	323	406	454
Randolph	219	267	313	392	441
Ripley	198	241	286	357	399
Ste. Genevieve	240	292	343	428	482
Saline	220	268	316	393	443
Scotland	226	274	323	406	454
Shannon	198	241	283	353	396
Stoddard	198	241	283	353	396
Sullivan	226	274	323	406	454
Texas	198	241	283	353	396
Warren	219	267	313	392	441
Wayne	198	241	286	357	399
Worth	214	261	307	384	430

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Macon	219	267	313	392	441
Maries	219	267	313	392	441
Mercer	214	261	308	384	430
Mississippi	198	241	283	353	396
Monroe	219	267	313	392	441
Morgan	229	278	326	409	458
Nodaway	222	261	316	384	430
Osage	251	305	359	450	503
Pemiscot	198	241	283	353	396
Pettis	220	268	316	393	443
Pike	219	267	313	392	441
Pulaski	229	278	326	409	458
Ralls	224	271	320	399	444
Reynolds	198	241	283	353	396
St Clair	204	247	291	364	409
St Francois	240	292	343	428	482
Schuyler	226	274	323	406	454
Scott	240	292	343	428	482
Shelby	219	267	313	392	441
Stone	209	253	300	375	419
Taney	209	253	300	375	419
Vernon	204	247	291	364	409
Washington	219	267	313	392	441
Webster	209	253	300	375	419
Wright	198	241	283	353	396

M O N T A N A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Billings, MT MSA	334	407	479	598	670	Yellowstone
Great Falls, MT MSA	296	359	424	530	593	Cascade

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Beaverhead	295	358	422	527	591
Blaine	275	334	393	492	551
Carbon	277	337	397	497	557
Chouteau	275	334	393	492	551
Daniels	275	334	393	492	551
Deer Lodge	295	358	422	527	591
Fergus	277	337	397	497	557

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Big Horn	277	337	397	497	557
Broadwater	295	358	422	527	591
Carter	277	337	397	497	557
Custer	277	337	397	497	557
Dawson	277	337	397	497	557
Fallon	277	337	397	497	557
Flathead	301	366	430	539	604

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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MONTANA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Gallatin	325	399	472	585	658
Glacier	275	334	393	492	551
Granite	295	358	422	527	591
Jefferson	295	358	422	527	591
Lake	301	366	430	539	604
Liberty	275	334	393	492	551
Mccone	277	337	397	497	557
Meagher	295	358	422	527	591
Missoula	301	366	430	539	604
Park	295	358	422	527	591
Phillips	275	334	393	492	551
Powder River	277	337	397	497	557
Prairie	277	337	397	497	557
Richland	277	337	397	497	557
Rosebud	277	337	397	497	557
Sheridan	275	334	393	492	551
Stillwater	277	337	397	497	557
Teton	275	334	393	492	551
Treasure	277	337	397	497	557
Wheatland	277	337	397	497	557
Yl-St-Nt-Pk	295	358	422	527	591

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Garfield	277	337	397	497	557
Golden Valley	277	337	397	497	557
Hill	275	334	393	492	551
Judith Basin	277	337	397	497	557
Lewis And Clark	337	416	490	607	686
Lincoln	301	366	430	539	604
Madison	295	358	422	527	591
Mineral	301	366	430	539	604
Musselshell	277	337	397	497	557
Petroleum	277	337	397	497	557
Pondera	275	334	393	492	551
Powell	295	358	422	527	591
Ravalli	301	366	430	539	604
Roosevelt	275	334	393	492	551
Sanders	301	366	430	539	604
Silver Bow	295	358	422	527	591
Sweet Grass	277	337	397	497	557
Toole	275	334	393	492	551
Valley	275	334	393	492	551
Wibaux	277	337	397	497	557

NEBRASKA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Lincoln, NE MSA	293	356	419	524	587	Lancaster
Omaha, NE-IA MSA	288	349	411	515	578	Douglas, Sarpy, Washington
Sioux City, IA-NE MSA	285	346	408	510	572	Dakota

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	262	319	375	470	525
Arthur	222	270	317	397	444
Blaine	215	261	307	384	432
Box Butte	244	298	350	438	490
Brown	215	261	307	384	432
Burt	235	286	336	421	472
Cass	232	282	332	414	466
Chase	222	270	317	397	444
Cheyenne	215	261	307	384	432
Colfax	235	286	336	421	472

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Antelope	254	309	365	454	511
Banner	215	261	307	384	432
Boone	235	286	336	421	472
Boyd	215	261	307	384	432
Buffalo	262	319	375	470	525
Butler	232	282	332	414	466
Cedar	254	309	365	454	511
Cherry	215	261	307	384	432
Clay	262	319	375	470	525
Cuming	235	286	336	421	472

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Custer	215	261	307	384	432
Dawson	222	270	317	397	444
Dixon	254	309	365	454	511
Dundy	222	270	317	397	444
Franklin	262	319	375	470	525
Furnas	222	270	317	397	444
Garden	215	261	307	384	432
Gosper	222	270	317	397	444
Greeley	215	261	307	384	432
Hamilton	262	319	375	470	525
Hayes	222	270	317	397	444
Holt	219	269	315	393	438
Howard	262	319	375	470	525
Johnson	232	282	332	414	466
Keith	222	270	317	397	444
Kimball	215	261	307	384	432
Lincoln	222	270	317	397	444
Loup	215	261	307	384	432
Madison	254	309	365	454	511
Morrill	215	261	307	384	432
Nemaha	232	282	332	414	466
Otoe	232	282	332	414	466
Perkins	222	270	317	397	444
Pierce	254	309	365	454	511
Polk	232	282	332	414	466
Richardson	232	282	332	414	466
Saline	232	282	332	414	466
Scotts Bluff	250	301	350	435	484
Sheridan	215	261	307	384	432
Sioux	215	261	307	384	432
Thayer	232	282	332	414	466
Thurston	235	286	336	421	472
Wayne	254	309	365	454	511
Wheeler	215	261	307	384	432

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Dawes	215	261	307	384	432
Deuel	215	261	307	384	432
Dodge	235	286	336	421	472
Fillmore	232	282	332	414	466
Frontier	222	270	317	397	444
Gage	257	311	367	459	514
Garfield	215	261	307	384	432
Grant	222	270	317	397	444
Hall	262	319	375	470	525
Harlan	262	319	375	470	525
Hitchcock	222	270	317	397	444
Hooker	222	270	317	397	444
Jefferson	232	282	332	414	466
Kearney	262	319	375	470	525
Keya Paha	219	269	315	393	438
Knox	254	309	365	454	511
Logan	222	270	317	397	444
Mcpherson	222	270	317	397	444
Merrick	262	319	375	470	525
Nance	235	286	336	421	472
Nuckolls	262	319	375	470	525
Pawnee	232	282	332	414	466
Phelps	262	319	375	470	525
Platte	235	286	336	421	472
Red Willow	222	270	317	397	444
Rock	219	269	315	393	438
Saunders	232	282	332	414	466
Seward	232	282	332	414	466
Sherman	215	261	307	384	432
Stanton	254	309	365	454	511
Thomas	222	270	317	397	444
Valley	215	261	307	384	432
Webster	262	319	375	470	525
York	232	282	332	414	466

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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NEVADA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Las Vegas, NV MSA	417	506	596	746	836	Clark
Reno, NV MSA	514	624	736	919	1031	Washoe

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Churchill	367	441	519	648	727
Elko	367	441	519	648	727
Eureka	363	441	519	648	727
Lander	367	441	519	648	727
Lyon	367	441	519	648	727
Nye	363	441	519	648	727
Storey	367	441	519	648	727
Carson City	367	441	519	648	727
Douglas	367	441	519	648	727
Esmeralda	363	441	519	648	727
Humboldt	367	441	519	648	727
Lincoln	363	441	519	648	727
Mineral	367	441	519	648	727
Pershing	367	441	519	648	727
White Pine	363	441	519	648	727

NEW HAMPSHIRE

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
Lawrence-Haverhill, MA-NH PMSA	447	544	652	745	829	Rockingham county towns of Atkinson, Brentwood, Danville Derry, East Kingston, Hampstead, Kingston, Newton Plaistow, Salem, Sandown, Seabrook, Windham
Lowell, MA-NH PMSA	430	523	610	739	843	Hillsborough county towns of Pelham
Manchester, NH MSA	398	484	569	711	798	Hillsborough county towns of Bedford, Goffstown Manchester Merrimack county towns of Allenstown, Hooksett Rockingham county towns of Auburn, Candia
Nashua, NH PMSA	449	545	642	804	900	Hillsborough county towns of Amherst, Brookline, Hollis Hudson, Litchfield, Merrimack, Milford, Mont Vernon Nashua, Wilton Rockingham county towns of Londonderry
Portsmouth-Dover-Rochester, NH-ME MSA	413	503	590	738	827	Rockingham county towns of Exeter, Greenland, Hampton New Castle, Newfields, Newington, Newmarket North Hampton, Portsmouth, Rye, Stratham Strafford county towns of Barrington, Dover, Durham Farmington, Lee, Madbury, Milton, Rochester, Rollinsford Somersworth

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Belknap	346	417	486	602	674	
Carroll	342	415	488	610	684	
Cheshire	417	506	595	744	833	
Coos	319	387	456	569	638	
Grafton	355	433	509	635	712	
Hillsborough	452	549	646	807	904	Antrim, Bennington, Deering, Francestown, Greenfield

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

NEW HAMPSHIRE continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Merrimack	452	549	646	807	904	Greenville, Hancock, Hillsborough, Lyndeborough, Mason New Boston, New Ipswich, Peterborough, Sharon, Temple Weare, Windsor Andover, Boscawen, Bow, Bradford, Canterbury, Chichester Concord, Danbury, Dunbarton, Epsom, Franklin, Henniker Hill, Hopkinton, Loudon, Newbury, New London, Northfield Pembroke, Pittsfield, Salisbury, Sutton, Warner, Webster Wilmot
Rockingham	437	531	624	780	863	Chester, Deerfield, Epping, Fremont, Hampton Falls Kensington, Northwood, Nottingham, Raymond South Hampton
Strafford	387	472	556	696	768	Middleton, New Durham, Strafford
Sullivan	346	417	487	607	681	

NEW JERSEY

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Allentown-Bethlehem, PA-NJ MSA	317	385	450	567	632	Warren
Atlantic City, NJ MSA	380	463	543	679	762	Atlantic, Cape May
Bergen-Passaic, NJ PMSA	535	649	770	962	1078	Bergen, Passaic
Jersey City, NJ PMSA	379	461	542	678	759	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	495	602	708	886	992	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ PMSA	446	540	636	795	892	Monmouth, Ocean
Newark, NJ PMSA	444	539	634	793	888	Essex, Morris, Sussex, Union
Philadelphia, PA-NJ PMSA	360	435	511	639	714	Burlington, Camden, Gloucester
Trenton, NJ PMSA	454	551	649	811	908	Mercer
Vineland-Millville-Bridgeton, NJ PMSA	364	442	520	651	729	Cumberland
Wilmington, DE-NJ-MD PMSA	380	455	541	676	804	Salem

NEW MEXICO

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Albuquerque, NM MSA	345	419	492	616	691	Bernalillo
Las Cruces, NM MSA	274	332	391	489	548	Dona Ana
Santa Fe, NM MSA	401	487	575	717	804	Los Alamos, Sante Fe

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

N E W M E X I C O continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Catron	247	300	354	442	495
Cibola	247	300	354	442	495
Curry	255	310	365	457	511
Eddy	295	359	424	529	592
Guadalupe	255	310	365	457	511
Hidalgo	247	300	354	442	495
Lincoln	269	326	384	480	538
Mckinley	343	416	490	614	687
Otero	269	326	384	480	538
Rio Arriba	230	279	328	410	460
Sandoval	290	353	415	519	582
San Miguel	255	310	365	457	511
Socorro	269	326	384	480	538
Torrance	255	310	365	457	511
Valencia	247	300	354	442	495

