AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

4-21-88
Vol. 53 No. 77
Pages 13097-13234

Federal Register

Thursday
April 21, 1988

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

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

Contents

Federal Register

Vol. 53, No. 77

Thursday, April 21, 1988

Agricultural Marketing Service
RULES
Limes grown in Florida
Correction, 13217

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Food Safety and Inspection Service; Foreign Agricultural Service

Animal and Plant Health Inspection Service
NOTICES
Meetings:
Scrapie eradication program, 13136

Army Department
NOTICES
Meetings:
Science Board, 13145

Centers for Disease Control
NOTICES
Grants and cooperative agreements; availability, etc.:
Black colleges and universities, 13160
Health programs for refugees, 13164
Health promotion, and disease prevention information/education projects, 13162

Coast Guard
RULES
Ports and waterways safety:
Chesapeake Bay, Brewerton Channel Eastern Extension, MD; safety zone, 13119
Safety and security zones, etc.; list of temporary rules, 13118
Vessels, commercial and recreational; operation while intoxicated; correction, 13117
NOTICES
Meetings:
Chemical Transportation Advisory Committee, 13212
Houston/Galveston Navigation Safety Advisory Committee, 13212
(2 documents)

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration; Patent and Trademark Office
NOTICES
Foreign research facilities; U.S. scientists access, 13138

Copyright Royalty Tribunal
NOTICES
Cable royalty fees:
Distribution proceedings, 13144

Defense Department
See Army Department; Navy Department

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Holme Drug Store, 13202
Jefferson Pharmacy, Inc., 13200
Medical Center Pharmacy, 13202

Drug Free America, White House Conference
See White House Conference for a Drug Free America

Economic Regulatory Administration
NOTICES
Natural gas exportation and importation:
Northeast Gas, Inc., 13150

Education Department
NOTICES
Meetings:
International Education Programs National Advisory Board; correction, 13217

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission
NOTICES
Meetings:
National Coal Council, 13156
Research and development for comminution equipment, 13145

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Pennsylvania, 13121
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Illinois, 13135

Executive Office of the President
See Presidential Commission on the Human Immunodeficiency Virus Epidemic; Trade Representative, Office of United States

Export Administration
See International Trade Administration

Farmers Home Administration
RULES
Program regulations:
Debt settlement—
Community and business programs, 13098

Federal Aviation Administration
RULES
Aircraft products and parts, certification:
Special conditions—
Cessna Model 172 Series airplanes, 13113
Airworthiness directives:
Cessna, 13114
Transition areas, 13115, 13116
(3 documents)

NOTICES
Advisory circulars; availability, etc.:
Aircraft—
Part 23 airplanes certification; flight test guide, 13213

Federal Communications Commission
NOTICES
Meetings; Sunshine Act, 13215

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 13215

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Maine Public Service Co. et al., 13146
Natural gas certificate filings:
Natural Gas Pipeline Co. of America et al., 13152
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 13151
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 13154
Cascade Natural Gas Co. et al., 13154
El Paso Natural Gas Co., 13155
Lehnertz, G.M., 13155
South Georgia Natural Gas Co., 13156

Federal Home Loan Bank Board
RULES
Federal savings and loan system, etc.:
Conservators and receivers; interim procedures availability, 13105
PROPOSED RULES
Federal Savings and Loan Insurance Corporation:
Premiums, additional; assessment and adjustment, 13131
Proposed rules; withdrawal, 13133
NOTICES
Regulatory review procedures, 13156

Federal Maritime Commission
NOTICES
Agreements filed, etc., 13157

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.
Cardinal Bancshares, Inc., et al., 13157
Long-Term Credit Bank of Japan, 13158
Yale, William, 13158

Federal Trade Commission
NOTICES
Agency information collection activities under OMB review, 13159

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Alabama canebrake pitcher-plant, 13230
Cooley's meadowrue, 13220
Dwarf-flowered heartleaf, 13223
Little-wing pearlymussel, 13226
NOTICES
Environmental statements; availability, etc.:
Alaska Peninsula National Wildlife Refuge Wilderness Review; correction, 13200
Becharof National Wildlife Refuge Wilderness Review, correction, 13200

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Levamisole
Correction, 13217
Human drugs:
Ophthalmic products (OTC); tentative final monograph
Correction, 13217
PROPOSED RULES
Food for human consumption:
Aspartame; food chemical codex, 13134
NOTICES
Committees; establishment, renewal, termination, etc.:
Arthritis Advisory Committee, 13165
Compliance policy guides manual; index availability, 13165
Medical devices:
Radiologic devices—
Magnetic resonance diagnostic device; reclassification petitions, recommendation and report; correction, 13218
Medical devices; premarket approval:
Model 304-01 Ultra C-Loop Posterior Chamber Intraocular Lens; correction, 13166
Meetings:
Advisory committees, panels, etc., 13166

Food Safety and Inspection Service
NOTICES
Meat and poultry inspection:
Sulfamethazine residues in swine; testing procedures, 13137
Sulfa-on-site test for sulfamethazine in swine; implementation, 13136

Foreign Agricultural Service
PROPOSED RULES
Foreign market development programs, 13125

Health and Human Services Department
See Centers for Disease Control; Food and Drug Administration; Human Development Services Office

Human Development Services Office
NOTICES
Grants; availability, etc.:
Developmental disabilities program; projects of national significance, 13167, 13169
(2 documents)

Human Immunodeficiency Virus Epidemic Presidential Commission
See Presidential Commission on the Human Immunodeficiency Virus Epidemic

Interior Department
See also Fish and Wildlife Service; Land Management Bureau
NOTICES
Privacy Act; systems of records, 13194

International Trade Administration
NOTICES
Antidumping:
Barium chloride from China, 13140
Internal-combustion, industrial forklift trucks from Japan; correction, 13217
Large power transformers from Italy, 13141
Sorbitol from France, 13142
Television receivers, monochrome and color, from Japan, 13143

Justice Department
See Drug Enforcement Administration

Land Management Bureau
NOTICES
Coal leases, exploration licenses, etc.:
Montana, 13195
Wyoming, 13197
Coal management program:
Fort Union Federal Coal Production Region decertified and opening counties in North Dakota and Montana to leasing by application process, 13195
Green River-Hams Fork Coal Production Region decertified and opening counties in Colorado and Wyoming to leasing by application process, 13196
Management framework plans, etc.:
Idaho, 13196
Meetings:
Ely District Advisory Council; correction, 13197
Northern and Southern Alaska Advisory Councils, 13197
Rock Springs District Advisory Council, 13197
Roseburg District Advisory Council, 13197
Worland District Advisory Council, 13198
Worland District Grazing Advisory Board, 13198
Realty actions; sales, leases, etc.:
Alaska, 13198, 13199
(2 documents)
Colorado, 13199
Withdrawal and reservation of lands:
Montana, 13199

National Aeronautics and Space Administration
NOTICES
Meetings:
Space Systems and Techology Advisory Committee, 13202

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
North Pacific Fishery Management Council, 13144

National Science Foundation
NOTICES
Meetings:
Cell Biology Advisory Panel, 13203
Critical Engineering Systems Division Advisory Committee, 13203
Developmental Biology Advisory Panel, 13203
DOE/NSF Nuclear Science Advisory Committee, 13203
Electrical, Communications, and Systems Engineering Advisory Committee, 13204
Prokaryotic Genetics Program Advisory Panel, 13204
United States Antarctic Program Safety Review Panel, 13204

Navy Department
NOTICES
Meetings:
Chief of Naval Operations Executive Panel Advisory Committee, 13145
Naval Research Advisory Committee, 13145

Nuclear Regulatory Commission
PROPOSED RULES
Rulemaking petitions:
Union Carbide Corp., 13128
NOTICES
Environmental statements; availability, etc.:
Florida Power & Light Co., 13204
Applications, hearings, determinations, etc.:
Boston Edison Co., 13205
Duke Power Co., 13206
Public Service Co. of New Hampshire et al., 13207

Office of United States Trade Representative
See Trade Representative, Office of United States

Patent and Trademark Office
RULES
Practice rules; correction, 13120

Personnel Management Office
RULES
Conflict of interests, 13097
PROPOSED RULES
Employment and pay under General Schedule:
Agency authority to approve various personnel actions; delegation agreements, 13124

Postal Service
NOTICES
Meetings; Sunshine Act, 13215

Presidential Commission on the Human Immunodeficiency Virus Epidemic
NOTICES
Meetings, 13208

Public Health Service
See Centers for Disease Control; Food and Drug Administration

Securities and Exchange Commission
NOTICES
Self-regulatory organizations:
Clearing agency registration applications—
International Securities Clearing Corp., 13210
Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc., 13210
Applications, hearings, determinations, etc.:
Bank of New England, 13208

Small Business Administration
NOTICES
Disaster loan areas:
Texas, 13211
Applications, hearings, determinations, etc.:
Bridger Capital Corp., 13211
Republic SBI Corp., 13211

Trade Representative, Office of United States
NOTICES
China; Tariff Schedule adjustment for imports of tungsten, 13207

Transportation Department
See Coast Guard; Federal Aviation Administration

United States Information Agency
NOTICES
Agency information collection activities under OMB review, 13213

United States Institute of Peace
NOTICES
Meetings; Sunshine Act, 13215

Veterans Administration
RULES
Medical benefits:
Community nursing home care facilities use, 13120
NOTICES
Reports, program evaluation; availability, etc.:
Library Service Program, 13213

White House Conference for a Drug Free America
NOTICES
Meetings, 13214

Separate Parts In This Issue

Part II
Department of the Interior, Fish and Wildlife Service, 13220

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
1001 13097
Proposed Rules:
300 13124
531 13124

7 CFR
911 13217
1864 13098
1927 13098
1951 13098
1955 13098
1956 13098
Proposed Rules:
11 13125
1550 13125

10 CFR
Proposed Rules:
40 13128

12 CFR
547 13105
548 13105
549 13105
563 13105
569a 13105
569b 13105
569c 13105
Proposed Rules:
563 (2 documents) 13131, 13133
571 13133
588 13133

14 CFR
21 13113
23 13113
39 13114
71 (3 documents) 13115, 13116

21 CFR
349 13217
369 13217
524 13217
Proposed Rules:
172 13134

33 CFR
95 13117
100 13118
165 (2 documents) 13118, 13119
173 13117
177 13117

37 CFR
10 13120

38 CFR
17 13120

40 CFR
52 13121
Proposed Rules:
52 13135

46 CFR
26 13117
35 13117
78 13117
97 13117
109 13117
185 13117
197 13117

50 CFR
Proposed Rules:
17 (4 documents) 13220–13230

Rules and Regulations

Federal Register
Vol. 53, No. 77
Thursday, April 21, 1988

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 1001

Employee Responsibilities and Conduct

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is amending its internal standards of conduct regulations to permit OPM employees and special Government employees to attend certain widely-attended events where complimentary food and refreshments are provided by otherwise prohibited sources of gifts, and to incorporate provisions on privacy.

EFFECTIVE DATE: May 23, 1988.

FOR FURTHER INFORMATION CONTACT: Stuart D. Rick (202 or FTS), 632–5030.

SUPPLEMENTARY INFORMATION: Executive Order 11.222 and 5 CFR Part 735 authorize agencies to provide in their internal standards of conduct necessary and appropriate exceptions to the rules that prohibit employees and special Government employees from accepting anything of value from certain sources. There are occasions when it is in OPM's interest for an OPM employee or special Government employee to attend a reception or another widely-attended event where complimentary food and refreshments are provided by a prohibited source of gifts. The exception being promulgated will permit acceptance of gifts of this nature under certain circumstances.

The Privacy Act of 1974, at 5 U.S.C. 552a(e)(9), requires agencies to "establish rules of conduct" for employees who deal with records covered by the Act. Formerly, OPM included such rules in its Privacy Act regulations, at 5 CFR Part 297. These Privacy Act rules of conduct are now being consolidated and placed in the internal standards of conduct regulations.