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Chaves	269	326	384	480	538
Colfax	255	310	365	457	511
De Baca	255	310	365	457	511
Grant	247	300	354	442	495
Harding	255	310	365	457	511
Lea	295	359	424	529	592
Luna	247	300	354	442	495
Mora	255	310	365	457	511
Quay	255	310	365	457	511
Roosevelt	255	310	365	457	511
San Juan	343	416	490	614	687
Sierra	269	326	384	480	538
Taos	275	333	392	490	550
Union	255	310	365	457	511

N E W Y O R K

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Albany-Schenectady-Troy, NY MSA	324	389	459	578	643	Albany, Greene, Montgomery, Rensselaer, Saratoga Schenectady
Binghamton, NY MSA	292	351	415	513	576	Broome, Tioga
Buffalo, NY PMSA	295	359	423	516	577	Erie
Elmira, NY MSA	295	359	423	529	593	Chemung
Glens Falls, NY MSA	305	371	436	545	612	Warren, Washington
Nassau-Suffolk, NY PMSA	527	640	753	942	1053	Nassau, Suffolk
New York, NY PMSA	396	481	566	709	794	Bronx, Kings, New York, Putnam, Queens, Richmond Rockland
Westchester, NY	472	572	674	842	942	Westchester
Niagara Falls, NY PMSA	284	344	406	507	568	Niagara
Orange County, NY PMSA	407	494	581	726	813	Orange
Poughkeepsie, NY MSA	443	538	634	792	888	Dutchess
Rochester, NY MSA	347	425	500	625	696	Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	306	366	429	536	601	Madison, Onondaga, Oswego
Utica-Rome, NY MSA	280	340	400	500	560	Herkimer, Oneida

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

NEW YORK continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allegany	261	312	366	458	514
Cayuga	305	371	436	545	612
Chenango	302	366	431	539	603
Columbia	287	348	411	514	576
Delaware	280	342	402	501	562
Franklin	277	337	395	495	555
Genesee	284	344	406	507	568
Jefferson	311	379	446	556	624
Otsego	280	342	402	501	562
Schoharie	280	342	402	501	562
Seneca	305	371	436	545	612
Sullivan	325	394	464	580	650
Ulster	358	434	512	639	717
Yates	285	346	408	511	570

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Cattaraugus	257	311	366	458	514
Chautauqua	274	333	392	491	549
Clinton	291	347	408	507	557
Cortland	312	380	448	560	627
Essex	278	337	395	495	555
Fulton	248	303	355	446	498
Hamilton	277	337	395	495	555
Lewis	298	362	426	532	597
St Lawrence	284	344	406	507	568
Schuyler	287	348	411	514	576
Steuben	287	348	411	514	576
Tompkins	312	380	448	560	627
Wyoming	285	344	406	507	568

NORTH CAROLINA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Asheville, NC MSA	258	314	370	461	517	Buncombe
Burlington, NC MSA	312	379	446	558	626	Alamance
Charlotte-Gastonia-Rock Hill, NC-SC MSA	288	347	407	508	568	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union
Fayetteville, NC MSA	246	299	353	442	495	Cumberland
Greensboro--Winston-Salem--High Point, NC MSA	269	328	385	483	542	Davidson, Davie, Forsyth, Guilford, Randolph, Stokes Yadkin
Hickory, NC MSA	236	286	337	422	474	Alexander, Burke, Catawba
Jacksonville, NC MSA	244	298	351	439	492	Onslow
Raleigh-Durham, NC MSA	309	376	443	554	620	Durham, Franklin, Orange, Wake
Wilmington, NC MSA	258	314	370	461	517	New Hanover

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alleghany	233	281	329	412	452
Ashe	233	281	329	412	452
Beaufort	258	314	370	461	517
Bladen	249	304	357	447	500
Caldwell	233	282	332	417	465
Carteret	242	295	347	435	488
Chatham	309	376	443	554	620
Chowan	249	299	349	434	483
Cleveland	270	327	385	481	539
Craven	242	295	347	435	488
Dare	249	299	349	434	483

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Anson	235	282	329	413	461
Avery	242	292	343	428	469
Bertie	258	314	370	461	517
Brunswick	234	285	335	420	470
Camden	249	299	349	434	483
Caswell	234	284	334	419	469
Cherokee	201	245	290	363	407
Clay	201	245	290	363	407
Columbus	244	297	350	437	490
Currituck	284	341	391	485	535
Duplin	219	265	312	389	437

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Edgecombe	242	295	347	435	488
Graham	201	245	290	363	407
Greene	226	274	322	404	452
Harnett	226	274	322	404	452
Henderson	254	310	365	456	511
Hoke	219	265	312	389	437
Iredell	234	361	421	485	543
Johnston	239	291	343	428	481
Lee	273	337	390	487	546
Mcdowell	245	298	350	438	490
Madison	254	310	365	456	511
Mitchell	242	292	343	428	470
Moore	235	282	329	413	461
Northampton	242	295	347	435	488
Pasquotank	249	299	349	434	483
Perquimans	249	299	349	434	483
Pitt	258	314	370	461	517
Richmond	235	282	329	413	461
Rockingham	234	284	334	419	469
Sampson	226	274	322	404	452
Stanly	231	281	331	415	463
Swain	201	245	290	363	407
Tyrrell	249	299	349	434	483
Warren	224	272	319	400	448
Watauga	332	400	469	586	644
Wilkes	279	335	393	492	539
Yancey	260	313	368	459	505

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Gates	249	299	349	434	483
Granville	224	272	319	400	448
Halifax	242	295	347	435	488
Haywood	234	285	336	421	472
Hertford	258	314	370	461	517
Hyde	249	299	349	434	483
Jackson	242	295	347	435	486
Jones	242	295	347	435	488
Lenoir	242	295	347	435	488
Macon	254	309	365	456	512
Martin	258	314	370	461	517
Montgomery	235	282	329	413	461
Nash	248	303	356	446	499
Pamlico	242	295	347	435	488
Pender	214	260	353	440	494
Person	224	272	319	400	448
Polk	245	298	350	438	490
Robeson	209	272	302	373	418
Rutherford	245	298	350	438	490
Scotland	209	253	299	373	418
Surry	221	268	315	394	442
Transylvania	254	310	365	456	511
Vance	224	272	319	400	448
Washington	249	299	349	434	483
Wayne	226	274	322	404	452
Wilson	248	303	356	446	499

NORTH DAKOTA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Bismarck, ND MSA	296	360	424	530	595	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA	296	360	423	531	595	Cass
Grand Forks, ND MSA	282	342	404	503	565	Grand Forks

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

NORTH DAKOTA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	250	305	359	450	502
Benson	257	312	367	459	516
Bottineau	250	305	359	450	502
Burke	250	305	359	450	502
Dickey	257	312	367	459	516
Dunn	250	305	359	450	502
Emmons	226	274	323	406	453
Golden Valley	250	305	359	450	502
Griggs	257	312	367	459	516
Kidder	226	274	323	406	453
Logan	257	312	367	459	516
Mcintosh	257	312	367	459	516
Mclean	226	274	323	406	453
Mountrail	250	305	359	450	502
Oliver	226	274	323	406	453
Pierce	250	305	359	450	502
Ransom	233	283	334	417	466
Richland	233	283	334	417	466
Sargent	233	283	334	417	466
Sioux	226	274	323	406	453
Stark	250	305	359	450	502
Stutsman	257	312	367	459	516
Traill	233	283	334	417	466
Ward	250	305	359	450	502
Williams	250	305	359	450	502

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Barnes	257	312	367	459	516
Billings	250	305	359	450	502
Bowman	250	305	359	450	502
Cavalier	257	312	367	459	516
Divide	250	305	359	450	502
Eddy	257	312	367	459	516
Foster	257	312	367	459	516
Grant	226	274	323	406	453
Hettinger	250	305	359	450	502
La Moore	257	312	367	459	516
Mchenry	250	305	359	450	502
Mckenzie	250	305	359	450	502
Mercer	226	274	323	406	453
Nelson	257	312	367	459	516
Pembina	257	312	367	459	516
Ramsey	257	312	367	459	516
Renville	250	305	359	450	502
Rolette	257	312	367	459	516
Sheridan	226	274	323	406	453
Slope	250	305	359	450	502
Steele	233	283	334	417	466
Towner	257	312	367	459	516
Walsh	257	312	367	459	516
Wells	257	312	367	459	516

OHIO

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Akron, OH PMSA	291	353	416	521	583	Portage, Summit
Canton, OH MSA	257	312	367	459	516	Carroll, Stark
Cincinnati, OH-KY-IN PMSA	269	329	388	485	540	Clermont, Hamilton, Warren
Cleveland, OH PMSA	275	335	395	495	555	Cuyahoga, Geauga, Lake, Medina
Columbus, OH MSA	293	352	418	522	587	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway Union
Dayton-Springfield, OH MSA	271	331	385	484	537	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA	302	368	433	541	606	Butler
Huntington-Ashland, WV-KY-OH MSA	286	347	409	512	575	Lawrence
Lima, OH MSA	272	331	389	488	547	Allen, Auglaize
Lorain-Elyria, OH PMSA	285	348	410	513	574	Lorain
Mansfield, OH MSA	246	301	352	442	494	Richland

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

OHIO continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Parkersburg-Marietta, WV-OH MSA	268	325	383	481	537	Washington
Steubenville-Weirton, OH-WV MSA	275	335	392	492	553	Jefferson
Toledo, OH MSA	312	380	448	560	627	Fulton, Lucas, Wood
Wheeling, WV-OH MSA	269	327	386	482	540	Belmont
Youngstown-Warren, OH MSA	272	331	389	488	547	Mahoning, Trumbull

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	244	294	344	428	482
Ashtabula	287	349	412	516	576
Brown	244	294	344	428	482
Clinton	248	303	356	446	498
Coshocton	222	271	320	396	446
Darke	248	303	356	446	498
Erie	281	341	402	501	563
Gallia	268	325	383	481	537
Hancock	264	320	377	470	529
Harrison	247	301	354	444	496
Highland	244	294	344	428	482
Holmes	261	318	374	467	524
Jackson	240	292	343	428	482
Logan	264	320	377	470	529
Meigs	237	287	339	423	475
Monroe	266	323	380	477	533
Morrow	240	292	343	428	482
Noble	266	323	380	477	533
Paulding	278	337	396	496	557
Pike	240	292	343	428	482
Putnam	268	325	383	481	537
Sandusky	281	341	402	501	563
Seneca	247	301	354	444	496
Tuscarawas	261	318	374	467	524
Vinton	268	325	383	481	537
Williams	278	337	396	496	557

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Ashland	269	328	385	483	539
Athens	255	314	370	461	517
Champaign	260	316	373	465	522
Columbiana	255	309	365	456	511
Crawford	247	301	354	444	496
Defiance	278	337	396	496	557
Fayette	248	303	356	446	498
Guernsey	263	319	376	469	527
Hardin	264	320	377	470	529
Henry	278	337	396	496	557
Hocking	237	287	339	423	475
Huron	247	301	354	444	496
Knox	240	292	343	428	482
Marion	240	292	343	428	482
Mercer	248	303	356	446	498
Morgan	266	323	380	477	533
Muskingum	248	301	354	444	496
Ottawa	281	341	402	501	563
Perry	237	287	339	423	475
Preble	270	329	386	485	541
Ross	248	303	356	446	498
Scioto	240	292	343	428	482
Shelby	248	303	356	446	498
Van Wert	268	325	383	481	537
Wayne	269	328	385	483	539
Wyandot	247	301	354	444	496

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

O K L A H O M A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Enid, OK MSA	296	361	425	531	595	Garfield
Fort Smith, AR-OK MSA	246	300	353	442	495	Sequoyah
Lawton, OK MSA	255	310	366	457	512	Comanche
Oklahoma City, OK MSA	322	387	455	558	628	Canadian, Cleveland, Logan, Mcclain, Oklahoma Pottawatomie
Tulsa, OK MSA	323	392	462	577	647	Creek, Osage, Rogers, Tulsa, Wagoner

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	199	244	285	355	395
Atoka	174	213	251	313	350
Beckham	220	267	315	394	442
Bryan	210	255	300	376	421
Carter	210	255	300	376	421
Choctaw	174	213	251	313	350
Coal	174	213	251	313	350
Craig	253	308	362	453	508
Delaware	197	241	282	352	395
Ellis	225	275	324	403	454
Grady	209	254	298	374	419
Greer	220	267	315	394	442
Harper	225	275	324	403	454
Hughes	203	247	290	363	406
Jefferson	209	254	298	374	419
Kay	261	317	374	467	523
Kiowa	220	267	315	394	442
Le Flore	174	213	251	313	350
Love	210	255	300	376	421
Mcintosh	203	247	290	363	406
Marshall	210	255	300	376	421
Murray	210	255	300	376	421
Noble	261	317	374	467	523
Okfuskee	203	247	290	363	406
Ottawa	253	308	362	453	508
Payne	250	303	356	446	500
Pontotoc	210	255	300	376	421
Roger Mills	220	267	315	394	442
Stephens	209	254	298	374	419
Tillman	209	254	298	374	419
Washita	220	267	315	394	442
Woodward	225	275	324	403	454

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alfalfa	225	275	324	403	454
Beaver	225	275	324	403	454
Blaine	225	275	324	403	454
Caddo	209	254	298	374	419
Cherokee	199	244	285	355	395
Cimarron	225	275	324	403	454
Cotton	209	254	298	374	419
Custer	220	267	315	394	442
Dewey	225	275	324	403	454
Garvin	210	255	300	376	421
Grant	261	317	374	467	523
Harmon	220	267	315	394	442
Haskell	174	213	251	313	350
Jackson	220	267	315	394	442
Johnston	210	255	300	376	421
Kingfisher	261	317	374	467	523
Latimer	174	213	251	313	350
Lincoln	250	303	356	446	500
Mccurtain	221	270	318	396	444
Major	225	275	324	403	454
Mayes	262	318	376	469	525
Muskogee	203	247	290	363	406
Nowata	253	308	362	453	508
Okmulgee	203	247	290	363	406
Pawnee	250	303	356	446	500
Pittsburg	174	213	251	313	350
Pushmataha	174	213	251	313	350
Seminole	208	253	298	369	410
Texas	225	275	324	403	454
Washington	253	308	362	453	508
Woods	225	275	324	403	454

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

091288

OREGON

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Eugene-Springfield, OR MSA	363	442	521	651	729	Lane
Medford, OR MSA	361	439	517	646	724	Jackson
Portland, OR PMSA	308	376	468	619	685	Clackamas, Multnomah, Washington, Yamhill
Salem, OR MSA	339	414	487	608	681	Marion, Polk

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Baker	331	402	473	592	663
Clatsop	322	392	461	575	645
Coos	346	420	495	618	693
Curry	346	420	495	618	693
Douglas	346	420	495	618	693
Grant	331	402	473	592	663
Hood River	351	426	501	628	702
Josephine	346	420	495	618	693
Lake	316	384	453	566	634
Linn	337	410	484	604	676
Morrow	331	402	473	592	663
Tillamook	322	392	461	575	645
Union	331	402	473	592	663
Wasco	351	426	501	628	702

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Benton	337	410	484	604	676
Columbia	322	392	461	575	645
Crook	351	426	501	628	702
Deschutes	351	426	501	628	702
Gilliam	331	402	473	592	663
Harney	316	384	453	566	634
Jefferson	351	426	501	628	702
Klamath	316	384	453	566	634
Lincoln	322	392	461	575	645
Malheur	316	384	453	566	634
Sherman	351	426	501	628	702
Umatilla	331	402	473	592	663
Wallowa	331	402	473	592	663
Wheeler	331	402	473	592	663

PENNSYLVANIA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Allentown-Bethlehem, PA-NJ MSA	317	385	450	567	632	Carbon, Lehigh, Northampton
Altoona, PA MSA	282	342	403	503	564	Blair
Beaver County, PA PMSA	291	351	412	517	578	Beaver
Erie, PA MSA	324	394	463	580	650	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	336	403	476	594	665	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA	273	333	391	489	549	Cambria, Somerset
Lancaster, PA MSA	339	412	484	607	679	Lancaster
Philadelphia, PA-NJ PMSA	360	435	511	639	714	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA PMSA	305	371	436	545	611	Allegheny, Fayette, Washington, Westmoreland
Reading, PA MSA	317	386	453	567	635	Berks
Scranton--Wilkes-Barre, PA MSA	257	317	369	455	516	Columbia, Lackawanna, Luzerne, Monroe, Wyoming
Sharon, PA MSA	300	364	430	538	603	Mercer
State College, PA MSA	362	440	519	648	726	Centre
Williamsport, PA MSA	273	333	391	489	549	Lycoming
York, PA MSA	305	371	436	546	612	Adams, York

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

PENNSYLVANIA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Armstrong	315	382	450	563	631
Bradford	261	318	374	468	523
Cameron	265	322	379	474	531
Clearfield	270	328	387	483	541
Crawford	268	324	383	479	537
Forest	258	315	370	462	519
Fulton	254	309	364	455	509
Huntingdon	254	309	364	455	509
Jefferson	270	328	387	483	541
Lawrence	268	324	383	479	537
Mifflin	262	319	382	470	525
Northumberland	282	328	387	483	541
Potter	265	322	379	474	531
Snyder	262	319	375	470	525
Susquehanna	261	318	374	468	523
Union	303	355	437	543	591
Warren	268	324	383	479	537

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bedford	254	309	364	455	509
Butler	313	381	448	561	627
Clarion	258	315	370	462	519
Clinton	265	320	376	470	525
Elk	265	322	379	474	531
Franklin	290	353	414	520	581
Greene	270	328	387	483	541
Indiana	315	382	450	563	631
Juniata	262	319	375	470	525
Mckean	265	322	379	474	531
Montour	270	328	387	483	541
Pike	375	455	535	669	749
Schuylkill	293	344	417	505	550
Sullivan	261	318	374	468	523
Tioga	261	318	374	468	523
Venango	258	315	370	462	519
Wayne	320	388	457	571	640

RHODE ISLAND

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
Fall River, MA-RI PMSA	366	436	524	607	670	Newport county towns of Little Compton, Tiverton
New London-Norwich, CT-RI MSA	405	493	579	724	812	Washington county towns of Hopkinton, Westerly
Pawtucket-Woonsocket-Attleboro, RI-MA PMSA	355	430	506	621	709	Providence county towns of Burrillville, Central Falls Cumberland, Lincoln, North Smithfield, Pawtucket Smithfield, Woonsocket
Providence, RI PMSA	387	470	553	691	774	Bristol county towns of Barrington, Bristol, Warren Kent county towns of Coventry, East Greenwich, Warwick West Warwick Newport county towns of Jamestown Providence county towns of Cranston, East Providence Foster, Glocester, Johnston, North Providence Providence, Scituate Washington county towns of Exeter, Narragansett North Kingstown, Richmond, South Kingstown

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

RHODE ISLAND continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Kent	338	411	484	605	678	West Greenwich
Newport	442	537	632	790	885	Middletown, Newport, Portsmouth
Washington	338	411	484	605	678	Charlestown, New Shoreham

SOUTH CAROLINA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Anderson, SC MSA	234	284	333	419	468	Anderson
Augusta, GA-SC MSA	271	327	382	477	534	Aiken
Charleston, SC MSA	289	352	415	517	580	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA	288	347	407	508	568	York
Columbia, SC MSA	292	356	420	524	586	Lexington, Richland
Florence, SC MSA	237	288	340	425	476	Florence
Greenville-Spartanburg, SC MSA	255	310	366	457	513	Greenville, Pickens, Spartanburg

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Abbeville	206	250	296	366	406
Bamberg	214	261	307	385	431
Beaufort	265	323	381	476	533
Cherokee	206	249	294	368	414
Chesterfield	205	248	292	366	411
Colleton	265	323	381	476	533
Dillon	205	248	292	366	411
Fairfield	201	245	289	361	404
Greenwood	206	250	296	366	406
Horry	248	302	355	444	498
Kershaw	232	281	330	415	464
Laurens	206	250	296	366	406
Mccormick	201	245	289	361	404
Marlboro	205	248	292	366	411
Oconee	253	309	364	455	510
Saluda	201	245	289	361	404
Union	206	249	294	368	414

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allendale	214	261	307	385	431
Barnwell	214	261	307	385	431
Calhoun	220	268	318	389	435
Chester	206	249	294	368	414
Clarendon	232	281	330	415	464
Darlington	205	248	292	366	411
Edgefield	201	245	289	361	404
Georgetown	248	302	355	444	498
Hampton	265	323	381	476	533
Jasper	265	323	381	476	533
Lancaster	221	271	319	394	440
Lee	232	281	330	415	464
Marion	205	248	292	366	411
Newberry	201	245	289	361	404
Orangeburg	214	261	307	385	431
Sumter	232	281	330	415	464
Williamsburg	248	302	355	444	498

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

SOUTH DAKOTA

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Rapid City, SD MSA	270	325	379	470	526	Pennington
Sioux Falls, SD MSA	285	346	407	510	571	Minnehaha

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aurora	243	293	343	429	480
Bennett	220	267	315	394	441
Brookings	238	287	335	417	471
Brule	240	291	343	429	480
Butte	262	319	375	470	526
Charles Mix	240	291	343	429	480
Clay	240	291	343	429	480
Corson	220	267	315	394	441
Davison	243	293	343	429	480
Deuel	215	258	308	382	424
Douglas	240	291	343	429	480
Fall River	262	319	375	470	526
Grant	238	287	335	417	471
Haakon	220	267	315	394	441
Hand	243	293	343	426	474
Harding	262	319	375	470	526
Hutchinson	240	291	343	429	480
Jackson	220	267	315	394	441
Jones	220	267	315	394	441
Lake	209	254	298	374	419
Lincoln	243	293	343	429	480
Mccook	209	254	298	374	419
Marshall	232	284	334	419	469
Mellette	220	267	315	394	441
Moody	209	254	298	374	419
Potter	220	267	315	394	441
Sanborn	243	293	343	429	480
Spink	232	284	334	419	469
Sully	220	267	315	394	441
Tripp	220	267	315	394	441
Union	240	291	343	429	480
Yankton	240	291	343	429	480

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Beadle	243	293	343	426	474
Bon Homme	240	291	343	429	480
Brown	259	314	367	460	514
Buffalo	220	267	315	394	441
Campbell	220	267	315	394	441
Clark	215	258	308	382	424
Codington	238	287	335	417	471
Custer	262	319	375	470	526
Day	232	284	334	419	469
Dewey	220	267	315	394	441
Edmunds	232	284	334	419	469
Faulk	232	284	334	419	469
Gregory	220	267	315	394	441
Hamlin	215	258	308	382	424
Hanson	243	293	343	429	480
Hughes	287	352	411	514	574
Hyde	220	267	315	394	441
Jerauld	243	293	343	429	480
Kingsbury	209	254	298	374	419
Lawrence	268	319	375	470	526
Lyman	220	267	315	394	441
Mcpherson	232	284	334	419	469
Meade	270	325	379	470	526
Miner	209	254	298	374	419
Perkins	220	267	315	394	441
Roberts	232	284	334	419	469
Shannon	220	267	315	394	441
Stanley	287	352	411	514	574
Todd	220	267	315	394	441
Turner	243	293	343	429	480
Walworth	220	267	315	394	441
Ziebach	220	267	315	394	441