Implementation of OPM regulations is subject to 5 U.S.C. 1193(b) and 1105; specifically excluded from this process are regulations that apply solely to OPM or its employees. Likewise, the regulations of an agency that are solely internal in applicability are not subject to Executive Order 12291, Federal Regulation; or the Regulatory Flexibility Act.

List of Subjects in 5 CFR Part 1001

Conflict of interests, Government employees, Privacy, Records.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, 5 CFR Part 1001 is amended as follows:

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. The authority citation for Part 1001 is revised to read as follows:

Authority: E.O. 11222, 30 FR 6469, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.; Reorganization Plan No. 2 of 1978; Section 1001.735–203 also issued under Pub. L. 95–454; Section 1001.735–206a also issued under 5 U.S.C. 552a.

2. In § 1001.735–202, a new paragraph (b)(5) is added, to read as follows:

§ 1001.735–202 Gifts, entertainment, and favors.

* * * * *

(b) * * *

(5) The acceptance of food and refreshments at widely-attended gatherings of mutual interest to the government and the private sector such as receptions, seminars, conferences, and training sessions, so long as:

(i) The food and refreshments offered in conjunction with the event are not excessive;

(ii) The timing or the reason for the event would not create an appearance of impropriety; and

(iii) The employee's supervisor and the designated agency ethics official are informed of the invitation to the event and determine in advance that it is in the interest of OPM for the employee to attend the event.

* * * * *

3. Section 1001.735–206a is added, to read as follows:

§ 1001.735–206a Conduct and responsibilities mandated by the Privacy Act of 1974.

(a) An employee should avoid any action which results in the appearance of using public office to collect or gain access to personal data about individuals beyond that required by or authorized for the performance of assigned duties.

(b) An employee should not use any personal data about individuals for any purpose other than required and authorized in the performance of assigned duties; or disclose any such information to other agencies or persons not expressly authorized to receive or have access to such information, and should make any such authorized disclosures in acordance with established regulations and procedures.

(c) Each employee, and especially an employee who has access to or is engaged in any way in the handling of information subject to the Privacy Act of 1974, shall acquaint himself or herself with the regulations of this subsection as well as the pertinent provisions of the Privacy Act relating to the treatment of such information. Particular attention is directed to the following provisions of the Privacy Act:

(1) 5 U.S.C. 552a(e)(7)—The prohibition against maintaining any information regarding how any individual exercises First Amendment rights (including political or religious beliefs, and the freedom of speech, press, and assembly) unless expressly authorized by statute or the individual.

(2) 5 U.S.C. 552a(b)—The prohibition against disclosure of certain personal data without the prior written consent of the individual, except under certain limited conditions.

(3) 5 U.S.C. 552a(e)(1)—The prohibition against collecting or maintaining any personal data about individuals, except as necessary and relevant to perform a function of the Office which is authorized by statute or Executive order.

(4) 5 U.S.C. 552a(e)(2)—The requirement to collect information which may result in an adverse determination about an individual from that individual whenever practicable.

(5) 5 U.S.C. 552a(e)(3)—The requirement to inform individuals from whom information about themselves is solicited of the authority under which the solicitation is made and whether the

disclosure of the information is mandatory, the purposes for which the information will be used, the routine uses which may be made of the information, and the consequences of failure to provide such information.

(6) 5 U.S.C. 552a(b) and (e)(10)—The obligation of employees to comply with established safeguards and procedures to protect personal data from anticipated threats or hazards to the security or integrity of the data which could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual about whom information is maintained.

(7) 5 U.S.C. 552a(c) (1), (2), and (3)—The obligation of employees to maintain an accounting of all disclosures of personal information from systems of records, except for those disclosures made within the Office to persons having an official need to know or to the public under the Freedom of Information Act (5 U.S.C. 552).

(8) 5 U.S.C. 552a(e) (5) and (6)—The obligation of employees to assure that any personal information about individuals is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual at such time as any such information is utilized by the Office in making a determination about the individual or when the information is disclosed.

(9) 5 U.S.C. 552a(d) (1), (2), and (3)—The obligation of employees to permit individuals to have access to records pertaining to themselves in accordance with established Office procedures and to have an opportunity to request that such records be amended.

(10) 5 U.S.C. 552a(c)(4) and (d)(4)—The obligation to inform prior recipients of personal data when a record is amended pursuant to the request of an individual or a statement of disagreement has been filed, and to advise any subsequent recipients of the disputed information.

(11) 5 U.S.C. 552a(n)—The prohibition against renting or selling lists of names and addresses unless specifically authorized by law.

(12) 5 U.S.C. 552a(i) (1), (2), and (3)—The criminal penalties to which an employee may be subject for failing to comply with certain provisions of the Privacy Act of 1974.

4. In § 1001.735–303, a new paragraph (b)(5) is added, to read as follows:

§ 1001.735–303 Gifts, entertainment, and favors.

* * * * *

(b) * * *

(5) The acceptance of food and refreshments at widely-attended gatherings of mutual interest to the government and the private sector such as receptions, seminars, conferences, and training sessions, so long as:

(i) The food and refreshments offered in conjunction with the event are not excessive;

(ii) The timing or the reason for the event would not create an appearance of impropriety; and

(iii) The special Government employee's supervisor and the designated agency ethics official are informed of the invitation to the event and determine in advance that it is in the interest of OPM for the special Government employee to attend the event.

[FR Doc. 88–8790 Filed 4–20–88; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1864, 1927, 1951, 1955, and 1956

Debt Settlement; Community and Business Programs

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends the Agency's policies and procedures governing the debt settlement of Community Program loans and insured Business and Industry loans. This rule is necessary to comply with section 1309 of the Food Security Act of 1985, Public Law (Pub. L.) 99–198. The effect of this action is to remove debt settlement actions appropriate to Community and Business Programs from tbe present regulation to a new regulation. The new Community and Business Programs regulation eliminates the numerous restrictions and time intervals for debt settlement contained in the present regulation.

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Susan G. Wieferich, Senior Loan Officer, Program Management Branch, Community Facilities Division, Farmers Home Administration, U.S. Department of Agriculture, Room 6320, South Agriculture Building, Washington, DC 20250; telephone (202) 382–1490.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be nonmajor. The action is not likely to result in any of the following: (a) An annual effect on the economy of $100 million or more, (b) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Environmental Impact

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Intergovernmental Review

This action affects the following FmHA programs as listed in the catalog of Federal Domestic Assistance:

Sec.
10.414 Resource, Conservation and Development Loans.
10.418 Water and Waste Disposal Systems for Rural Communities.
10.419 Watershed and Flood Prevention Loans.
10.422 Business and Industry Loans.
10.423 Community Facility Loans.

These programs are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (Cite 7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985, as appropriate and any subsequent notices that may apply.)

Regulatory Flexibility Act

FmHA has determined that this action will not have a significant economic impact on a substantial number of small entities, because the action will not affect a significant number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601).

Background

Debt settlement for Community and Business Programs is governed by the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921–1996). The major reason for

removing debt settlement actions appropriate to Community and Business Programs from the present regulation to a new regulation is to comply with section 1309 of the Food Security Act of 1985 (Pub. L. 99–198). Public Law 99–198 provides the Secretary with greater flexibility in administering the debt settlement claims for Community and Business Programs, including compromise, adjustment, cancellation, and chargeoff actions. In addition, the action will correct inconsistencies, delete obsolete material, clarify wording and, where applicable, update references in other program regulations. Form FmHA 456–1, "Application for Settlement of Indebtedness," will be renumbered to Form FmHA 1956–1 and revised to make the form more appropriate for use by Community and Business Programs. The changes will result in more efficient service to the public, while continuing protection of the Government's interest.

Comments

A proposed rule was published in the **Federal Register** (52 FR 44600) on November 20, 1987, and invited comments for 30 days ending December 21, 1987. No responses were received. As a result, FmHA is adopting that proposed rule as a final rule without change.

List of Subjects

7 CFR Part 1864

Accounting, Loan programs—Agriculture, Rural areas.

7 CFR Part 1927

Accounting, Administrative practice and procedure, Credit, Loan programs—Agriculture, Rural areas.

7 CFR Part 1951

Account Servicing, Credit, Loan programs—Housing and community development, Mortgages.

7 CFR Part 1955

Foreclosure, Government acquired property.

7 CFR Part 1956

Accounting, Loan programs—Agriculture, Rural areas.

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1864—DEBT SETTLEMENT

1. The authority citation for Part 1864 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 31 U.S.C. 3711; 7 CFR 2.23; 7 CFR 2.70.

2. Section 1864.1 is revised to read as follows:

§ 1864.1 Purpose and scope.

This part sets forth the policies and procedures for settlement of debts owed the United States and administered by the Farmers Home Administration (FmHA) under any of its programs, except Farmer Program loans, Housing loans, Community Program loans, insured Business and Industry loans, nonprogram (NP) loans, Economic Opportunity (EO) loans, and claims against third party converters. This regulation does not cover releases from personal liability in transfer or voluntary conveyance cases. Debts owed under Farmer Programs or Single Family Housing programs will be settled in accordance with Subpart B of Part 1956 of this chapter. Debts owed under Community Programs and the insured Business and Industry Program will be settled in accordance with Subpart C of Part 1956 of this chapter. Settlement of claims against third party converters and settlement of nonprogram (NP) loans, Economic Opportunity (EO) loans, and Housing loans other than Single Family Housing is not authorized under this part and proposed settlements of these types of claims should be submitted to the National Office for settlement pursuant to the Federal Claims Collection Standards, 4 CFR Parts 101–105.

§§ 1864.2, 1864.7, 1864.8, 1864.9, 1864.10, 1864.12, 1864.15, 1864.17, and 1864.19 [Amended]

3. The reference, "Form FmHA 456–1," is changed to read "Form FmHA 1956–1" in the following sections:

Section 1864.2 (d), (f), (h)(2), (j), (l),

Section 1864.7 (a), (a)(1)(ii), (a)(3) (two places),

Section 1864.8 title and introductory text, (two places),

Section 1864.9, 1864.9(a),

Section 1864.10(d)(1),

Section 1864.12(a),

Section 1864.15 title and introductory text, (three places),

Section 1864.15 (a), (a)(1), (b)(1), (c) and (c)(1), (five places),

Section 1864.17(a)(1),

Section 1864.19(b) (two places).

4. Section 1864.3 is amended by revising paragraph (b)(1)(ii) to read as follows:

§ 1864.3 Compromise and adjustments.

* * * * *

(b) * * *

(1) * * *

(ii) For this type of settlement an asterisk (*) will be inserted in Part VI of Form FmHA 1956–1 after "(D)" and before the word "I". In the blank space below Part VI(D) of Form FmHA 1956–1 the following will be inserted:

* With knowledge of the penalties for false statements provided by 18 United States Code 1001 ($10,000 fine and/or five years imprisonment) and with knowledge that this financial statement is submitted by me (us) to affect action by the Department of Agriculture.

* * * * *

§ 1864.9 [Amended]

5. Section 1864.9(b) is amended in the last sentence by changing the words "Part VII in lieu of completing Part IV of Form FmHA 456–1" to read "Part VIII in lieu of completing Part IV of Form FmHA 1956–1."

§ 1864.10 [Amended]

6. Section 1864.10(a) is amended in the last sentence by changing the reference "Part V of Form FmHA 456–1" to read "Part VI of Form FmHA 1956–1."

7. Section 1864.10 is amended by revising the introductory text of paragraph (d)(1) to read as follows:

§ 1864.10 Joint debtors.