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

TENNESSEE

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Chattanooga, TN-GA MSA	289	351	413	517	580	Hamilton, Marion, Sequatchie
Clarksville-Hopkinsville, TN-KY MSA	267	336	421	511	567	Montgomery
Jackson, TN MSA	262	315	374	466	525	Madison
Johnson City-Kingsport-Bristol, TN-VA MSA	242	294	346	433	485	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA	266	325	381	477	534	Anderson, Blount, Grainger, Jefferson, Knox, Sevier Union
Memphis, TN-AR-MS MSA	285	345	405	505	565	Shelby, Tipton
Nashville, TN MSA	316	386	454	566	636	Cheatham, Davidson, Dickson, Robertson, Rutherford Sumner, Williamson, Wilson

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bedford	227	286	325	404	454
Bledsoe	237	289	340	425	476
Campbell	193	235	279	347	386
Carroll	214	260	306	384	429
Claiborne	193	235	279	347	386
Cocke	216	262	307	386	432
Crockett	218	264	310	390	436
Decatur	233	285	335	419	469
Dyer	218	264	310	390	436
Fentress	214	262	309	386	433
Gibson	218	264	310	390	436
Greene	212	258	302	378	425
Hamblen	224	272	322	401	450
Hardeman	233	285	335	419	469
Haywood	223	280	320	400	448
Henry	214	260	306	384	429
Houston	197	239	282	352	394
Jackson	185	228	270	338	375
Lake	218	264	310	390	436
Lawrence	227	286	325	404	454
Lincoln	257	309	364	456	509
Mcminn	237	289	340	425	476
Macon	214	262	309	386	433
Maury	227	286	325	404	454
Monroe	227	280	327	409	458
Morgan	193	235	279	347	386
Overton	214	262	309	386	433
Pickett	214	262	309	386	433
Putnam	220	267	314	394	440
Roane	227	280	327	409	458

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Benton	214	260	306	384	429
Bradley	237	289	340	425	476
Cannon	214	262	309	386	433
Chester	233	285	335	419	469
Clay	185	228	270	338	375
Coffee	227	286	325	404	454
Cumberland	214	262	309	386	433
De Kalb	214	262	309	386	433
Fayette	223	272	320	400	448
Franklin	257	309	364	456	509
Giles	227	286	325	404	454
Grundy	237	289	340	425	476
Hancock	212	258	302	378	425
Hardin	233	285	335	419	469
Henderson	233	285	335	419	469
Hickman	227	286	325	404	454
Humphreys	197	239	282	352	394
Johnson	206	251	295	369	413
Lauderdale	223	280	320	400	448
Lewis	225	274	324	404	454
Loudon	227	280	327	409	458
Mcnairy	233	285	335	419	469
Marshall	227	286	325	404	454
Meigs	237	289	340	425	476
Moore	227	286	325	404	454
Obion	221	272	310	392	436
Perry	225	274	324	404	454
Polk	237	289	340	425	476
Rhea	237	289	340	425	476
Scott	193	235	279	347	386

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1 15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

TENNESSEE continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Smith	214	262	309	386	433
Trousdale	214	262	309	386	433
Warren	220	267	314	394	440
Weakley	214	260	306	384	429
Stewart	197	239	282	352	394
Van Buren	220	267	314	394	440
Wayne	225	274	324	404	454
White	220	267	314	394	440

TEXAS

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Abilene, TX MSA	288	351	413	517	580	Taylor
Amarillo, TX MSA	266	323	381	475	532	Potter, Randall
Austin, TX MSA	341	409	482	603	675	Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	306	371	437	547	612	Hardin, Jefferson, Orange
Brazoria, TX PMSA	305	370	436	545	610	Brazoria
Brownsville-Harlingen, TX MSA	271	329	387	484	543	Cameron
Bryan-College Station, TX MSA	359	437	513	642	720	Brazos
Corpus Christi, TX MSA	313	380	447	560	627	Nueces, San Patricio
Dallas, TX PMSA	292	359	421	528	590	Collin, Dallas, Denton, Ellis, Kaufman, Rockwall
El Paso, TX MSA	268	324	382	477	535	El Paso
Fort Worth-Arlington, TX PMSA	292	359	421	528	590	Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA	284	346	407	509	570	Galveston
Houston, TX PMSA	272	330	388	486	544	Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA	264	320	377	471	528	Bell, Coryell
Laredo, TX MSA	249	304	356	446	501	Webb
Longview-Marshall, TX MSA	302	366	431	537	603	Gregg, Harrison
Lubbock, TX MSA	224	281	368	467	515	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	270	328	385	482	541	Hidalgo
Midland, TX MSA	346	421	495	620	694	Midland
Odessa, TX MSA	344	419	492	615	689	Ector
San Angelo, TX MSA	290	353	416	521	584	Tom Green
San Antonio, TX MSA	295	354	420	527	586	Bexar, Comal, Guadalupe
Sherman-Denison, TX MSA	265	321	379	473	530	Grayson
Texarkana, TX-Texarkana, AR MSA	244	296	349	437	489	Bowie
Tyler, TX MSA	305	370	436	545	610	Smith
Victoria, TX MSA	372	451	531	666	745	Victoria
Waco, TX MSA	252	302	354	440	490	Mclennan
Wichita Falls, TX MSA	274	333	393	490	550	Wichita

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

T E X A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Anderson	231	280	330	412	463
Angelina	269	325	384	480	537
Archer	221	270	317	397	444
Atascosa	237	288	341	427	476
Bailey	223	273	322	399	445
Bastrop	235	285	336	422	472
Bee	255	311	366	456	512
Borden	217	266	312	390	437
Brewster	198	240	281	352	396
Brooks	255	311	366	456	512
Burleson	237	287	339	424	474
Caldwell	235	285	336	422	472
Callahan	229	278	326	408	459
Carson	241	291	344	431	482
Castro	241	291	344	431	482
Cherokee	231	280	330	412	463
Clay	221	270	317	397	444
Coke	207	252	296	371	414
Collingsworth	241	291	344	431	482
Comanche	229	278	326	408	459
Cooke	254	309	364	454	510
Crane	198	240	281	352	396
Crosby	223	273	322	399	445
Dallam	241	291	344	431	482
Deaf Smith	241	291	344	431	482
De Witt	249	304	356	446	501
Dimmit	214	262	308	384	431
Duval	255	311	366	456	512
Edwards	220	270	316	389	433
Falls	203	247	289	364	406
Fayette	235	285	336	422	472
Floyd	223	273	322	399	445
Franklin	244	296	348	437	488
Frio	237	288	341	427	476
Garza	223	273	322	399	445
Glasscock	217	266	312	390	437
Gonzales	249	304	356	446	501
Grimes	237	287	339	424	474
Hall	241	291	344	431	482
Hansford	241	291	344	431	482

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Andrews	198	240	281	352	396
Aransas	255	311	366	456	512
Armstrong	241	291	344	431	482
Austin	273	331	390	488	547
Bandera	237	288	341	427	476
Baylor	221	270	317	397	444
Blanco	217	266	312	390	438
Bosque	203	247	289	364	406
Briscoe	241	291	344	431	482
Brown	223	273	322	399	445
Burnet	217	266	312	390	438
Calhoun	249	304	356	446	501
Camp	212	257	305	380	427
Cass	244	296	348	437	488
Chambers	282	343	403	505	565
Childress	221	270	317	397	444
Cochran	223	273	322	399	445
Coleman	223	273	322	399	445
Colorado	273	331	390	488	547
Concho	207	252	296	371	414
Cottle	221	270	317	397	444
Crockett	207	252	296	371	414
Culberson	198	240	281	352	396
Dawson	217	266	312	390	437
Delta	244	296	348	437	488
Dickens	223	273	322	399	445
Donley	241	291	344	431	482
Eastland	229	278	326	408	459
Erath	229	278	326	408	459
Fannin	254	309	364	454	510
Fisher	229	278	326	408	459
Foard	221	270	317	397	444
Freestone	203	247	289	364	406
Gaines	198	240	281	352	396
Gillespie	237	288	341	427	476
Goliad	249	304	356	446	501
Gray	241	291	344	431	482
Hale	223	273	322	399	445
Hamilton	217	266	312	390	438
Hardeman	221	270	317	397	444

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

T E X A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Hartley	241	291	344	431	482
Hemphill	241	291	344	431	482
Hill	252	303	354	444	497
Hood	273	331	390	488	547
Houston	240	290	343	430	481
Hudspeth	198	240	281	352	396
Hutchinson	241	291	344	431	482
Jack	221	270	317	397	444
Jasper	255	311	366	456	512
Jim Hogg	243	293	347	435	486
Jones	229	278	326	408	459
Kendall	237	288	341	427	476
Kent	229	278	326	408	459
Kimble	207	252	296	371	414
Kinney	220	270	316	389	433
Knox	223	273	322	399	445
Lamb	223	273	322	399	445
La Salle	214	262	308	384	431
Lee	235	285	336	422	472
Limestone	203	247	289	364	406
Live Oak	255	311	366	456	512
Loving	198	240	281	352	396
Mcculloch	223	273	322	399	445
Madison	245	296	349	437	489
Martin	217	266	312	390	437
Matagorda	273	331	390	488	547
Medina	237	288	341	427	476
Milam	235	285	336	422	472
Mitchell	229	278	326	408	459
Moore	241	291	344	431	482
Motley	223	273	322	399	445
Navarro	203	247	289	364	406
Nolan	229	278	326	408	459
Oldham	241	291	344	431	482
Panola	231	280	330	412	463
Pecos	198	240	281	352	396
Presidio	198	240	281	352	396
Reagan	207	252	296	371	414
Red River	244	296	348	437	488
Refugio	255	311	366	456	512

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Haskell	229	278	326	408	459
Henderson	231	280	330	412	463
Hockley	223	273	322	399	445
Hopkins	244	296	348	437	488
Howard	217	266	312	390	437
Hunt	254	309	364	454	510
Irion	207	252	296	371	414
Jackson	249	304	356	446	501
Jeff Davis	198	240	281	352	396
Jim Wells	255	311	366	456	512
Karnes	195	237	279	349	391
Kenedy	255	311	366	456	512
Kerr	237	288	341	427	476
King	223	273	322	399	445
Kleberg	255	311	366	456	512
Lamar	244	296	348	437	488
Lampasas	217	266	312	390	438
Lavaca	249	304	356	446	501
Leon	245	296	349	437	489
Lipscomb	241	291	344	431	482
Llano	217	266	312	390	438
Lynn	223	273	322	399	445
Mcmullen	255	311	366	456	512
Marion	212	257	305	380	427
Mason	207	252	296	371	414
Maverick	220	270	316	389	433
Menard	207	252	296	371	414
Mills	223	273	322	399	445
Montague	221	270	317	397	444
Morris	244	296	348	437	488
Nacogdoches	269	325	384	480	537
Newton	255	311	366	456	512
Ochiltree	241	291	344	431	482
Palo Pinto	229	278	326	408	459
Parmer	241	291	344	431	482
Polk	269	325	384	480	537
Rains	219	269	314	388	429
Real	220	270	316	389	433
Reeves	198	240	281	352	396
Roberts	241	291	344	431	482

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

T E X A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Robertson	237	287	339	424	474
Rusk	231	280	330	412	463
San Augustine	211	257	304	380	425
San Saba	223	273	322	399	445
Scurry	229	278	326	408	459
Shelby	211	257	304	380	425
Somervell	203	247	289	364	406
Stephens	229	278	326	408	459
Stonewall	229	278	326	408	459
Swisher	241	291	344	431	482
Terry	223	273	322	399	445
Titus	244	296	348	437	488
Tyler	245	296	349	437	489
Upton	217	266	312	390	437
Val Verde	220	270	316	389	433
Walker	278	339	399	500	559
Washington	245	296	349	437	489
Wheeler	241	291	344	431	482
Willacy	255	311	366	456	512
Winkler	198	240	281	352	396
Wood	212	257	305	380	427
Young	221	270	317	397	444
Zavala	220	270	316	389	433

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Runnels	223	273	322	399	445
Sabine	211	257	304	380	425
San Jacinto	269	325	384	480	537
Schleicher	207	252	296	371	414
Shackleford	229	278	326	408	459
Sherman	241	291	344	431	482
Starr	211	256	303	377	423
Sterling	207	252	296	371	414
Sutton	207	252	296	371	414
Terrell	198	240	281	352	396
Throckmorton	229	278	326	408	459
Trinity	245	308	363	452	508
Upshur	212	257	305	380	427
Uvalde	220	270	316	389	433
Van Zandt	219	269	314	388	429
Ward	198	240	281	352	396
Wharton	273	331	390	488	547
Wilbarger	221	270	317	397	444
Wilson	195	237	279	349	391
Wise	273	331	390	488	547
Yoakum	223	273	322	399	445
Zapata	211	256	303	377	423

U T A H

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Provo-Orem, UT MSA	282	343	402	503	565	Utah
Salt Lake City-Ogden, UT MSA	325	390	460	575	645	Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Beaver	308	375	442	551	617
Cache	284	345	407	508	570
Daggett	352	427	502	629	704
Emery	352	427	502	629	704
Grand	352	427	502	629	704
Juab	308	375	442	551	617
Millard	308	375	442	551	617
Piute	308	375	442	551	617
San Juan	352	427	502	629	704

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Box Elder	284	345	407	508	570
Carbon	352	427	502	629	704
Duchesne	352	427	502	629	704
Garfield	308	375	442	551	617
Iron	308	375	442	551	617
Kane	308	375	442	551	617
Morgan	352	427	502	629	704
Rich	284	345	407	508	570
Sanpete	308	375	442	551	617

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

U T A H continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Sevier	308	375	442	551	617
Tooele	284	345	407	508	570
Wasatch	352	427	502	629	704
Wayne	308	375	442	551	617
Summit	352	427	502	629	704
Uintah	352	427	502	629	704
Washington	337	405	478	596	670

V E R M O N T

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of MSA/PMSA within STATE
Burlington, VT MSA	405	493	579	724	812	Chittenden county towns of Burlington, Charlotte Colchester, Essex, Hinesburg, Jericho, Milton, Richmond St. George, Shelburne, South Burlington, Williston Winooski Franklin county towns of Georgia Grand Isle county towns of Grand Isle, South Hero

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Addison	325	394	464	579	649	
Bennington	330	405	475	592	667	
Caledonia	277	335	395	494	554	
Chittenden	375	457	538	673	754	Bolton, Buels, Huntington, Underhill, Westford
Essex	277	335	395	494	554	
Franklin	309	375	441	551	617	Bakersfield, Berkshire, Enosburg, Fairfax, Fairfield Fletcher, Franklin, Highgate, Montgomery, Richford St. Albans, St. Albans, Sheldon, Swanton
Grand Isle	277	335	395	494	554	Alburg, Isle La Motte, North Hero
Lamoille	334	406	477	597	668	
Orange	330	401	472	590	661	
Orleans	277	335	395	494	554	
Rutland	359	436	512	640	717	
Washington	330	405	475	592	667	
Windham	347	422	496	620	695	
Windsor	355	431	507	634	710	

V I R G I N I A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Charlottesville, VA MSA	335	408	479	600	671	Albemarle, Fluvanna, Greene, Charlottesville
Danville, VA MSA	257	311	366	458	513	Pittsylvania, Danville
Johnson City-Kingsport-Bristol, TN-VA MSA	242	294	346	433	485	Scott, Washington, Bristol
Lynchburg, VA MSA	276	343	395	482	553	Amherst, Campbell, Lynchburg
Norfolk-Virginia Beach-Newport News, VA MSA	335	405	475	595	665	Gloucester, James City, York, Chesapeake, Hampton Newport News City, Norfolk, Poquoson, Portsmouth, Suffolk

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

V I R G I N I A continued

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Richmond-Petersburg, VA MSA	306	368	430	539	604	Virginia Beach, Williamsburg City Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights, Hopewell, Petersburg, Richmond
Roanoke, VA MSA	269	327	384	481	539	Botetourt, Roanoke, Roanoke, Salem
Washington, DC-MD-VA MSA	470	570	671	838	939	Arlington, Fairfax, Loudoun, Prince William, Stafford Alexandria, Fairfax, Falls Church City, Manassas Manassas Park City

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Accomack	254	305	355	438	490
Amelia	222	269	316	397	445
Augusta	268	326	383	479	537
Bedford	231	281	332	414	464
Brunswick	210	255	299	375	420
Buckingham	222	269	316	397	445
Carroll	226	274	323	405	453
Clarke	269	327	384	481	539
Culpeper	279	339	400	499	559
Dickenson	239	278	329	411	460
Fauquier	279	339	400	499	559
Franklin	231	281	332	414	464
Giles	267	325	381	477	534
Greensville	210	255	299	375	420
Henry	269	327	384	480	538
Isle Of Wight	217	264	306	383	420
King George	316	385	453	565	635
Lancaster	243	297	350	437	490
Louisa	283	342	400	499	559
Madison	283	342	400	499	559
Mecklenburg	210	255	299	375	420
Montgomery	326	395	464	583	651
Northampton	254	305	355	438	490
Nottoway	222	269	316	397	445
Page	269	327	384	481	539
Prince Edward	222	269	316	397	445
Rappahannock	279	339	400	499	559
Rockbridge	268	326	383	479	537
Russell	257	311	366	458	514
Smyth	226	274	323	405	453
Spotsylvania	316	385	453	565	635

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alleghany	268	326	383	479	537
Appomattox	271	326	381	477	534
Bath	268	326	383	479	537
Bland	226	274	323	405	453
Buchanan	257	311	366	458	514
Caroline	316	385	453	565	635
Charlotte	222	269	316	397	445
Craig	210	255	299	374	419
Cumberland	222	269	316	397	445
Essex	243	297	350	437	490
Floyd	267	325	381	477	534
Frederick	269	327	384	481	539
Grayson	226	274	323	405	453
Halifax	222	269	316	397	445
Highland	268	326	383	479	537
King And Queen	243	297	350	437	490
King William	243	297	350	437	490
Lee	229	278	329	411	460
Lunenburg	222	269	316	397	445
Mathews	243	297	350	437	490
Middlesex	243	297	350	437	490
Nelson	235	285	336	420	471
Northumberland	243	297	350	437	490
Orange	283	342	400	499	559
Patrick	231	281	332	414	464
Pulaski	267	325	381	477	534
Richmond	243	297	350	437	490
Rockingham	268	326	383	479	537
Shenandoah	269	327	384	481	539
Southampton	217	264	306	383	420
Surry	217	264	306	383	420

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

V I R G I N I A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Sussex	210	255	299	375	420
Warren	269	327	384	481	539
Wise	259	312	368	460	516
Bedford	231	281	332	414	464
Clifton Forge City	268	326	383	479	537
Emporia	210	255	299	375	420
Fredericksburg	316	385	453	565	635
Harrisonburg City	268	326	383	479	537
Martinsville City	269	327	384	480	538
Radford	326	395	464	583	651
Staunton	268	326	383	479	537
Winchester	269	327	384	481	539

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Tazewell	257	311	366	458	514
Westmoreland	243	297	350	437	490
Wythe	245	298	346	428	478
Buena Vista	268	326	383	479	537
Covington	268	326	383	479	537
Franklin	210	255	299	375	420
Galax	226	274	323	405	453
Lexington	268	326	383	479	537
Norton	258	311	367	459	515
South Boston City	222	269	316	397	445
Waynesboro	268	326	383	479	537

W A S H I N G T O N

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Bellingham, WA MSA	342	418	491	627	690	Whatcom
Bremerton, WA MSA	345	420	493	616	692	Kitsap
Olympia, WA MSA	357	433	510	638	715	Thurston
Richland-Kennewick-Pasco, WA MSA	402	490	576	721	807	Benton, Franklin
Seattle, WA PMSA	339	412	481	622	685	King, Snohomish
Spokane, WA MSA	301	357	421	538	595	Spokane
Tacoma, WA PMSA	292	355	417	543	606	Pierce
Vancouver, WA PMSA	264	321	420	555	615	Clark
Yakima, WA MSA	314	381	448	561	629	Yakima

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	256	311	364	457	512
Chelan	309	374	442	551	618
Columbia	331	401	473	591	663
Douglas	309	374	442	551	618
Garfield	331	401	473	591	663
Grays Harbor	333	404	476	595	668
Jefferson	333	404	476	595	668
Klickitat	310	376	442	554	622
Lincoln	256	311	364	457	512
Okanogan	282	341	403	505	565
Pend Oreille	256	311	364	457	512
Skagit	339	414	486	608	680
Stevens	256	311	364	457	512

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Asotin	331	401	473	591	663
Clallam	333	404	476	595	668
Cowlitz	310	376	442	554	622
Ferry	256	311	364	457	512
Grant	256	311	364	457	512
Island	339	414	486	608	680
Kittitas	282	341	403	505	565
Lewis	310	376	442	554	622
Mason	333	404	476	595	668
Pacific	333	404	476	595	668
San Juan	339	414	486	608	680
Skamania	310	376	442	554	622
Wahkiakum	310	376	442	554	622

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

W A S H I N G T O N continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Walla Walla	331	401	473	591	663
Whitman	331	401	473	591	663

W E S T V I R G I N I A

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Charleston, WV MSA	347	421	496	620	695	Kanawha, Putnam
Cumberland, MD-WV MSA	262	312	365	451	504	Mineral
Huntington-Ashland, WV-KY-OH MSA	286	347	409	512	575	Cabell, Wayne
Parkersburg-Marietta, WV-OH MSA	268	325	383	481	537	Wood
Steubenville-Weirton, OH-WV MSA	275	335	392	492	553	Brooke, Hancock
Wheeling, WV-OH MSA	269	327	386	482	540	Marshall, Ohio

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Barbour	249	302	356	446	498
Boone	248	300	354	442	495
Calhoun	288	337	391	508	560
Doddridge	242	296	349	435	488
Gilmer	265	318	386	478	526
Greenbrier	228	277	327	408	458
Hardy	238	291	342	428	479
Jackson	288	337	391	508	560
Lewis	249	302	356	446	498
Logan	239	291	342	428	479
Marion	294	357	420	526	588
Mercer	234	286	337	421	472
Monongalia	294	357	420	526	588
Morgan	238	291	342	428	479
Pendleton	238	291	342	428	479
Pocahontas	228	277	327	408	458
Raleigh	239	288	332	414	465
Ritchie	211	256	300	374	420
Summers	239	288	337	421	472
Tucker	249	302	356	446	498
Upshur	249	302	356	446	498
Wetzel	252	305	360	450	504
Wyoming	239	288	332	414	465

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Berkeley	238	291	342	428	479
Braxton	218	265	311	391	437
Clay	248	300	354	442	495
Fayette	228	277	327	408	458
Grant	238	291	342	428	479
Hampshire	238	291	342	428	479
Harrison	288	337	391	508	560
Jefferson	238	291	342	428	479
Lincoln	239	291	342	428	479
Mcdowell	231	282	331	414	465
Mason	239	291	342	428	479
Mingo	239	291	342	428	479
Monroe	239	288	337	421	472
Nicholas	228	277	327	408	458
Pleasants	211	256	300	374	420
Preston	294	357	420	526	588
Randolph	249	302	356	446	498
Roane	288	337	391	508	560
Taylor	242	296	349	435	488
Tyler	211	256	300	374	420
Webster	228	277	327	408	458
Wirt	211	256	300	374	420