* * * * *

(d) * * *

(1) Form FmHA 1956–1 will be prepared by showing at the top of the form the name of the debtor requesting settlement, followed by the name of the other debtor, for example, "John Doe, joint debtor with Mary Doe, deceased," "John Doe, joint debtor with Mary Doe, bankrupt," "John Doe, joint debtor with Mary Doe, whereabouts unknown," or "John Doe, joint debtor with Mary Doe, impossible or impracticable to obtain signature," as appropriate. In addition to the information concerning settlement of the debt as to the debtor making application, information also will be shown in Part VIII of Form FmHA 1956–1 which justifies settlement of the debt as to the debtor(s) not joining in the application as required under appropriate paragraphs of this Instruction.

* * * * *

§ 1864.15 [Amended]

8. Section 1864.15(a)(3) is amended in the first sentence by changing the reference "Part VII of the form" to "Part VIII of the form."

PART 1927—FEDERAL STATUTE OF LIMITATIONS

9. The authority citation for Part 1927 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301, 7 CFR 2.70.

Subpart A—Federal Statute of Limitations

10. Section 1927.7 is amended by revising paragraph (c)(3) to read as follows:

§ 1927.7 Servicing contract claims.

* * * * *

(c) * * *

(3) Settling the debt according to Part 1864 of this chapter (FmHA Instruction 456.1) or Subpart C of Part 1956 of this chapter when the borrower is eligible; or

* * * * *

PART 1951—SERVICING AND COLLECTIONS

11. The authority citation for Part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Account Servicing Policies

12. Section 1951.15 is amended by revising paragraph (e) to read as follows:

§ 1951.15 Return of paid-in-full or satisfied notes to borrower.

* * * * *

(e) *Debt settlement case.* See Part 1864 of this chapter (FmHA Instruction 456.1) or Subparts B or C of Part 1956 of this chapter for the handling of notes in debt settlement cases.

* * * * *

Subpart B—Collections

13. Section 1951.51 is amended by revising paragraph (a) to read as follows:

§ 1951.51 Purpose.

(a) Checks, money orders, and similar items to be remitted as payments on accounts of Farmers Home Administration (FmHA) should be made payable to the FmHA, except that offers in compromise of judgment accounts authorized in Part 1864 of this chapter (FmHA Instruction 456.1), or Subparts B and C of Part 1956 of this chapter, will be made payable to the Treasurer of the United States and transmitted to the State Director for referral to the appropriate United States Attorney through the representative of the Office of the General Counsel (OGC). All collection items in any form other than coin and currency will be accepted subject to collection, that is, subject to the items being paid. Any remittance items which currently are not payable, including postdated checks, will not be accepted for payment on indebtedness due FmHA. When such items are received, they will be returned immediately to the remitter.

* * * * *

PART 1955—PROPERTY MANAGEMENT

14. The authority citation for Part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

15. Section 1955.18 is amended by revising paragraph (f) to read as follows:

§ 1955.18 Actions required after acquisition of property.

* * * * *

(f) *Unsatisfied account.* Farmer Program loan borrowers will be sent a letter similar to exhibit F of this subpart (available in any FmHA office). If unsatisfied account balances cannot be settled in accordance with Part 1864 of this chapter (FmHA Instruction 456.1) or Subpart C of Part 1956 of this chapter, the account will be reclassified to collection-only by submitting Form FmHA 404–1, "Case Reclassification," to the Finance Office. After reclassification to collection-only, Form FmHA 450–10, "Advice of Borrower's Change of Address or Name," or for Multiple Family Housing, Form FmHA 1944–54, "Multiple Family Housing Change/Borrower Name/Address/Case Number/Project Number/Loan Number," will be submitted to the Finance Office to furnish the borrower's new address, if known. Collection-only accounts will be serviced in accordance with § 1951.7 of Subpart A of Part 1951 of this chapter.

* * * * *

PART 1956—DEBT SETTLEMENT

16. The authority citation for Part 1956 reads as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C 301; 31 U.S.C. 3711; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Debt Settlement—Farmer Programs and Single Family Housing

§§ 1956.57, 1956.58, 1956.66, 1956.70, 1956.75, 1956.85, 1956.96, 1956.99 [Amended]

17. The reference, "Form FmHA 456–1," is changed to read "Form FmHA 1956–1" in the following sections:

Section 1956.57 (b), (j)(2), (j)(3) (two places),

Section 1956.58 (b)(1), (b)(2)(i)(B),

Section 1956.66 introductory text, § 1956.66 (b), (c),

Section 1956.70 (b)(2), (b)(3), (c),

Section 1956.75(a),

Section 1956.85(a)(3), § 1956.85(b)(2) (two places),

Section 1956.96(b)(3),

Section 1956.99.

18. Subpart C of Part 1956 consisting of §§ 1956.101–1956.150 is added to read as follows:

Subpart C—Debt Settlement—Community and Business Programs

Sec.

1956.101 Purpose.
1956.102 Application of policies.
1956.103–1956.104 [Reserved]
1956.105 Definitions.
1956.106–1956.108 [Reserved]
1956.109 General requirements for debt settlement.
1956.110 Joint debtors.
1956.111 Debtors in bankruptcy.
1956.112 Debts ineligible for settlement.
1956.113–1956.117 [Reserved]
1956.118 Approval authority.
1956.119–1956.123 [Reserved]
1956.124 Compromise and adjustment.
1956.125–1956.129 [Reserved]
1956.130 Cancellation.
1956.131–1956.135 [Reserved]
1956.136 Chargeoff.
1956.137 [Reserved]
1956.138 Processing.
1956.139 Collections.
1956.140–1956.141 [Reserved]
1956.142 Delinquent adjustment agreements.
1956.143–1956.144 [Reserved]
1956.145 Disposition of essential FmHA records.
1956.146–1956.147 [Reserved]
1956.148 Exception authority.
1956.149 [Reserved]
1956.150 OMB control number.

Subpart C—Debt Settlement—Community and Business Programs

§ 1956.101 Purpose.

This subpart delegates authority and prescribes policies and procedures for debt settlement of Water and Waste Disposal System loans; Community Facility loans; Association Recreation loans; Watershed loans and advances; Resource, Conservation and Development loans; Rural Renewal loans; and insured Business and Industry loans.

§ 1956.102 Application of policies.

If a debt is eligible for settlement, the debt settlement authorities of the Farmers Home Administration (FmHA) should be explained and the privileges thereof extended to the debtor. All debtors are entitled to impartial treatment and uniform consideration under this subpart. Accordingly, FmHA personnel charged with any responsibility in connection with debt settlement will adhere strictly to the

authorizations, requirements, and limitations in this subpart.

§ 1956.103–1956.104 [Reserved]

§ 1956.105 Definitions.

(a) *Settlement.* The compromise, adjustment, cancellation, or chargeoff of a debt owed to FmHA. The term "settlement" is used for convenience in referring to compromise, adjustment, cancellation, or chargeoff actions, individually or collectively.

(b) *Compromise.* The satisfaction of a debt, including a release of liability, by the acceptance of a lump-sum payment of less than the total amount owed on the debt.

(c) *Adjustment.* The satisfaction of a debt, including a release of liability, when acceptance is conditioned upon completion of payment of the adjusted amount at a specific future time or times, with or without the payment of any consideration when the adjustment offer is approved. An adjustment is not a final settlement until all payments under the adjustment agreement have bee made.

(d) *Cancellation.* The final discharge of a debt with a release of liability.

(e) *Chargeoff.* To write off a debt and terminate all servicing activity *without* a release of liability. This is not a final discharge of the debt, but rather a decision upon the part of the agency to remove the debt from agency receivables.

(f) *Debtor.* The borrower of loan funds under any of the FmHA programs specified in § 1956.101 of this subpart.

(g) *Security.* All that serves as collateral for the FmHA loan(s), including, but not limited to, revenues, tax levies, municipal bonds, and real and chattel property.

(h) *Servicing official.* The FmHA official who is primarily responsible for servicing the account.

(i) *United States Attorney.* An attorney for the United States Department of Justice.

§1956.106–1956.108 [Reserved]

§ 1956.109 General requirements for debt settlement.

(a) *Debt due and payable.* The debt or any extension thereof on which settlement is requested must be due and payable under the terms of the note or other instrument, or because of acceleration by written notice prior to the date of application for settlement, unless the debt is to be cancelled without application under § 1956.130(b) or charged off under § 1956.136 of this subpart.

(b) *Disposition of security.* Ordinarily, all security will be disposed of prior to the date of application for settlement. There are exceptions:

(1) It may be necessary to abandon security through the debt settlement process. For example, a community may be rendered uninhabitable by a toxic or hazardous substance. In such cases, debt settlement may proceed provided the servicing official determines:

(i) That further collection efforts with respect to the security in question would be ineffective or uneconomical,

(ii) That it is in the best interests of the Government to proceed with debt settlement,

(iii) That the proposal otherwise meets the requirements appropriate to the type of settlement under consideration, and

(iv) The approval of the Administrator is obtained.

(2) A servicing action may have been carried out which resulted in a less than complete disposition of security. For example, the Government may have consented to a voluntary sale of a debtor's real and chattel property without reference to other security, which might include, but is not limited to: an additional lien on revenue, a third party pledge of security, or a pledge of personal liability. In such cases, debt settlement may proceed provided the requirements of § 1956.109(b)(1) of this subpart are met.

(3) Security can be retained under the compromise and adjustment offers as specified in § 1956.124 of this subpart.

(4) Settlement of a claim against an estate will be based on the recovery that may reasonably be expected, taking into consideration such items as the security, costs of administration, allowances of minor children and surviving spouse, allowable funeral expenses, dower and curtesy rights, and specific encumbrances on the property having priority over claims of the Government.

(c) *Proceeds from the sale of security.* Proceeds from the sale of security must be applied on the debtor's account, taking into consideration the disposition requirements of any grant agreement, prior to the date of application for settlement, except when security is retained as provided for in § 1956.109(b) of this subpart. Debtors will not be allowed to sell security and use the proceeds as part or all of the debt settlement offer.

(d) *County Committee review.* Proposed settlement actions will be reviewed by the County Committee except for the cancellation of debts discharged in bankruptcy under § 1956.130(b)(1) of this subpart or when a claim has been referred to a United States Attorney under § 1956.112(d) of this subpart. No settlement shall be approved if it is more favorable to the debtor than recommended by the County Committee.

(e) *Assistance from Office of General Counsel (OGC).* When necessary, State Directors will obtain advice from OGC in handling proposed debt settlement actions.

(f) *Format.* Form FmHA 1956–1, "Application for Settlement of Indebtedness," will be utilized for all settlement actions under this subpart.

§ 1956.110 Joint debtors.

Settlements may not be approved for one joint debtor unless approved for all debtors. Joint debtors includes all parties, individuals, and organizations, who are legally liable for payment of the debt.

(a) Individual settlement offers from joint debtors can be accepted and processed only as a joint offer. A separate Form FmHA 1956–1 will be completed by each debtor unless the debtors are members of the same family and all necessary financial information on each debtor can be shown clearly on a single application.

(b) If one of the joint debtors is deceased or has received a discharge of the debt in bankruptcy, or if the whereabouts of one of the debtors is unknown, or it is otherwise impossible or impractical to obtain the signature of the debtor, the application for settlement may be accepted without that debtor's signature if it contains adequate information on each of the debtors to justify settlement of the debt as to each of the debtors. The name of the debtor requesting settlement will be shown at the top of Form FmHA 1956–1 followed by name and status of the other debtor. For example, "John Doe, joint debtor with Jane Doe, deceased."

(c) Joint debtors must be advised in writing that all debtors will remain liable for the balance of the debt until any payment(s) due under the joint offer have been made.

§ 1956.111 Debtors in bankruptcy.

FmHA personnel will process reorganization plans of debtors filing under Chapter 9, Chapter 11, or Chapter 13 as follows:

(a) Plans submitted by debtors under Chapters 9, 11, and 13 must be sent by the servicing official to the State Director who will recommend either acceptance or rejection of the plans and refer them to the United States Attorney through OGC. When the plan calls for the adjustment of a debt to FmHA, the State Director will obtain the advice of the Administrator before providing OGC

with a recommendation on acceptance or rejection of this plan.