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

W I S C O N S I N

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Appleton-Oshkosh-Neenah, WI MSA	268	326	385	481	538	Calumet, Outagamie, Winnebago
Duluth, MN-WI MSA	296	352	415	520	583	Douglas
Eau Claire, WI MSA	265	324	382	476	534	Chippewa, Eau Claire
Green Bay, WI MSA	268	326	387	481	538	Brown
Janesville-Beloit, WI MSA	296	361	425	531	595	Rock
Kenosha, WI PMSA	322	393	461	578	646	Kenosha
La Crosse, WI MSA	317	385	453	566	634	La Crosse
Madison, WI MSA	317	387	461	559	644	Dane
Milwaukee, WI PMSA	320	385	455	570	635	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul, MN-WI MSA	367	445	528	660	737	St Croix
Racine, WI PMSA	301	366	431	539	604	Racine
Sheboygan, WI MSA	275	333	393	491	551	Sheboygan
Wausau, WI MSA	268	326	385	481	538	Marathon

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	274	331	391	489	549
Barron	260	317	372	466	523
Buffalo	247	299	354	441	496
Clark	260	317	372	466	523
Crawford	235	287	336	422	472
Door	246	296	349	430	481
Florence	235	287	336	422	472
Forest	255	310	364	457	510
Green	255	310	362	450	499
Iowa	246	298	352	439	493
Jackson	247	299	354	441	496
Juneau	274	331	391	489	549
Lafayette	246	298	352	439	493
Lincoln	255	310	364	457	510
Marinette	240	289	338	424	472
Menominee	240	292	344	430	482
Oconto	235	287	336	422	472
Pepin	247	299	354	441	496
Polk	260	317	372	466	523
Price	240	292	344	430	482
Rusk	240	292	344	430	482
Sawyer	240	292	344	430	482
Taylor	240	292	344	430	482
Vernon	235	287	336	422	472
Walworth	286	347	408	510	573

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Ashland	240	292	344	430	482
Bayfield	240	292	344	430	482
Burnett	240	292	344	430	482
Columbia	250	302	357	446	500
Dodge	250	302	357	446	500
Dunn	260	317	372	466	523
Fond Du Lac	294	355	403	502	549
Grant	246	298	352	439	493
Green Lake	268	326	385	481	538
Iron	240	292	344	430	482
Jefferson	286	347	408	510	573
Kewaunee	246	296	349	430	481
Langlade	255	310	364	457	510
Manitowoc	246	296	349	430	481
Marquette	240	292	344	430	482
Monroe	247	299	354	441	496
Oneida	255	310	364	457	510
Pierce	247	299	354	441	496
Portage	274	331	391	489	549
Richland	246	298	352	439	493
Sauk	273	332	391	488	547
Shawano	240	292	344	430	482
Trempealeau	247	299	354	441	496
Vilas	255	310	364	457	510
Washburn	240	292	344	430	482

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

W I S C O N S I N continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Waupaca	240	292	344	430	482
Wood	274	331	391	489	549
Waushara	240	292	344	430	482

W Y O M I N G

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Casper, WY MSA	394	480	563	705	790	Natrona
Cheyenne, WY MSA	326	394	467	586	654	Laramie

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Albany	252	310	366	457	507
Campbell	252	310	366	457	507
Converse	252	310	366	457	507
Fremont	252	310	366	457	507
Hot Springs	259	315	372	462	518
Lincoln	252	310	366	457	507
Park	259	315	372	462	518
Sheridan	349	427	502	626	705
Sweetwater	252	310	366	457	507
Uinta	252	310	366	457	507
Weston	259	315	372	462	518
Big Horn	259	315	372	462	518
Carbon	252	310	366	457	507
Crook	252	315	372	462	518
Goshen	252	310	366	457	507
Johnson	252	310	366	457	507
Niobrara	252	310	366	457	507
Platte	252	310	366	457	507
Sublette	252	310	366	457	507
Teton	332	399	472	592	665
Washakie	259	315	372	462	518

G U A M

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Guam	411	494	584	730	821

P U E R T O R I C O

METROPOLITAN STATISTICAL AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of MSA/PMSA within STATE
Aguadilla, PR MSA	225	275	325	405	455	Aguada, Aguadilla, Isabela, Moca
Arecibo, PR MSA	330	400	470	590	660	Arecibo, Camuy, Hatillo, Quebradillas
Caguas, PR PMSA	275	330	390	490	545	Caguas, Cayey, Cidra, Gurabo, San Lorenzo
Mayaguez, PR MSA	225	275	325	405	455	Anasco, Cabo Rojo, Hormigueros, Mayaguez, San German
Ponce, PR MSA	320	390	460	575	645	Juana Diaz, Ponce
San Juan, PR PMSA	320	390	460	575	645	Bayamon, Barceloneta, Canovanas, Carolina, Catano Corozal, Dorado, Fajardo, Florida, Guaynabo, Humacao Juncos, Las Piedras, Loiza, Luquillo, Manati, Naranjito Rio Grande, San Juan, Toa Alta, Toa Baja, Trujillo Alto Vega Alta, Vega Baja

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 091288

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

PUERTO RICO continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adjuntas	215	265	310	390	435
Aibonito	215	265	310	390	435
Barranquitas	215	265	310	390	435
Ciales	215	265	310	390	435
Comerio	215	265	310	390	435
Guanica	215	265	310	390	435
Guayanilla	215	265	310	390	435
Lajas	215	265	310	390	435
Las Marias	215	265	310	390	435
Maunabo	215	265	310	390	435
Naguabo	215	265	310	390	435
Patillas	215	265	310	390	435
Rincon	215	265	310	390	435
Salinas	215	265	310	390	435
Santa Isabel	215	265	310	390	435
Vieques	215	265	310	390	435
Yabucoa	215	265	310	390	435

VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Charlotte Amalie	420	510	600	750	840
St. Thomas	420	510	600	750	840

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aguas Buenas	215	265	310	390	435
Arroyo	215	265	310	390	435
Ceiba	215	265	310	390	435
Coamo	215	265	310	390	435
Culebra	215	265	310	390	435
Guayama	215	265	310	390	435
Jayuya	215	265	310	390	435
Lares	215	265	310	390	435
Maricao	215	265	310	390	435
Morovis	215	265	310	390	435
Orocovis	215	265	310	390	435
Penuelas	215	265	310	390	435
Sabana Grande	215	265	310	390	435
San Sebastian	215	265	310	390	435
Utuado	215	265	310	390	435
Villalba	215	265	310	390	435
Yauco	215	265	310	390	435

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
St. Croix	375	455	535	669	749

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 55

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: ALABAMA	67	77
MSA: Anniston, AL	70	78
MSA: Birmingham, AL	99	109
MSA: Columbus, GA-AL	90	99
MSA: Dothan, AL	65	74
MSA: Florence, AL	78	84
MSA: Gadsden, AL	70	78
MSA: Huntsville, AL	99	109
MSA: Mobile, AL	79	85
MSA: Montgomery, AL	79	84
MSA: Tuscaloosa, AL	92	105
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
NON METRO STATE: ALASKA	173	173
MSA: Anchorage, AK	192	192
EXCEPTION COUNTY: KETCHIKAN	173	183
NON METRO STATE: ARIZONA	96	122
MSA: Phoenix, AZ	134	159
MSA: Tucson, AZ	96	134
NON METRO STATE: ARKANSAS	38	42
MSA: Fayetteville-Springdale, AR	62	66
MSA: Fort Smith, AR-OK	35	38
MSA: Little Rock-North Little Rock, AR	53	55
MSA: Memphis, TN-AR-MS	91	91
MSA: Pine Bluff, AR	28	30
MSA: Texarkana, TX-Texarkana, AR	108	121
EXCEPTION COUNTY: BENTON	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NON METRO STATE: CALIFORNIA	150	197
PMSA: Anaheim-Santa Ana, CA	357	357
MSA: Bakersfield, CA	141	215
MSA: Chico, CA	150	197
MSA: Fresno, CA	215	242
PMSA: Los Angeles-Long Beach, CA	174	291
MSA: Merced, CA	150	197
MSA: Modesto, CA	224	242
PMSA: Oakland, CA	246	321

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B 091288

SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: Oxnard-Ventura, CA	223	336
MSA: Redding, CA	150	197
PMSA: Riverside-San Bernardino, CA	147	242
MSA: Sacramento, CA	173	206
MSA: Salinas-Seaside-Monterey, CA	215	270
MSA: San Diego, CA	259	283
PMSA: San Francisco, CA	263	343
PMSA: San Jose, CA	313	365
MSA: Santa Barbara-Santa Maria-Lompoc, CA	177	270
PMSA: Santa Cruz, CA	229	286
PMSA: Santa Rosa-Petaluma, CA	229	275
MSA: Stockton, CA	224	242
PMSA: Vallejo-Fairfield-Napa, CA	238	272
MSA: Visalia-Tulare-Porterville, CA	150	197
MSA: Yuba City, CA	150	197
EXCEPTION COUNTY: SAN LUIS OBI	205	242
NON METRO STATE: COLORADO	N/A	N/A
PMSA: Boulder-Longmont, CO	222	243
MSA: Colorado Springs, CO	141	159
PMSA: Denver, CO	253	273
MSA: Fort Collins-Loveland, CO	134	150
MSA: Greeley, CO	134	150
MSA: Pueblo, CO	134	150
EXCEPTION COUNTY: ALAMOSA	112	134
EXCEPTION COUNTY: ARCHULETA	134	150
EXCEPTION COUNTY: BACA	112	134
EXCEPTION COUNTY: BENT	112	134
EXCEPTION COUNTY: CHAFFEE	134	150
EXCEPTION COUNTY: CHEYENNE	112	134
EXCEPTION COUNTY: CLEAR CREEK	134	150
EXCEPTION COUNTY: CONEJOS	112	134
EXCEPTION COUNTY: COSTILLA	112	134
EXCEPTION COUNTY: CROWLEY	112	134
EXCEPTION COUNTY: CUSTER	134	150
EXCEPTION COUNTY: DELTA	134	150
EXCEPTION COUNTY: DELORES	134	150
EXCEPTION COUNTY: EAGLE	216	242
EXCEPTION COUNTY: ELBERT	112	134
EXCEPTION COUNTY: FREMONT	134	150
EXCEPTION COUNTY: GARFIELD	216	242
EXCEPTION COUNTY: GILPIN	164	189
EXCEPTION COUNTY: GRAND	134	150
EXCEPTION COUNTY: GUNNISON	134	150
EXCEPTION COUNTY: HINSDALE	134	150

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: HUERFANO	112	134
EXCEPTION COUNTY: JACKSON	134	150
EXCEPTION COUNTY: KIOWA	112	134
EXCEPTION COUNTY: KIT CARSON	112	134
EXCEPTION COUNTY: LAKE	134	150
EXCEPTION COUNTY: LA PLATA	134	150
EXCEPTION COUNTY: LAS ANIMAS	112	134
EXCEPTION COUNTY: LINCOLN	112	134
EXCEPTION COUNTY: LOGAN	112	134
EXCEPTION COUNTY: MESA	134	150
EXCEPTION COUNTY: MINERAL	112	134
EXCEPTION COUNTY: MOFFAT	216	242
EXCEPTION COUNTY: MONTEZUMA	134	150
EXCEPTION COUNTY: MONTROSE	134	150
EXCEPTION COUNTY: MORGAN	112	134
EXCEPTION COUNTY: OTERO	112	134
EXCEPTION COUNTY: OURAY	134	150
EXCEPTION COUNTY: PARK	134	150
EXCEPTION COUNTY: PHILLIPS	112	134
EXCEPTION COUNTY: PITKIN	216	242
EXCEPTION COUNTY: PROWERS	112	134
EXCEPTION COUNTY: RIO BLANCO	216	242
EXCEPTION COUNTY: RIO GRANDE	112	134
EXCEPTION COUNTY: ROUTT	216	242
EXCEPTION COUNTY: SAGUACHE	112	134
EXCEPTION COUNTY: SAN JUAN	134	150
EXCEPTION COUNTY: SAN MIGUEL	134	150
EXCEPTION COUNTY: SEDGWICK	112	134
EXCEPTION COUNTY: SUMMIT	216	242
EXCEPTION COUNTY: TELLER	112	134
EXCEPTION COUNTY: WASHINGTON	112	134
EXCEPTION COUNTY: YUMA	112	134
NON METRO STATE: CONNECTICUT	143	143
PMSA: Bridgeport-Milford, CT	186	186
PMSA: Bristol, CT	143	143
PMSA: Danbury, CT	142	142
PMSA: Hartford, CT	156	156
PMSA: Middletown, CT	156	156
PMSA: New Britain, CT	156	156
MSA: New Haven-Meriden, CT	140	140
MSA: New London-Norwich, CT-RI	133	133
PMSA: Norwalk, CT	175	175
PMSA: Stamford, CT	175	175
MSA: Waterbury, CT	143	143

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 58

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: DELAWARE	68	68
PMSA: Wilmington, DE-NJ-MD	128	128
NON METRO STATE: DIST. OF COLUMBIA	N/A	N/A
MSA: Washington, DC-MD-VA	172	172
NON METRO STATE: FLORIDA	84	84
MSA: Bradenton, FL	121	121
MSA: Daytona Beach, FL	108	108
PMSA: Fort Lauderdale-Hollywood-Pompano Beach, FL	173	173
MSA: Fort Myers-Cape Coral, FL	113	113
MSA: Fort Pierce, FL	82	82
MSA: Fort Walton Beach, FL	84	84
MSA: Gainesville, FL	84	84
MSA: Jacksonville, FL	78	91
MSA: Lakeland-Winter Haven, FL	84	84
MSA: Melbourne-Titusville-Palm Bay, FL	99	99
PMSA: Miami-Hialeah, FL	137	137
MSA: Naples, FL	84	84
MSA: Ocala, FL	84	84
MSA: Orlando, FL	99	99
MSA: Panama City, FL	84	84
MSA: Pensacola, FL	84	84
MSA: Sarasota, FL	113	113
MSA: Tallahassee, FL	78	78
MSA: Tampa-St. Petersburg-Clearwater, FL	113	113
MSA: West Palm Beach-Boca Raton-Delray Beach, FL	143	143
EXCEPTION COUNTY: BAKER	76	89
EXCEPTION COUNTY: COLUMBIA	84	84
EXCEPTION COUNTY: WAKULLA	76	89
NON METRO STATE: GEORGIA	61	61
MSA: Albany, GA	54	57
MSA: Athens, GA	61	61
MSA: Atlanta, GA	98	105
MSA: Augusta, GA-SC	82	84
MSA: Chattanooga, TN-GA	54	78
MSA: Columbus, GA-AL	90	99
MSA: Macon-Warner Robins, GA	55	60
MSA: Savannah, GA	68	78
EXCEPTION COUNTY: BRYAN	61	64
EXCEPTION COUNTY: TWIGGS	54	59

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: HAWAII	N/A	N/A
MSA: Honolulu, HI	N/A	N/A
NON METRO STATE: IDAHO	112	112
MSA: Boise City, ID	120	140
NON METRO STATE: ILLINOIS	106	114
PMSA: Aurora-Elgin, IL	207	223
MSA: Bloomington-Normal, IL	119	119
MSA: Champaign-Urbana-Rantoul, IL	97	97
PMSA: Chicago, IL	219	234
MSA: Davenport-Rock Island-Moline, IA-IL	131	137
MSA: Decatur, IL	131	131
PMSA: Joliet, IL	219	234
MSA: Kankakee, IL	95	95
PMSA: Lake County, IL	207	223
MSA: Peoria, IL	177	194
MSA: Rockford, IL	174	185
MSA: St. Louis, MO-IL	99	115
MSA: Springfield, IL	114	121
NON METRO STATE: INDIANA	58	76
MSA: Anderson, IN	65	65
MSA: Bloomington, IN	61	61
PMSA: Cincinnati, OH-KY-IN	114	119
MSA: Elkhart-Goshen, IN	84	84
MSA: Evansville, IN-KY	77	82
MSA: Fort Wayne, IN	72	97
PMSA: Gary-Hammond, IN	106	122
MSA: Indianapolis, IN	91	104
MSA: Kokomo, IN	84	96
MSA: Lafayette-West Lafayette, IN	78	115
MSA: Louisville, KY-IN	82	90
MSA: Muncie, IN	62	70
MSA: South Bend-Mishawaka, IN	96	101
MSA: Terre Haute, IN	61	76
EXCEPTION COUNTY: ADAMS	58	76
EXCEPTION COUNTY: BLACKFORD	66	76
EXCEPTION COUNTY: GIBSON	60	76
EXCEPTION COUNTY: GRANT	66	76
EXCEPTION COUNTY: HENRY	66	76
EXCEPTION COUNTY: JAY	66	76

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 60

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: MARSHALL	74	78
EXCEPTION COUNTY: RANDOLPH	66	76
EXCEPTION COUNTY: SULLIVAN	59	71
EXCEPTION COUNTY: VERMILLION	59	71
EXCEPTION COUNTY: WAYNE	66	76
EXCEPTION COUNTY: WELLS	58	76
NON METRO STATE: IOWA	91	98
MSA: Cedar Rapids, IA	104	121
MSA: Davenport-Rock Island-Moline, IA-IL	131	137
MSA: Des Moines, IA	112	119
MSA: Dubuque, IA	104	129
MSA: Iowa City, IA	104	119
MSA: Omaha, NE-IA	98	114
MSA: Sioux City, IA-NE	101	101
MSA: Waterloo-Cedar Falls, IA	104	121
NON METRO STATE: KANSAS	80	91
MSA: Kansas City, MO-KS	97	119
MSA: Lawrence, KS	82	94
MSA: Topeka, KS	80	91
MSA: Wichita, KS	94	100
EXCEPTION COUNTY: JEFFERSON	77	88
EXCEPTION COUNTY: OSAGE	77	88
NON METRO STATE: KENTUCKY	74	81
PMSA: Cincinnati, OH-KY-IN	114	119
MSA: Clarksville-Hopkinsville, TN-KY	78	84
MSA: Evansville, IN-KY	74	80
MSA: Huntington-Ashland, WV-KY-OH	84	84
MSA: Lexington-Fayette, KY	92	106
MSA: Louisville, KY-IN	80	87
MSA: Owensboro, KY	85	102
NON METRO STATE: LOUISIANA	79	92
MSA: Alexandria, LA	78	91
MSA: Baton Rouge, LA	91	108
MSA: Houma-Thibodaux, LA	77	90
MSA: Lafayette, LA	84	99
MSA: Lake Charles, LA	90	106
MSA: Monroe, LA	78	91
MSA: New Orleans, LA	96	111

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B 091288

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Shreveport, LA	84	99
EXCEPTION COUNTY: GRANT	76	89
EXCEPTION COUNTY: WEBSTER	79	92
NON METRO STATE: MAINE	127	146
MSA: Bangor, ME	127	146
MSA: Lewiston-Auburn, ME	97	97
MSA: Portland, ME	158	180
MSA: Portsmouth-Dover-Rochester, NH-ME	127	146
NON METRO STATE: MARYLAND	122	122
MSA: Baltimore, MD	187	187
MSA: Cumberland, MD-WV	122	122
MSA: Hagerstown, MD	154	154
MSA: Washington, DC-MD-VA	172	172
PMSA: Wilmington, DE-NJ-MD	128	128
EXCEPTION COUNTY: ST MARYS	167	167
NON METRO STATE: MASSACHUSETTS	156	156
PMSA: Boston, MA	149	161
PMSA: Brockton, MA	149	149
PMSA: Fall River, MA-RI	97	97
MSA: Fitchburg-Leominster, MA	116	116
PMSA: Lawrence-Haverhill, MA-NH	141	151
PMSA: Lowell, MA-NH	141	151
MSA: New Bedford, MA	134	134
PMSA: Pawtucket-Woonsocket-Attleboro, RI-MA	133	133
MSA: Pittsfield, MA	144	144
PMSA: Salem-Gloucester, MA	149	161
MSA: Springfield, MA	114	114
MSA: Worcester, MA	100	100
NON METRO STATE: MICHIGAN	114	127
PMSA: Ann Arbor, MI	164	178
MSA: Battle Creek, MI	98	114
MSA: Benton Harbor, MI	114	127
PMSA: Detroit, MI	161	172
MSA: Flint, MI	139	139
MSA: Grand Rapids, MI	104	113
MSA: Jackson, MI	114	114
MSA: Kalamazoo, MI	120	123
MSA: Lansing-East Lansing, MI	134	155

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B 091288

SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Muskegon, MI	104	106
MSA: Saginaw-Bay City-Midland, MI	121	121
EXCEPTION COUNTY: BARRY	94	109
EXCEPTION COUNTY: IONIA	114	127
EXCEPTION COUNTY: OCEANA	100	102
EXCEPTION COUNTY: SHIAWASSEE	133	133
EXCEPTION COUNTY: VAN BUREN	114	118
NON METRO STATE: MINNESOTA	82	82
MSA: Duluth, MN-WI	84	95
MSA: Fargo-Moorhead, ND-MN	128	145
MSA: Minneapolis-St. Paul, MN-WI	164	164
MSA: Rochester, MN	118	118
MSA: St. Cloud, MN	104	104
EXCEPTION COUNTY: POLK	125	142
NON METRO STATE: MISSISSIPPI	79	92
MSA: Biloxi-Gulfport, MS	91	108
MSA: Jackson, MS	99	121
MSA: Memphis, TN-AR-MS	91	91
MSA: Pascagoula, MS	78	91
EXCEPTION COUNTY: STONE	79	92
NON METRO STATE: MISSOURI	64	71
MSA: Columbia, MO	91	98
MSA: Joplin, MO	64	71
MSA: Kansas City, MO-KS	97	119
MSA: St. Joseph, MO	94	101
MSA: St. Louis, MO-IL	99	115
MSA: Springfield, MO	66	72
EXCEPTION COUNTY: ANDREW	89	96
NON METRO STATE: MONTANA	N/A	N/A
MSA: Billings, MT	167	186
MSA: Great Falls, MT	141	159
EXCEPTION COUNTY: BEAVERHEAD	134	150
EXCEPTION COUNTY: BIG HORN	134	150
EXCEPTION COUNTY: BLAINE	96	112
EXCEPTION COUNTY: BROADWATER	134	150
EXCEPTION COUNTY: CARBON	134	150
EXCEPTION COUNTY: CARTER	96	112
EXCEPTION COUNTY: CHOUTEAU	96	112

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: CUSTER	134	150
EXCEPTION COUNTY: DANIELS	96	112
EXCEPTION COUNTY: DAWSON	134	150
EXCEPTION COUNTY: DEER LODGE	134	150
EXCEPTION COUNTY: FALLON	96	112
EXCEPTION COUNTY: FERGUS	96	112
EXCEPTION COUNTY: FLATHEAD	134	150
EXCEPTION COUNTY: GALLATIN	134	150
EXCEPTION COUNTY: GARFIELD	96	112
EXCEPTION COUNTY: GLACIER	96	112
EXCEPTION COUNTY: GOLDEN VALLE	96	112
EXCEPTION COUNTY: GRANITE	134	150
EXCEPTION COUNTY: HILL	96	112
EXCEPTION COUNTY: JEFFERSON	134	150
EXCEPTION COUNTY: JUDITH BASIN	96	112
EXCEPTION COUNTY: LAKE	134	150
EXCEPTION COUNTY: LEWIS+ CLARK	134	150
EXCEPTION COUNTY: LIBERTY	96	112
EXCEPTION COUNTY: LINCOLN	134	150
EXCEPTION COUNTY: MCCONE	96	112
EXCEPTION COUNTY: MADISON	134	150
EXCEPTION COUNTY: MEAGHER	134	150
EXCEPTION COUNTY: MINERAL	134	150
EXCEPTION COUNTY: MISSOULA	134	150
EXCEPTION COUNTY: MUSSELSHELL	134	150
EXCEPTION COUNTY: PARK	134	150
EXCEPTION COUNTY: PETROLEUM	96	112
EXCEPTION COUNTY: PHILLIPS	96	112
EXCEPTION COUNTY: PONDERA	96	112
EXCEPTION COUNTY: POWDER RIVER	134	150
EXCEPTION COUNTY: POWELL	134	150
EXCEPTION COUNTY: PRAIRIE	96	112
EXCEPTION COUNTY: RAVALLI	134	150
EXCEPTION COUNTY: RICHLAND	96	112
EXCEPTION COUNTY: ROOSEVELT	96	112
EXCEPTION COUNTY: ROSEBUD	134	150
EXCEPTION COUNTY: SANDERS	134	150
EXCEPTION COUNTY: SHERIDAN	96	112
EXCEPTION COUNTY: SILVER BOW	134	150
EXCEPTION COUNTY: STILLWATER	96	112
EXCEPTION COUNTY: SWEET GRASS	96	112
EXCEPTION COUNTY: TETON	96	112
EXCEPTION COUNTY: TOOLE	96	112
EXCEPTION COUNTY: TREASURE	134	150
EXCEPTION COUNTY: VALLEY	96	112
EXCEPTION COUNTY: WHEATLAND	96	112