(b) The United States Attorney will advise the State Director, through OGC, as to approval or rejection of the debtor's reorganization plan. The State Director will then notify the Finance Office by memorandum of the terms and conditions of the bankruptcy reorganization plan, including any adjustment of the debt.

§ 1956.112 Debts ineligible for settlement.

Debts will not be settled:

(a) If referral to the Office of Inspector General (OIG) and/or to the OGC is contemplated or pending because of suspected criminal violation, or

(b) If civil action to protect the interests of the Government is contemplated or pending, or

(c) If an investigation for suspected fiscal irregularity is contemplated or pending, or

(d) When a claim has been referred to or a judgment has been obtained by the United States Attorney and the debtor requests settlement, the servicing official will explain to the debtor that the United States Attorney has exclusive jurisdiction over the claim or judgment, and therefore, FmHA has no authority to agree to a settlement offer. If the debtor wishes to make a settlement offer, it must be submitted with any related payment directly to the United States Attorney for consideration.

§§ 1956.113–1956.117 [Reserved]

§ 956.118 Approval authority.

District Directors cannot approve debt settlement actions. Therefore, they will make no statements to a debtor concerning the action that may be taken upon a debtor's application. Subject to this subpart, the compromise, adjustment, cancellation, or chargeoff of debts will be approved or rejected:

(a) By the State Director when the outstanding balance of the indebtedness involved in the settlement is less then $50,000, including principal, interest, and other charges.

(b) By the Administrator or his designee when the outstanding balance of the indebtedness involved in the settlement is $50,000 or more, including principal, interest, and other charges.

§§ 1956.119–1956.123 [Reserved]

§ 1956.124 Compromise and adjustment.

Nonjudgment debts may be compromised or adjusted upon application of the debtor(s), or if the debtor is an individual and unable to act, upon application of the guardian, executor, or administrator of the debtor's estate.

(a) *General provisions.* Debts, regardless of the amount, may be compromised or adjusted subject to the following:

(1) The debt or any extension thereof on which compromise or adjustment is requested is due and payable under the terms of the note or other instrument, or because of acceleration by written notice, prior to the date of application for settlement.

(2) The period of time during which payments on adjustment offers are to be made cannot exceed five years without the approval of the Administrator.

(3) Efforts will be made to avoid applications for settlement in which debtors offer a specified amount payable upon notice of approval of the proposed settlement.

(b) *Debtor's ability to pay.* In evaluating the debtor's settlement application, it is essential that reliable information be obtained in sufficient detail to assure that the offer accurately reflects the debtor's ability to pay. The debtor's income, expenses, and nonsecurity assets are critical factors in determining the type of settlement and the amount which the debtor can reasonably be expected to offer. Critical information should include the following:

(1) The debtor's total present income from all sources will be determined. In addition, careful consideration will be given to the probable sources, amount, and stability of income to be received over a reasonable period of years. For individuals, public welfare assistance and pensions, including old age pensions and pensions received by veterans for pensionable disabilities will not be considered as sources of funds with which to make compromise and adjustment offers.

(2) The debtor's operation and maintenance expenses, and, in the case of individuals, probable living expenses.

(3) The priority of payments on debts to third parties.

(4) When the debtor is largely dependent on income from an occupation in which manual labor is required, age and health of the individual are vital factors in determining the ability to pay. The number in the debtor's family, their ages and condition of health, will also be weighed in determining the ability to pay. However, when the debtor's income is from investments, business enterprises, or management efforts, age and health of both individual and family are of less importance.

(5) The value of the debtor's assets in relation to debts and liens of third parties is important in determining the debtor's ability to pay. It is recognized that debtors must retain a reasonable equity in essential nonsecurity property in order to continue normal operations and, in the case of an individual, to meet family living expenses over a period of years. Under this policy a reasonable equity in a modest nonsecurity homestead occupied by the debtor, whether or not exempt from levy and execution will not be considered as available for offer in settlement. Nonsecurity property which is in excess of minimum business and/or family living needs and which is not exempt from levy and execution should be considered when determining the debtor's ability to pay.

(c) *Debtor unable to pay in full.* Debts may be compromised or adjusted and security property retained by the debtor, provided:

(1) The debtor is unable to pay the indebtedness in full, and

(2) The debtor has offered an amount equal to the present fair market value of all security or facility financed, and

(3) The debtor has offered any additional amount which the debtor is able to pay, and

(4) The total amount offered represents a reasonable determination of the debtor's ability to pay.

(d) *Debtor able to pay in full but refuses to do so.* If the debtor has the ability to pay in full but refuses to do so, debts may be compromised or adjusted and security property retained by the debtor under certain conditions:

(1) The OGC advises that the Government is unable to enforce collection in full within a reasonable time by enforced collection proceedings, and the amount offered represents a reasonable settlement considering:

(i) Availability of assets or income which may be realized by enforced collection proceedings, considering the applicable exemptions available to the debtor under State and Federal law, and

(ii) Inheritance prospects within 5 years, and

(iii) Likelihood of debtor obtaining nonexempt property or income within 5 years out of which there could be collected a substantially larger sum than the amount of the present offer, and

(iv) Uncertainty as to the price that the security or other property will bring at forced sale, *or*

(2) The OGC advises that there is a real doubt concerning the Government's ability to prove its case in court for the full amount of the debt, and the amount offered represents a reasonable settlement considering:

(i) The probability of prevailing on the legal issues involved, and

(ii) The probability of proving facts to establish full or partial recovery, with due regard to the availability of witnesses and other pertinent factors, and

(iii) The probable amount of court costs and attorney's fees which may be assessed against the Government if it is unsuccessful in litigation, *or*

(3) When the cost of collecting the debt does not justify enforced collection of the full amount. In such cases, the amount accepted in compromise or adjustment may reflect an appropriate discount for administrative and litigious costs of collection. Such discount will not exceed $600 unless the OGC advises that in the particular case a larger discount is appropriate. The cost of collecting may be a substantial factor in settling small debts but normally will not carry great weight in settling large debts.

§ 1956.125–1956.129 [Reserved]

§ 1956.130 Cancellation.

Nonjudgment debts, regardless of the amount, may be cancelled with or without application by the debtor.

(a) *With application by debtor.* Debts may be cancelled upon application of the debtor(s), or if the debtor is an individual and unable to act, upon application of the guardian, executor, or administrator of the debtor's estate. The following conditions apply:

(1) The servicing official furnishes a favorable recommendation concerning the cancellation, and

(2) There is no known security for the debt and the debtor has no other assets from which the debt could be collected, and

(3) The debtor is unable to pay any part of the debt and has no reasonable prospect of being able to do so, and

(4) The debt or any extension thereof is due and payable under the terms of the note or other instrument, or because of acceleration by written notice prior to the date of application.

(b) *Without application by debtor.* Debts may be cancelled upon a favorable recommendation of the servicing official in the following instances:

(1) *Debtors discharged in bankruptcy.* If there is no security for the debt, debts discharged in bankruptcy shall be cancelled by the use of Form FmHA 1956–1 with a copy of the Bankruptcy Court's Discharge Order attached. No attempt will be made to obtain the debtor's signature and County Committee review is unnecessary. If the debtor has executed a new promise to pay prior to discharge and has otherwise accomplished a valid reaffirmation of the debt in accordance with advice from OGC, the debt is not discharged.

(2) *Impossible or impractical to obtain a debtor's signature.* Debts may be cancelled if it is impossible or impractical to obtain a signed application and the requirements of § 1956.130(a) (1), (2), and (3) *only* of this subpart are met. Form FmHA 1956–1 will document:

(i) The sources of information obtained.

(ii) That a current effort was made to obtain the debtor's application and the date of such effort.

(iii) The specific reasons why it was impossible or impracticable to obtain the signature of the debtor and, if the debtor refused to sign, the reason(s) given.

(3) *Deceased debtors (individuals only).* The following conditions must exist:

(i) There is no known security,

(ii) An administrator or executor has not been appointed to settle the debtor's estate but the financial condition of the estate has been investigated and it has been established that there is no reasonable prospect of recovery, *or*

(iii) An administrator or executor has been appointed to settle the estate of the debtor, and

(A) A final settlement has been made and confirmed by the probate court and the Government's claim was recognized properly and the Government has received all funds it was entitled to, or

(B) A final settlement has not been made and confirmed by the probate court, but there are no assets in the estate from which there is any reasonable prospect of recovery, or

(C) Regardless of whether a final settlement has been made, there were assets in the estate from which recovery might have been effected but such assets have been disposed of or lost in a manner which the OGC advises will preclude an reasonable prospect of recovery by the Government.

(4) *Disappeared debtor (individuals only).* The following conditions must exist:

(i) The debtor has disappeared and cannot be found without undue expense. Reasonable efforts either in person or in writing will be made to locate the debtor. These efforts, including the names and dates of contacts, and the information furnished by each person, will be fully documented on Form FmHA 1956–1,

(ii) There is no known security for the debt and the debtor has no other assets from which the debt could be collected, and

(iii) The debtor is unable to pay any part of the debt and has no reasonable prospect of being able to do so.

§§ 1956.131–1956.135 [Reserved]

§ 1956.136 Chargeoff.

(a) *Judgment debts.* Subject to the provisions of § 1956.112(d) of this subpart, judgment debts, regardless of the amount, may be charged off without the debtor's signature upon a favorable recommendation of the servicing official provided:

(1) The United States Attorney's file is closed, and

(2) The requirements of § 1956.130(b)(1), (2), (3), or (4) of this subpart have been met, as appropriate, or two years have elapsed since any collections were made on the judgment and the debtor(s) has no equity in property on which the judgment is a lien or on which it can presently be made a lien.

(b) *Nonjudgment debts.* Debts which cannot be settled under other sections of this subpart may be charged off without the debtor's signature upon a favorable recommendation of the servicing official in the following instances:

(1) When the OGC advises in writing that the claim is legally without merit, or that evidence necessary to prove the claim in court cannout be produced.

(2) When there is no known security for the debt, the debtor has no other assets from which the debt could be collected, and the debtor:

(i) Is unable to pay any party of the debt and has no reasonable prospect of being able to do so, or

(ii) Is able to pay part or all of the debt but refuses to do so, and an opinion is received from OGC to the effect that the Government cannot enforce collection of a significant amount from assets or income.

(3) When the debtor is deceased (individuals only), disappeared (individuals only), or when it is impossible or impractical to obtain the debtor's signature, and the conditions of § 1956.136(b)(2) of this subpart are met.

§ 1956.137 [Reserved]

§ 1956.138 Processing.

(a) *Approval.* When a debt settlement application is approved, the State Director will:

(1) Send the original approved Form FmHA 1956–1 to the Finance Office.

(2) Notify debtors in writing of settlement approval, including the specific amount and terms of the offer that were accepted, for compromise and

adjustment offers under § 1956.124 and cancellations with application under § 1956.130(a) of this subpart.

(3) Not be required to notify debtors of settlement approval when debts are cancelled without application under § 1956.130(b) or charged off under § 1956.136 of this subpart.

(b) *Requesting additional information.* When rejection appears to be necessary either because of lack of information or because the amount of a compromise or adjustment offer is inadequate, the State Director may request the servicing official to obtain the additional information or make an effort to obtain a more acceptable offer, as the circumstances justify. Notice of rejection of an offer will be withheld in such cases until sufficient time has elapsed to enable the debtor to present further information or a new offer.

(c) *Rejection.* When a debt settlement application is rejected, the State Director will:

(1) Insert the reasons for rejection on the Form FmHA 1956–1.

(2) Retain the original Form FmHA 1956–1 in the State Office and return case files and copies of Form FmHA 1956–1 to the servicing official.

(3) Request the Finance Office to return any adjustment or compromise payment held by the Finance Office to the borrower, in care of the servicing official.

(4) Return any adjustment or compromise payment held by the State Office to the borrower, in care of the servicing official.

(5) Notify the debtor in writing of the reasons for the rejection for compromise and adjustment offers under § 1956.124 and cancellations with application under § 1956.130(a) of this subpart.

(d) *Appeal rights.* In accordance with Subpart B of Part 1900 of this chapter, the debtor will be given the right to appeal the rejection of any debt settlement offer made by the debtor under this subpart.

§ 1956.139 Collections.

(a) When the debtor offers a lump-sum payment in compromise or an intitial payment on an adjustment offer, that payment will accompany the settlement application at the time the application is filed with the servicing official.

(b) Except as provided in paragraph (c) of this section, debt settlement payments will be deposited and transmitted as required in Subpart B of Part 1951 of this chapter.

(c) Checks or check transmittal letters containing restrictive notations such as "Settlement in full" or "Payment in full," will be forwarded to the State Office where they will be retained until approval or rejection of the offer. The use of restrictive notations will be discouraged to the fullest extent possible.

(d) All payments evidenced by Form FmHA 451–2, "Schedule of Remittances," bearing the legend "Compromise Offer—FmHA" or "Adjustment Offer—FmHA," will be held in the Deposits Fund Account by the Finance Office until notification is received from the State Office of the approval or rejection of the offer.

(i) Upon receipt of an approved Form FmHA 1956–1, remittances will be applied in accordance with established policies, beginning with the oldest loan included in the settlement, except that when the request for settlement includes loans made from different revolving funds, the Finance Office will prorate the amount received on the basis of the total principal balance due the respective revolving funds.

(ii) Upon notification of a rejection of a debtor's offer and receipt of a request from the State Director for a refund, the Finance Office will refund to the debtor, in care of the servicing official, the amount held in the Deposits Fund Account.

(e) When a debtor's adjustment offer is approved, the accounts involved will not be adjusted in the records of the Finance Office until all payments have been made. Form FmHA 1956–1 will be held in a suspense file pending payment of the full amount of the approved offer.

(f) If an approved debt settlement agreement is later voided by the State Director in accordance with § 1956.142(e) of this subpart, any payments which have been received shall be retained as payments on the debt owed at the time the compromise or adjustment offer was approved.

§ 1956.140–1956.141 [Reserved]

§ 1956.142 Delinquent adjustment agreements.

(a) The servicing official is responsible for notifying debtors in advance of the due dates of payments on debt settlement agreements and for monitoring compliance with the terms of settlement agreements. If a payment is delinquent, the servicing official should contact the debtor promptly to determine the reason for the delinquency and the debtor's plan for completing the agreement.

(b) Delinquencies of 30 days or more will be reported to the State Director along with other pertinent information and the recommendation of the servicing official regarding further handling of the case.

(c) The State Director may extend, for ninety days, the time for making the payments when the circumstances of the case justify an extension. Extensions for a greater period of time may be made by the State Director upon the recommendation of the County Committee and the servicing official.

(d) When the debtor is financially unable to met the terms of the debt settlement agreement, the State Director may void the existing agreement and process a new settlement more consistent with the debtor's repayment ability, provided the facts in the case justify such action.

(e) If the State Director determines that the debtor cannot or will not meet the terms of the settlement agreement and if the facts do not justify approval of a new settlement agreement, the State Director will void the existing agreement and direct the servicing official to take other servicing actions appropriate to the circumstances of the case.

(f) When an adjustment agreement is voided, the State Director will notify the debtor giving the reasons in writing, with a copy to the Finance Office and to the servicing official. Upon receipt, the Finance Office will return the original Form FmHA 1956–1 to the State Office.

§ 1956.143–1956.144 [Reserved]

§ 1956.145 Disposition of essential FmHA records.

Subpart A of Part 2033, available in any FmHA office, identifies an "essential FmHA record" as the original of any document or record which provides evidence of indebtedness or obligation to FmHA and includes, but is not limited to: promissory notes, assumption agreements and valuable documents, such as bonds fully registered as to principal and interest.

(a) Essential FmHA records evidencing debts settled by compromise, completed adjustment or cancelled with application will be returned to the debtor or to the debtors' legal representative. The appropriate legend, such as "Satisfied by Approved Compromise," and the date of the final action will be stamped or typed on the original document. This same information plus the date the original document is returned to the debtor will be shown on a copy to be placed in the debtor's case folder.

(b) Essential FmHA records evidencing debts cancelled without application will be placed in the debtor's case folder and disposed of pursuant to Subpart A of Part 2033. However, if the debtor requests the document(s), they must be stamped

"Satisfied by Approved Cancellation" and returned.

(c) Essential FmHA records evidencing charged off debts will be retained in the servicing office and will not be stamped or returned to the debtor. They will be destroyed six years after chargeoff pursuant to Subpart A of Part 2033.

§ 1956.146–1956.147 [Reserved]

§ 1956.148 Exception authority.

The Administrator may make an exception to any requirement or provision of this subpart which is not inconsistent with the authorizing statute or other applicable law if the Administrator determines that application of the requirement or provision would adversely affect the Government's interest. Requests for exceptions must be made in writing by the State Director and supported with documentation to explain the adverse effect on the Government's interest, propose alternative courses of action, and show how the adverse effect will be eliminated or minimized if the exception is granted. Any settlement actions approved by the Administrator under this section will be documented on Form FmHA 1956–1 and returned to the State Office for submission to the Finance Office.

§ 1956.149 [Reserved]

§ 1956.150 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575–0124.

Dated: March 4, 1988.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 88–8692 Filed 4–20–88; 8:45 am]

BILLING CODE 3410–07–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 547, 548, 549, 563, 569a, 569b, 569c

[No. 88–229]

Conservators and Receivers; Interim Procedures

April 4, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of availability of interim procedures pending adoption of final regulations.

SUMMARY: The Federal Home Loan Bank Board ("Board" or "Bank Board"), in its own right and as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), hereby gives notice that the interim procedures appended hereto have been in effect since July 1, 1986, and will continue to be in effect pending adoption of final regulations governing the matters addressed herein. The interim procedures are entitled as follows: (1) "Procedures for the Administration and Determination of Requests for Expedited Relief From Decisions or Threatened Actions of the FSLIC as Receiver"; (2) "Procedures for the Processing and Determination on Review of Determinations of the FSLIC as Receiver"; and (3) "Procedures for the Administration and Determination of Claims Filed With the FSLIC as Receiver." These interim procedures were adopted pursuant to 12 U.S.C. 1437 (1982).

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Christopher Bellotto, Assistant General Counsel, (202) 377–7401; or Judith L. Friedman, Associate General Counsel, (202) 377–7399; Adjudication Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 C Street, NW., Washington, DC 20552. Copies of the interim procedures may also be obtained from this address.

SUPPLEMENTARY INFORMATION: On November 8, 1985, the Board proposed amendments and revisions to its regulations governing the conservatorship and receivership of associations chartered by the Board or the accounts of which are insured by the FSLIC. Board Res. No. 85–1007, 50 FR 48970 (November 27,1985). Pending final adoption of the proposed amendments and revisions, the Board hereby provides public notice of the interim procedures in order to assist petitioners and/or claimants in the filing of Requests for Expedited Relief, claims against the FSLIC as Receiver, and appeals from decisions of the FSLIC as Receiver.

The Board, in its proposed regulations, and its Office of General Counsel, have made it clear that the FSLIC as Receiver of an institution, the accounts of which are insured by the FSLIC, recognizes the validity of certain secured obligations of insured institutions, entered into pursuant to legal authority, and the right of a secured creditor in certain circumstances to cause the liquidation of collateral. Further, the FSLIC as Receiver may recognize the holder of a participating interest in a loan in which the Receiver also holds a participating interest, or which the Receiver services, as one having an ownership interest and not a creditor of the insured institution in receivership.

The Board, in providing this notice of procedures, is not directing the FSLIC as Receiver to require such secured creditors to observe all such noticed procedures as a precondition of exercising valid liquidation rights pursuant to valid security contracts entered into by an insured institution as authorized under its governing law prior to the appointment of the Receiver. Nor is the Board directing the FSLIC as Receiver to subject such holders of participating interests that are not creditors of the insured institution in receivership generally to such procedures. In the event, however, that a Receiver disputes a creditor's claim to a security interest in an asset of the institution or a participant's characterization of its status, the Receiver may require such creditor or other entity to establish its claimed status pursuant to these procedures; and the Receiver in such cases may take such action as is deemed necessary to protect the Receiver's interest in any asset.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

Appendix—Procedures For The Administration and Determination of Claims Filed With The FSLIC As Receiver

I. Introduction.
A. Statement of Purpose.
B. Definitions.
II. Notice to Potential Claimants.
III. Procedure for Initial Review of Claims.
IV. Procedure for Review of Claims Retained for Further Review.
A. The Role of the Special Representative and Claims Counsel.
B. Elements of Review.
C. Claims On An Expedited Basis.
V. Standards for Determination of Claims.
A. Burden of Proof.
B. Exclusion from Claims Procedure.
C. Application of Claims Procedure.
D. Criteria for the Determination of Claims.
E. Claims to Security, Priority or Preference.

I. Introduction

A. Statement of Purpose

The purpose of these procedures is to provide for the uniform administration and determination of claims filed with the FSLIC as Receiver in all receiverships in the Federal Home Loan Bank/FSLIC system. These procedures are to be followed by Special Representatives and managing officers of the receiverships to assure compliance with the Federal Regulations governing the processing and

determination of claims, and to insure uniformity of notices to claimants, documentation of claims, determination of the merits of claims by allowance or disallowance in whole or in part, payment of claims, and the review process. These procedures are authorized by 12 U.S.C. 1464(a) and 1729(d), and regulations promulgated thereunder, including 12 CFR Parts 549 and 569a, existing standard resolutions, and orders of the Federal Home Loan Bank Board. Full compliance with and exhaustion of these procedures is a prerequisite to review by the Federal Home Loan Bank Board (Bank Board). Judicial review of the disallowance in whole or in part of a claim against the assets of the FSLIC as Receiver is available only after exhaustion of these procedures and review and final agency action by the Bank Board.

The Bank Board, in its proposed regulations, and its Office of General Counsel, have made it clear that the FSLIC as Receiver of an institution, the accounts of which are insured by the FSLIC, recognizes the validity of certain secured obligations of insured institutions, entered into pursuant to legal authority, and the right of a secured creditor in certain circumstances to cause the liquidation of collateral. Further, the FSLIC as Receiver may recognize the holder of a participating interest in a loan in which the Receiver also holds a participating interest, or which the Receiver services, as one having an ownership interest and not a creditor of the insured institution in receivership.

The Bank Board, in providing this notice of procedures, is not directing the FSLIC as Receiver to require such secured creditors to observe all such noticed procedures as a precondition of exercising valid liquidation rights pursuant to valid security contracts entered into by an insured institution as authorized under its governing law prior to the appointment of the Receiver. Nor is the Board directing the FSLIC as Receiver to subject such holders of participating interests that are not creditors of the insured institution in receivership generally to such procedures. In the event, however, that a Receiver disputes a creditor's claim to a security interest in an asset of the institution or a participant's characterization of its status, the Receiver may require such creditor or other entity to establish its claimed status pursuant to these procedures; and the Receiver in such cases may take such action as is deemed necessary to protect the Receiver's interest in any asset.

B. Definitions

For the purpose of these procedures, the procedures for Requests for Review, and the procedures for Requests for Expedited Relief, the following definitions shall apply.

1. "Administrative expenses of the association" means those reasonable expenses for services actually provided for the association by nonemployee professionals, such as accountants, attorneys, appraisers or examiners, that in the opinion of the Special Representative actually benefitted the association or the receivership estate.