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B 091288

SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: WIBAUX	96	112
EXCEPTION COUNTY: YL-ST-NT-PK	134	150
NON METRO STATE: NEBRASKA	83	102
MSA: Lincoln, NE	113	119
MSA: Omaha, NE-IA	98	114
MSA: Sioux City, IA-NE	101	101
NON METRO STATE: NEVADA	106	122
MSA: Las Vegas, NV	224	250
MSA: Reno, NV	224	250
NON METRO STATE: NEW HAMPSHIRE	115	127
PMSA: Lawrence-Haverhill, MA-NH	141	151
PMSA: Lowell, MA-NH	141	151
MSA: Manchester, NH	131	143
PMSA: Nashua, NH	161	161
MSA: Portsmouth-Dover-Rochester, NH-ME	127	145
NON METRO STATE: NEW JERSEY	118	118
MSA: Allentown-Bethlehem, PA-NJ	116	116
MSA: Atlantic City, NJ	181	181
PMSA: Bergen-Passaic, NJ	246	247
PMSA: Jersey City, NJ	239	239
PMSA: Middlesex-Somerset-Hunterdon, NJ	280	280
PMSA: Monmouth-Ocean, NJ	215	259
PMSA: Newark, NJ	231	239
PMSA: Philadelphia, PA-NJ	201	201
PMSA: Trenton, NJ	177	177
PMSA: Vineland-Millville-Bridgeton, NJ	156	156
PMSA: Wilmington, DE-NJ-MD	128	128
NON METRO STATE: NEW MEXICO	100	115
MSA: Las Cruces, NM	100	115
MSA: Albuquerque, NM	112	130
MSA: Santa Fe, NM	100	115
EXCEPTION COUNTY: SANDOVAL	106	120
NON METRO STATE: NEW YORK	137	137
MSA: Albany-Schenectady-Troy, NY	171	171

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Binghamton, NY	102	102
PMSA: Buffalo, NY	123	123
MSA: Elmira, NY	110	110
MSA: Glens Falls, NY	137	137
PMSA: Nassau-Suffolk, NY	188	243
PMSA: New York, NY	195	195
PMSA: Niagara Falls, NY	118	118
PMSA: Orange County, NY	135	135
MSA: Poughkeepsie, NY	177	177
MSA: Rochester, NY	156	156
MSA: Syracuse, NY	127	127
MSA: Utica-Rome, NY	129	129
EXCEPTION COUNTY: WESTCHESTER	231	231
NON METRO STATE: NORTH CAROLINA	55	68
MSA: Asheville, NC	78	91
MSA: Burlington, NC	78	91
MSA: Charlotte-Gastonia-Rock Hill, NC-SC	78	91
MSA: Fayetteville, NC	78	91
MSA: Greensboro--Winston-Salem--High Point, NC	78	91
MSA: Hickory, NC	55	68
MSA: Jacksonville, NC	55	68
MSA: Raleigh-Durham, NC	78	91
MSA: Wilmington, NC	78	91
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: MADISON	64	76
NON METRO STATE: NORTH DAKOTA	103	119
MSA: Bismarck, ND	146	162
MSA: Fargo-Moorhead, ND-MN	129	145
MSA: Grand Forks, ND	112	138
NON METRO STATE: OHIO	75	75
PMSA: Akron, OH	111	111
MSA: Canton, OH	80	80
PMSA: Cincinnati, OH-KY-IN	114	119
PMSA: Cleveland, OH	119	119
MSA: Columbus, OH	104	121
MSA: Dayton-Springfield, OH	80	80
PMSA: Hamilton-Middletown, OH	92	95
MSA: Huntington-Ashland, WV-KY-OH	87	87
MSA: Lima, OH	104	104

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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SCHEDULE D - FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 66

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: Lorain-Elyria, OH	127	127
MSA: Mansfield, OH	98	98
MSA: Parkersburg-Marietta, WV-OH	87	87
MSA: Steubenville-Weirton, OH-WV	78	78
MSA: Toledo, OH	131	177
MSA: Wheeling, WV-OH	80	80
MSA: Youngstown-Warren, OH	98	98
EXCEPTION COUNTY: CHAMPAIGN	75	78
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	75	75
EXCEPTION COUNTY: PUTNAM	81	81
EXCEPTION COUNTY: VAN WERT	81	81
NON METRO STATE: OKLAHOMA	76	82
MSA: Enid, OK	76	82
MSA: Fort Smith, AR-OK	35	38
MSA: Lawton, OK	77	84
MSA: Oklahoma City, OK	79	87
MSA: Tulsa, OK	84	91
EXCEPTION COUNTY: LE FLORE	34	37
EXCEPTION COUNTY: MAYES	76	82
NON METRO STATE: OREGON	142	150
MSA: Eugene-Springfield, OR	167	172
MSA: Medford, OR	142	150
PMSA: Portland, OR	186	206
MSA: Salem, OR	167	172
NON METRO STATE: PENNSYLVANIA	82	82
MSA: Allentown-Bethlehem, PA-NJ	116	116
MSA: Altoona, PA	107	107
PMSA: Beaver County, PA	90	90
MSA: Erie, PA	107	107
MSA: Harrisburg-Lebanon-Carlisle, PA	121	121
MSA: Johnstown, PA	107	107
MSA: Lancaster, PA	111	111
PMSA: Philadelphia, PA-NJ	201	201
PMSA: Pittsburgh, PA	93	93
MSA: Reading, PA	111	111
MSA: Scranton--Wilkes-Barre, PA	98	98
MSA: Sharon, PA	82	82
MSA: State College, PA	82	82
MSA: Williamsport, PA	82	82

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: York, PA	111	111
EXCEPTION COUNTY: SUSQUEHANNA	82	82
NON METRO STATE: RHODE ISLAND	127	127
PMSA: Fall River, MA-RI	97	97
MSA: New London-Norwich, CT-RI	133	133
PMSA: Pawtucket-Woonsocket-Attleboro, RI-MA	133	133
PMSA: Providence, RI	133	133
NON METRO STATE: SOUTH CAROLINA	61	61
MSA: Anderson, SC	61	61
MSA: Augusta, GA-SC	82	84
MSA: Charleston, SC	78	78
MSA: Charlotte-Gastonia-Rock Hill, NC-SC	78	91
MSA: Columbia, SC	68	78
MSA: Florence, SC	61	61
MSA: Greenville-Spartanburg, SC	68	68
NON METRO STATE: SOUTH DAKOTA	88	103
MSA: Rapid City, SD	88	103
MSA: Sioux Falls, SD	124	139
NON METRO STATE: TENNESSEE	61	61
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MSA: Clarksville-Hopkinsville, TN-KY	78	84
MSA: Jackson, TN	61	61
MSA: Johnson City-Kingsport-Bristol, TN-VA	84	84
MSA: Knoxville, TN	68	68
MSA: Memphis, TN-AR-MS	91	91
MSA: Nashville, TN	91	108
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NON METRO STATE: TEXAS	66	82
MSA: Abilene, TX	57	64
MSA: Amarillo, TX	106	111
MSA: Austin, TX	96	113
MSA: Beaumont-Port Arthur, TX	99	113
PMSA: Brazoria, TX	104	122
MSA: Brownsville-Harlingen, TX	78	91

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MSA: El Paso, TX	110	124
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PMSA: Houston, TX	108	126
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MSA: Midland, TX	108	113
MSA: Odessa, TX	108	113
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MSA: Texarkana, TX-Texarkana, AR	108	121
MSA: Tyler, TX	84	89
MSA: Victoria, TX	66	82
MSA: Waco, TX	87	99
MSA: Wichita Falls, TX	61	68
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EXCEPTION COUNTY: CLAY	60	66
EXCEPTION COUNTY: HOOD	70	88
EXCEPTION COUNTY: JONES	56	62
EXCEPTION COUNTY: WISE	70	88
NON METRO STATE: UTAH	N/A	N/A
MSA: Provo-Orem, UT	134	150
MSA: Salt Lake City-Ogden, UT	150	167
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MSA: Johnson City-Kingsport-Bristol, TN-VA	84	84
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MSA: Cumberland, MD-WV	122	122
MSA: Huntington-Ashland, WV-KY-OH	84	84
MSA: Parkersburg-Marietta, WV-OH	84	84
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MSA: Wheeling, WV-OH	78	78
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H.R. 1939/Pub. L. 100-433

Constitution Heritage Act of 1988. (Sept. 16, 1988; 102 Stat. 1640; 3 pages) Price: $1.00

S.J. Res. 328/Pub. L. 100-434

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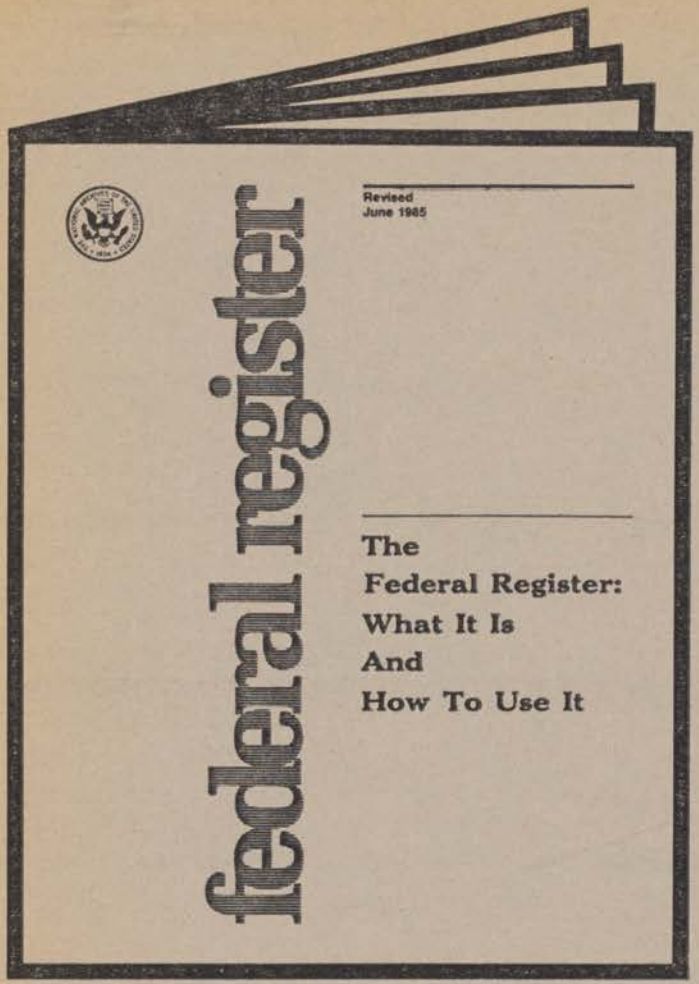

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