2. "Receiver's record" means all notices to claimants, Proof(s) of Claim, anything required by the procedures and any documentation and other writings compiled by the Special Representative that form the basis and rationale for the Receiver's determination as to the allowance or disallowance in whole or in part of a claim.

3. "Affected Person" means a person, corporation, partnership or other legal entity that owns or has an interest in real or personal property, or is otherwise obligated on a debt which is secured by real or personal property, against which the Receiver threatens to take action that may affect, impair, diminish or terminate such interest. By way of example only, if the Receiver posts for the foreclosure of a deed of trust, the legal owner or owners of the real estate encumbered with the lien sought to be foreclosed would be an "Affected Person."

4. "Agent of the Special Representative" means those employees of the Receiver designated by the Special Representative to perform certain functions, which include but are not limited to maintaining a tracking system of the claims filed with the Receiver and performing an initial review of the Proofs of Claim submitted to the Receiver.

5. "Applicant" means any person or entity that asserted a claim against the Association or the Receiver and seeks review by the Bank Board.

6. "Association" means a savings and loan association or savings bank for which the Board has appointed the FSLIC as Receiver.

7. "Board" means the Federal Home Loan Bank Board, as defined in 12 CFR 500.10 (1986).

8. "Certificate of Mailing" means a written statement certifying that the referenced document has been placed in the United States mail, first class, postage prepaid, on the date specified.

9. "Claim" means the assertion of a right to payment or other relief against an association or the Receiver; provided, however, that it shall not include the right to deposit insurance which, if appropriate, is paid by FSLIC Corporate or a Request for Expedited Relief which is filed with the Bank Board. All claims shall be submitted in writing in a Proof of Claim.

a. "Claim" includes but is not limited to:

(i.) demand for recoupment, set-off, security, priority, or preference;

(ii.) request to foreclose or to oppose foreclosure by the Receiver on security property or assets of the association;

(iii.) demand for interest, penalties, fees or the recognition or nonrecognition of liens securing equitable subordinated claims;

(iv.) administrative expenses of the association, provided, however, that a proof of claim need not be filed for services that were actually rendered, within 30 days prior to the Receiver's taking possession, by accountants, attorneys, appraisers or examiners; such services will be considered for priority payment by the Receiver as explained in Part V, if in the opinion of the Receiver such services are of benefit to the receivership;

(v.) demand by employees of the association for wages and salaries, including vacation, severence, sick leave pay and contributions to employee benefits plan; provided that a proof of claim need not be filed for wages, salaries, and benefits earned within 30 days prior to the appointment of the Receiver that do not exceed $2,000, which wages, salaries, and benefits will be considered for priority payment by the Receiver as explained in Part V.

b. "Reconcilable claim(s)" means a claim that may be allowed in whole based upon the Receiver's review of the books and records of the association or the Receiver in the absence of additional fact finding or additional consideration of related legal issues.

c. "Claim(s) retained for further review" means those claims that are not Reconcilable Claims.

10. "Claimant" means any person or entity asserting a claim against the association or the Receiver.

a. A Claimant may include but is not limited to:

(i.) holder(s) of claim(s) that appear on the face of the books or records of the association, or are otherwise known to the Receiver, on the date of the appointment of the Receiver;

(ii.) holder(s) of claim(s) that appear on the face of the books or records of the association or the Receiver, or are otherwise known to the Receiver subsequent to the date of the appointment of the Receiver;

(iii.) holder(s) of claim(s) that arise from acts or omissions of the Receiver;

(iv.) owner(s) of a participation interest in a loan originated by the association or in which the association is participating;

(v.) borrower(s);

(vi.) guarantor(s);

(vii.) secured creditor(s) or unsecured creditor(s);

(viii.) mechanic's or materialmen's lien holder(s) or person(s) or entities that seek to obtain a mechanic's or materialmen's lien against assets of the association or assets in which the Receiver has or seeks to assert an interest; or

(ix.) any person(s) or entities seeking to recover civil money damages or equitable relief against the association or the Receiver.

b. Claimants, at their election, may be represented by an agent, who shall be designated and identified to the Receiver in writing by name and address. Upon such designation, all correspondence and communication shall be between the Special Representative and the agent for the Claimant. For purposes of these procedures the term claimant shall be deemed to include any properly designated agents of the Claimant.

11. "Claims Counsel" means legal counsel retained to represent the Receiver, as designated by the Special Representative with the consent of the General Counsel, to perform specified tasks, hereinafter described.

12. "Claims procedures" means the Procedures for the Administration and Determination of Claims Filed with the FSLIC as Receiver.

13. "Current bills" means those administrative expenses of the Receiver incurred on or subsequent to the date of the appointment of the Receiver, and includes costs, expenses and debt of the Receiver.

14. "Depositor" or "Accountholder" means the holder of a withdrawable account or accounts in an association.

15. "Director, OFSLIC" means the Director of the Office of the Federal Savings and Loan Insurance Corporation, as defined in 12 CFR 500.20 (1986).

16. "Filed with" or "served upon" means actually received.

17. "FSLIC" means the Federal Savings and Loan Insurance Corporation, as defined in 12 CFR 500.4 (1986).

18. "General Counsel" means the General Counsel to the Board, as defined in 12 CFR 500.17 (1986), or an attorney(s) in the Office of General Counsel ("OGC") designated by the General Counsel.

19. "Insurance Division, OFSLIC" means the Insurance Division, as defined in 12 CFR 500.20(a) (1986).

20. "Legal holiday" means those days designated as a legal holiday by the President or the Congress of the United States of America.

21. "Petitioner" means an Affected Person filing a Request for Expedited Relief.

22. "Proof of Claim" means the form specified by the Director, OFSLIC, with the concurrence of the General Counsel, upon which a claim shall be submitted in writing. The Claimant shall have a continuing duty to supplement and update information contained therein, including but not limited to advising the Receiver in writing of the Claimant's current address.

23. "Publish" is defined at 12 CFR 549.1(a).

24. "Receiver" means the FSLIC or the Federal Deposit Insurance Corporation as Receiver as appointed by the Board pursuant to applicable federal law.

25. "Request for Expedited Relief" means a written request submitted by an Affected Person to the Bank Board in accordance with applicable procedures. A Request for Expedited Relief is not a "claim" as defined herein.

26. "Special Representative" means individual(s) designated as Special Representative(s) for the FSLIC as Receiver for an association as stated in the Board Resolution appointing the FSLIC as Receiver. The Director, OFSLIC, with the concurrence of the General Counsel, shall designate the Special Representative(s) for each receivership who will have primary responsibility for the administration of claims procedure. The Special Representative(s) shall conduct the claims procedure, including the determination of the merits of claims.

II. Notice to Potential Claimants

A. In accordance with the existing regulations and orders of the Board, promptly after the date of appointment, the Receiver shall publish notice to all potential claimants of the association as shown on the books and records of the association, or as otherwise may be known to the Receiver, of their right to present claims to the Receiver and simultaneously shall mail to such claimants at their last known address: (1) a notice of their right to present claims to the Receiver, (2) a Proof of Claim form, and (3) a copy of the "Procedures and Instructions for Filing Claims with the FSLIC as Receiver." Demands by Accountholders for deposit insurance will be determined by the Insurance Division, OFSLIC, in a separate proceeding and not pursuant to this Claims Procedure.

B. The notice shall provide that a Proof of Claim shall be filed with the Receiver on or before a specified date, which is not less than 90 days from the date of the first publication of such notice.

C. Such notice shall be republished 30 days and 60 days after the date of the first publication. The Special Representative shall retain copies of the published notices in the files of the Receiver.

D. Uninsured depositors. These Claims Procedures do not apply to claims by depositors, which will be determined by the Insurance Division, OFSLIC, under applicable procedures. Uninsured depositors will receive a Certificate of Claim in Liquidation for any uninsured amount on deposit. A copy of that Certificate will be provided to the Receiver by the Insurance Division.

The Receiver will retain the Certificate for the period of the receivership. When there is a distribution to general creditors, such claims will be paid pro rata with others of the same priority out of the assets of the receivership.

A depositor also may be a claimant under this Claims Procedure for other claims not based upon insurance of accounts.

III. Procedure for Initial Review of Claims.

A. The Special Representative shall designate as many agents, as, in the opinion of the Special Representative, are necessary and appropriate to review and process claims filed with the Receiver and to perform functions as assigned by the Special Representative ("agent of the Special Representative"). The Special Representative, in consultation with the General Counsel, shall designate from the law firm(s) retained to advise the Receiver as many Claims Counsel as are necessary to assist in the claims process. Such law firm(s) shall act under the supervision of and be advised by the General Counsel.

B. All Proofs of Claim filed with the Receiver shall be recorded by entry into a control log in the chronological order by the date on which such Proof of Claim was filed with the Receiver. The control log shall include the name of each claimant and an assigned serial number.

C. After each Proof of Claim is entered into the control log, an agent of the Special Representative shall review the Proof of Claim to determine whether it has been properly filed in accordance

with the directions contained in the Notice to Claimants and the Proof of Claim form ("properly filed").

1. If a Proof of Claim is found not to be properly filed, a copy of the Proof of Claim shall be returned to the claimant promptly with a written explanation of the deficiencies in the Proof of Claim ("deficiency notice"). The deficiency notice shall advise the claimant that a corrected Proof of Claim must be filed with the Receiver within the later of 30 days from the date of the mailing of the deficiency notice or 90 days from the date the first notice was published to all potential claimants, and that failure to correct the deficiencies before the expiration of the later time period may result in disallowance of the claim.

2. In the discretion of the Special Representative, if material deficiencies in the Proof of Claim are not timely corrected, the claim may be disallowed in whole or in part. The determination of disallowance for failure to correct deficiencies in the Proof of Claim shall be in writing and explain the deficiencies that remain and shall be mailed promptly to the Claimant by certified mail, return receipt requested, and regular mail with a certificate of mailing. A copy of the determination, the certificate of mailing and the receipt card, if any, shall be maintained in the files of the Receiver for the duration of the receivership, and shall become part of the administrative record.

3. The originals of a Proof of Claim, deficiency notice, and any corrected Proof of Claim shall be retained in the files of the Receiver and shall become part of the record with respect to such claim.

4. When a Proof of Claim or any corrected Proof of Claim is determined to be properly filed, the claim shall be promptly assigned to an agent of the Special Representative for initial review on the merits. A properly filed corrected Proof of Claim shall supersede a previously filed deficient Proof of Claim for purposes of review on the merits.

D. The review on the merits shall determine whether each claim:

1. Is a Reconcilable Claim that the Special Representative may allow in whole based upon the books and records of the association or the Receiver, which books and records appear to be reliable and to provide no basis for disallowance; or

2. Is a claim that should be retained for further review, which claim the Special Representative cannot allow in whole or disallow in whole or in part in the absence of further review or investigation.

E. The Special Representative shall notify each Claimant within 180 days after the end of the 90 day notice period, as set forth in the regulations, or after receipt of the properly filed Proof of Claim, whichever is later, whether the claim is allowed in whole or retained for further review. The notice shall be in writing and shall be mailed to the Claimant by certified mail, return receipt requested, and by regular mail with a certificate of mailing.

IV. Procedure for Review of Claims Retained for Further Review.

A. The Role of the Special Representative and Claims Counsel

1. The Special Representative shall be the decisionmaker, and the Claims Counsel shall provide legal advice to the Special Representative. The Special Representative, in his discretion, may assign the tasks of review of claims to Claims Counsel or to other agents of the Special Representative, subject to the oversight and direction of the Director, Operations and Liquidation Division, OFSLIC, with the advice and consent of the General Counsel.

2. In exercising this discretion, the Special Representative shall consider:

a. the nature of the task;

b. the issues involved in the claim; and

c. where no significant legal issue is presented, the cost-savings involved in assigning to a non-attorney agent of the Special Representative those tasks, such as preparing and forwarding notices to the Claimant, that do not require an attorney or that can be performed by a non-attorney at the direction and under the supervision of Claims Counsel.

3. Preferences to the Special Representative in the provisions of subpart P, "Elements of Review," therefore, should be read to mean that the Special Representative, in the exercise of his discretion, may designate an agent of the Special Representative to perform those tasks, which properly may be performed by a non-attorney agent of the Special Representative under the direction of Claims Counsel, or by Claims Counsel.

B. Elements of Review

1. Upon assignment, an agent of the Special Representative shall review promptly the Proof of Claim and documentation submitted by the Claimant in support of the claim and determine whether additional documentation or other writings or materials are necessary to reach a determination with respect to the claims.

2. In connection with the compiling of such documentation, the Special Representative may require the claimant to provide additional information or documentation in support of the claim. Specifically, the Special Representative may:

a. notify the Claimant in writing to file with the Receiver, within 30 days, additional documentation or written information if, in the opinion of the Special Representative, it appears that such additional documentation or other written information would assist in the determination of the claim;

b. notify the claimant to make available for inspection and copying any relevant, non-privileged documents or written information in the custody of or subject to the control of the claimant or his agent at a reasonable time, upon reasonable notice, and at the Receiver's expense;

c. notify the claimant to file with the Receiver within 30 days a sworn writtten response to written questions posed on behalf of the Receiver ("response to written questions").

3. The Special Representative may, at a reasonable time after reasonable notice, review documents or other written information relevant to the claim in the custody of or subject to the control of any person or entity, including the writing from any persons including the claimant or his employees, and may obtain sworn statements in which statements, documents or other writings shall be made part of the Receiver's record. In connection with the gathering of this documentation or information, the Special Representative may require the Claimant to make such documentation or information available to the Special Representative or to assist or cooperate with the Special Representative in obtaining it.

4. The Special Representative shall, upon the request of a Claimant provide an opportunity, at a reasonable time after reasonable notice to the Special Representative, to inspect and copy at the Claimant's expense any non-privileged documents or other written information relevant to the claim that are in the custody of or subject to the control of the Receiver.

a. All requests to inspect or to copy such documents shall be in writing, shall be specific, shall not request materials already in the possession of or otherwise available to the Claimant, and shall be framed so as to avoid undue burden or expense to the Receiver.

b. A written request that fails to comply with such requirements shall be subject to denial by the Special Representative.

c. The Special Representative may defer response to document requests until it has decided whether to retain the

claim for further review. The Special Representative may decide to deny a document request from a Claimant if it determines to allow the claim in whole.

5. The Special Representative may grant requests by a Claimant to appear before an agent of the Special Representative, or may require Claimants to appear before an agent of the Special Representative, to give statements, or to discuss the claim or documentation.

6. The Special Representative or his agent, subject to the approval of the Special Representative, may negotiate compromises or settlements of claims. Claimants' oral statements shall be reduced to writing, sworn to, and made a part of the Receiver's record. Statements by Claimants and Receiver's Representatives and their agents made during settlement discussions and in written communications for purposes of settlement shall not be part of the Receiver's Record and shall be treated in accordance with Federal Rule of Evidence 408.

7. The Special Representative may require the Claimant in writing to submit a memorandum addressing legal issues the resolution of which would assist in the determination of the claim ("request for memorandum"). The request for memorandum shall be mailed to the Claimant by certified mail, return receipt requested, and regular mail with a certificate of mailing, and shall advise the Claimant that the memorandum shall be filed with the Receiver no later than 30 days after the date of mailing of the request for memorandum. The request for memorandum, return receipt, certificate of mailing, and any memorandum filed by the Claimant shall be made a part of the Receiver's record.

8. The Special Representative shall inform the Claimant in writing that the Special Representative, in his sole discretion, may disallow in whole or in part any claim in the event the Claimant fails:

a. to provide to the Special Representative, as requested and within the time period specified, the additional documentation or written information, responses to written questions, or memorandum;

b. to make available for inspection and copying any non-privileged documents in the Claimant's custody or subject to the Claimant's control; or

c. to appear and give a sworn statement upon notice by the Special Representative.

9. The Special Representative shall compile a Receiver's record consisting of: the Proof(s) of Claim, all documents or other writings and sworn written statements submitted by or obtained from the Claimant or his agent; all sworn statements and documents or other writings obtained from persons or entities other than the Claimant, and all documents or other writings in the custody or subject to the control of the Special Representative which, in the opinion of the Special Representative, are relevant to the claim; and all notices from the Special Representative to the Claimant.

10. After compiling the Receiver's record, the Special Representative shall notify the Claimant in writing of the compilation of the record ("notice of record"). The notice of record shall itemize, in the form of an index, those documents, statements, and other writings that are to be made a part of the record and shall advise the Claimant to provide the Receiver with any additional documents, statements, written information or other writings for inclusion in the record within 30 days of the date of the mailing of the notice of record. The Special Representative shall mail the notice of record by certified mail, return receipt requested, and by regular first class mail and execute a certificate of mailing. Thereafter, the Special Representative shall prepare the Receiver's record, which shall include the documents as described in the index, the notice of record, and any additional documents provided by the Claimant in response to the notice of record. The Receiver's record will be made available to the Claimant, at a reasonable time and upon reasonable notice, for inspection and copying at the Claimant's expense.

11. Claims Counsel shall consult with the Special Representative and provide such confidential, privileged legal advice as may be necessary to assist the Special Representative to reach a proposed determination with respect to the claim.

12. After evaluating the information contained in the Receiver's record, the Special Representative shall promptly prepare a memorandum presenting and analyzing the legal and factual issues raised by the claim, and recommending a proposed determination ("proposed determination memorandum"). The Special Representative also shall prepare a proposed determination of claim in the form of proposed findings of fact and conclusions of law ("proposed determination").

It is anticipated that the Special Representative may assign to Claims Counsel the task of providing legal advice regarding the elements of the claim including assistance in drafting the proposed determination and proposed determination memorandum. In that event, Claims Counsel shall prepare and submit the proposed determination and proposed determination memorandum to the Special Representative for review, comments, changes or adoption. In that event the Special Representative requires changes to be made in the proposed determination or proposed determination memorandum, Claims Counsel shall make such changes and the revised notice of proposed determination and proposed determination memorandum once adopted shall supersede the prior proposed determination and memorandum. Upon adoption by the Special Representative, the proposed determination memorandum and the proposed determinaton shall be made a part of the Receiver's record. The superseded proposed determination and memorandum shall not be made a part of the Receiver's record.

13. The Special Representative shall promptly mail the proposed determination to the Claimant by certified mail, return receipt requested, and regular first class mail, and execute a certificate of mailing.

14. If the Claimant does not file a request for reconsideration as specified in 13 above, the proposed determination shall constitute the Receiver's Determination, and the Special Representative shall notify the Claimant in writing of his right to obtain review of the Receiver's Determination by the Bank Board, in accordance with the applicable regulations and procedures. The notice shall state that such review by the Bank Board is a prerequisite to obtaining judicial review.

15. The proposed determination shall advise the Claimant of his right to file with the Receiver, within 30 days from the date of mailing of the notice, a written request for reconsideration ("request for reconsideration").

a. The request for reconsideration shall state the specific grounds for any objection to proposed findings of fact or conclusions of law and may present proposed alternative findings of fact and conclusions of law. The request for reconsideration should present more than mere conclusory objections to proposed findings of fact or conclusions of law.

b. If the Claimant does not object to a proposed finding of fact or conclusion of law in the request for reconsideration, such fact or conclusion shall be conclusively established against the Claimant.

c. If the request for reconsideration is not timely filed with the Receiver, any objections to the proposed findings of fact and conclusions of law, in the

absence of an extension of time by the Special Representative or a showing of good cause, may be deemed to be waived by the Claimant.

d. The Special Representative shall promptly reply in writing to the request for reconsideration ("Special Representative's reply"). The Special Representative's reply will state whether the Special Representative agrees or disagrees with the contentions contained in the request for reconsideration and explain modifications, if any, recommended by the Special Representative to the proposed determination. The Special Representative's reply will be mailed to the Claimant by the Special Representative by certified mail, return receipt requested, and regular mail with a certificate of mailing.

e. The request for reconsideration and the Special Representative's reply shall become part of the Receiver's record.

f. After considering the Receiver's record, the Receiver will issue a determination on the claim ("Receiver's Determination"), signed on behalf of the Receiver by the Special Representative, in the form of findings of fact and conclusions of law.

16. The Special Representative will promptly mail to the Claimant by certified mail, return receipt requested, and by regular mail, the Receiver's Determination and a statement of the Claimant's right to obtain review of the Receiver's Determination by the Bank Board. The statement shall inform the Claimant that requesting such review by the Bank Board is a prerequisite to obtaining judicial review, and shall enclose a copy of the procedures for obtaining review. The Receiver's Determination and the executed return receipt, if any, will be made a part of the Receiver's record, whereupon the Receiver's Record, which is the basis for any Request for Review to the Bank Board will be deemed closed.

17. The Special Representative shall maintain the Receiver's record in the office of the Receiver for the duration of the receivership and for a period of six (6) months following termination of the receivership by the Bank Board upon the conclusion of the final audit.

18. The Receiver shall issue to the Claimant a "Record of Claim" stating the amount of any claim recognized, in whole or in part, and shall maintain a copy of the Record of Claim for processing with other valid claims according to its respective priority.

C. Claims on an Expedited Basis

A Claimant may make a written request to the Receiver that a claim be processed on an expedited basis. The burden shall rest upon the Claimant to establish good cause for expedited processing of a claim. The standard for good cause shown shall be substantial harm to the Claimant in the absence of expedited processing. It shall be in the sole discretion of the Receiver whether to direct that a claim be accorded expedited processing. The Receiver shall notify the Claimant in writing, by certified mail, return receipt requested, and regular mail, of his decision on the request, and in the event the request is granted, the schedule for such expedited processing.

V. Standards for Determination of Claims

A. Burden of Proof

The burden of proof shall rest upon the Claimant to establish the claim by a preponderance of the evidence. Preponderance of the evidence means evidence that when fairly considered produces the stronger impression, has the greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

B. Exclusion from Claims Procedure

A proof of claim need not be filed for certain administrative expenses of the association, and for employee wage claims of $3,000.00 or less.

C. Application of Claims Procedure

1. Administrative expenses of the association and employee wage/benefit claims are claims and thus are subject to the requirements of the claims procedure except as provided in sections I.B.7(a)(iv) and (v).

2. Service or materials providers and association employees shall be provided with Proof of Claim forms to submit to the Receiver to obtain payment of administrative expenses of the association and appropriate employee wage/benefit claims.

3. Federal law preempts any state law that directs prompt payment of employee wages/benefits upon employment termination. The Special Representatives are urged to assure affected employees that their claims for wages/benefits will receive expeditious consideration. It is hoped that such assurances will forestall the institution of improper and costly legal proceedings under state schemes to force payment.

D. Criteria for the Determination of Claims

No claim shall be allowed in full in the absence of:

1. Evidence that the services, supplies or materials were provided in good condition or at an acceptable market or professional level.

2. Evidence that the services, supplies or materials were provided on the dates and in the quantities as claimed.

3. Evidence that the charges or fees are based upon actual services rendered or materials provided and are commensurate with the appropriate geographical market, professional, or trade standards for the services or materials provided on the applicable dates.

4. Proof that any payments already made on a claim by the Association or the Receiver have been deducted from the claim set out in the Proof of Claim filed with the Receiver.

5. A determination by the Special Representative that there is pending no judicial or other proceeding involving the claim and that there exists no judgment or other final determination in a proceeding on the claim.

6. A determination made by the Special Representative that the Receiver does not have any set-off rights or counterclaims against the Claimant.

7. A determination by the Special Representative that the claim does not appear to be fraudulent or otherwise reasonably suspect and thus should not be allowed.

E. Claims to Security, Priority or Preference

With the exception of certain payments established and set out in the implementing Board Resolution or other orders or resolutions of the Board, which payments are to be made promptly and are excluded from requirements of the claims procedure, all claims to security, priority, or preference shall be claims retained for further review within the claims procedure. This will afford the Special Representative the opportunity, in consultation with Claims Counsel, to determine whether the Receiver has a basis or grounds upon which to challenge the granting of a security interest in receivership estate assets. Secured Claimants who require a decision upon their claims more rapidly than the 180 days provided for initial review should file a request as specified in Section IV.C. of these procedures, explaining how a delay in decision could cause them harm.

Procedures for the Processing and Determination on Review of Determinations of the FSLIC as Receiver (Review Procedures)

A. Introduction

1. The following procedures will be used for the processing and

determination on review of determinations of the Federal Savings and Loan Insurance Corporation [FSLIC] as Receiver. Authority for these procedures is section 17 of the Federal Home Loan Bank Act, 12 U.S.C. 1437, 1464, 1729 (1982); 12 CFR 549.4, 549.5, 549.5–1, 569a.8.

B. Notice of Right to File a Request for Review

1. Claims denied in whole or in part by the FSLIC as Receiver are subject to review by the Federal Home Loan Bank Board [Bank Board] upon timely filing of a Request for Review. Should the FSLIC as Receiver deny the claim in whole or in part, the parties will be so notified in writing and this notice will explain the right to review before the Bank Board and include a copy of the review procedures. All Requests for Review must comply strictly with the following procedures. Failure to comply with these procedures may result in dismissal of the Request for Review.

C. Filing of an Application for Review

1. A Request for Review of a Receiver's Determination must be filed within 60 calendar days from the date indicated on the notice of determination that the claim has been disallowed in whole or in part.

2. All Requests for Review are deemed to be filed when received and date/time stamped by the Bank Board.

3. A Request for Review (original and 1 copy) must be filed with the Bank Board at the following address:

Federal Home Loan Bank Board, Office of General Counsel, Adjudication Division, Docket Clerk, 1700 C Street NW., Washington, DC 20552.

The Request must include a signed statement certifying that a copy has been mailed or hand delivered to the Receiver.

4. All submissions (*i.e.*, the Request, Response, and all other related filings) must include an original and 1 copy as well as a signed statement certifying that a copy has been sent to the opposing party(ies) and any other interested party. Failure to comply with this requirement may result in the return of the filing as incomplete and could adversely affect the party's rights to proceed.

5. The Receiver shall provide the Bank Board, within 10 days of receipt of the Request for Review, with a copy of the Receiver's record of the proceeding, which has been deemed by the Receiver to be complete, true, and correct. The Receiver may, within the same time period, file a Response to the Request for Review, which shall be served upon the Requestor.

6. The Receiver shall make available to the Requestor, or any interested party, during normal business hours (9 a.m. to 5 p.m. Monday through Friday, excluding Federal holidays), at the offices of the Receiver's representative, the opportunity to review the Receiver's record of the proceeding. At the request of any Requestor or interested party, the Receiver shall provide copies of the Receiver's record. The costs of duplication shall be borne by the party requesting the copies.

7. A Request for Review must be filed within the time provided under this section. Failure to file a Request for Review within the time period provided under this section will result in waiver of any objection to the Receiver's determination. A timely Request filed with the Bank Board in accordance with these procedures is mandatory to obtain judicial review of the Receiver's Determination. Any part of the Receiver's Determination that the Request for Review does not contest shall not later be the subject of judicial review.

D. Content of Request for Review

1. To be deemed complete a Request for Review must include:

(i) A clear and concise statement of the facts and arguments on which the Request is based;

(ii) A clear and concise statement of the alleged factual and legal errors in the Receiver's Determination, including citations to applicable statutes, regulations, and legal authority, and to the Receiver's record;

(iii) If the Request is based on facts not available to the Receiver at the time of issuance of the Receiver's Determination, a separate identification and statement of all such facts upon which the Request is based.

2. The Bank Board anticipates that in most cases a preliminary review of the Request and the Receiver's record will be made within 60 days of the date that the Receiver's record was received. At that time, the parties will be notified in writing that: (1) the Administrative Record is complete and is closed; or (2) more information is needed (in which case further instructions will be included); or (3) the Bank Board anticipates that an additional 30, 60 or 90 days may be necessary before preliminary review can be completed.

E. Basis for the Bank Board's Decision

1. The Administrative Record that forms the basis of the Bank Board's Decision generally consists of the Request for Review, the Receiver's Record and any Response to the Request for Review submitted by the Receiver or other interested party(ies).

2. Any materials in addition to those in E.1. above may be admitted to the Administrative Record only upon an Order of the Bank Board to allow supplementation of the Administrative Record. Any party may, by motion, request leave to supplement the record; however, such motions will be granted only upon a showing of good cause. A finding of good cause by the Bank Board generally requires that the moving party demonstrate that the argument, documentation, information, or evidence sought to be admitted or considered was not readily available when the claim was before the Receiver's Representative; or that the submission was made to, but improperly excluded by, the Receiver's Representative; or some similar compelling reason why the submission was not included in the Receiver's Record.

3. A motion for leave to supplement the record made after the party's initial submission of a Request for Review or Response, must be supported by good cause demonstrating why the supplemental matter could not have been included with the initial submission.

4. Upon a finding by the Bank Board that the record provides a sufficient basis for rendering a Decision, the record will be closed. The parties will be notified by the Bank Board of the closing of the record.

F. Burden of Proof

1. The burden of proof rests at all times with the Applicant.

G. Issuance of Decision

1. Within 180 days from the date the record is closed, the Bank Board will issue a Decision on the merits of the Request, determining the extent of entitlement to the claim or any portion thereof. Alternatively, within 30 days from the date that the record is closed, the Bank Board, in its sole discretion or based upon the advice or request of the General Counsel, may entertain oral argument, or other supplementary proceedings, in which case a Decision will issue within 180 days of the completion of such supplementary proceedings.

H. Decision in Writing

1. The Bank Board's Decision will be issued in writing. It will set forth the reasons for the Decision and will constitute final agency action for the purpose of seeking judicial review.

I. Denial of Claim

1. If no Decision is issued by the Bank Board within the time from specified in G.1 above, and the Bank Board has not given notice to the parties requesting review that the Bank Board has in its discretion extended the time limit on its own motion, the Receiver's Determination will become the Decision of the Bank Board. This Decision will be final agency action for the purpose of seeking judicial review.

J. Requests for Extensions of Time or Waiver of Other Procedural Requirements

1. Failure to comply with any procedural requirements set forth herein may result in dismissal of the Application for Review. However, reasonable requests for extensions of time or waiver of other procedural requirements may be granted upon a showing of good cause.

K. Satisfaction of Claim Certificate

1. If the Bank Board determines that the claim, or any portion of the claim, is to be allowed, Claimants must, to secure payment, promptly execute and deliver to the Bank Board a "Satisfaction of Claim" certificate, which will be provided to the Claimant with the Decision.

2. If the Bank Board determines that only a portion of a claim is allowable, the "Satisfaction of Claim" certificate will specify the portion found allowable. A claim or any portion of a claim not specifically allowed by the Bank Board is deemed denied and constitutes a final agency action for purposes of seeking judicial review.

L. Questions About These Procedures

1. Any questions concerning these Procedures may be addressed, in writing, to:

Adjudication Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

Procedures for the Administration and Determination of Requests for Expedited Relief From Decisions or Threatened Actions of the FSLIC as Receiver (Requests for Expedited Relief)

Requests for Expedited Relief seek extraordinary intervention by the Federal Home Loan Bank Board [Bank Board] with respect to the Federal Savings and Loan Insurance Corporation [FSLIC] as Receiver. All Requests will be scrutinized for strict compliance with the procedural requirements set forth below. Failure to comply with these requirements may result in denial of the expedited relief requested.

A. How To File a Request for Expedited Relief

1. These procedures must be complied with fully and within the prescribed time periods. Any noncompliance or lateness may result in denial of the Request unless a waiver of procedure or an extension of time has been granted for good cause shown. These procedures are fully applicable to the FSLIC as Receiver.

2. Any decision or threatened action by the FSLIC as Receiver may be the subject of a Request for Expedited Relief seeking extraordinary intervention by the Bank Board outside of the routine claims process. Requests for Expedited Relief must be filed within five work days from the date of the notice of FSLIC as Receiver's decision or threatened action. All Requests for Expedited Relief are deemed to be filed when received and date/time stamped by the Bank Board at the office specified in A.4, below. When notice of such a decision or threatened action is delivered by mail, three additional work days will be allowed for the filing of the Request.

Example: A Notice of Foreclosure is a "threatened action" by the FSLIC as Receiver. If the FSLIC as Receiver issues a Notice of Foreclosure letter dated January 1, of a foreclosure sale scheduled for February 1, the Request for Expedited Relief must reach the Bank Board and be date/time stamped within five work days of January 1. If the FSLIC as Receiver's notice was delivered by U.S. mail, the Request for Expedited Relief must reach the Bank Board and be date/time stamped within eight work days of January 1. Work days are Monday through Friday, excluding weekends and Federal holidays.

3. All submissions are deemed to be filed when received, and date/time stamped by the Federal Home Loan Bank Board at the office specified in A.4, below.

4. The original and one copy of the Request for Expedited Relief, and any supporting documents, must be filed with:

Federal Home Loan Bank Board, Office of General Counsel, Adjudication Division, Docket Clerk, 1700 G Street NW., Washington, DC 20552.

5. A copy of the Request for Expedited Relief, and any supporting documents, must be mailed or hand delivered to the Receiver at the following address(es):

_____

_____

_____

6. All submissions to the Bank Board must include a signed statement certifying that an additional copy has been sent or hand delivered to the FSLIC as Receiver on the date the submission was filed with the Bank Board at the address(es) listed in A.5, above.

B. Content of Request for Expedited Relief

1. A Request for Expedited Relief does not involve a determination on the merits of a claim. It is solely a request to the Bank Board to intercede by instructing the FSLIC as Receiver to do or to refrain from doing some act. Accordingly, to obtain the relief requested, the Request for Expedited Relief must contain the following:

(i) a clear and concise statement of the facts and issues on which the Request is based;

(ii) a clear and concise statement of any alleged factual and/or legal errors or omissions made by the FSLIC as Receiver;

(iii) citations to appalicable statutes, regulations or other legal authority;

(iv) all relevant documentation that supports the Request;

(v) an assessment of the likelihood of success on the merits of the underlying claim;

(vi) a clear and concise statement of the probable imminent and irreparable harm likely to occur if expedited relief is not granted; and

(vii) a signed statement certifying that the FSLIC as Receiver has been mailed or hand delivered a copy of the Request on the same day that the Request was filed with the Bank Board.

2. The FSLIC as Receiver shall file its Response and all supporting documentation within five (5) work days from the date a Request for Expedited Relief is filed with the Bank Board. The time limitations discussed above with regard to delivery by U.S. mail are also applicable to the FSLIC as Receiver. The Receiver's Response shall contain legal and factual arguments in opposition to the Request for Expedited Relief. A copy of that Response and all supporting documentation must be sent or hand delivered to the party requesting expedited relief and the Receiver must certify that it has done so.

3. The Request for Expedited Relief, the supporting documentation, as well as the Receiver's Response and supporting documentation, will form the basis for the administrative record on which the Bank Board will make its determination.

C. Decision

1. The party requesting expedited relief shall be known as the Petitioner.

2. The burden of proving entitlement to expedited relief rests at all times with the Petitioner.

3. Upon receipt, the Request for Expedited Relief will be reviewed to assure compliance with all procedural requirements. If the Request is procedurally deficient it may be dismissed and the parties will be so notified.

4. If the Request is properly filed and is a matter capable of resolution and no additional information is needed, a Decision on the Request will be issued by the Bank Board as soon as practicable. It will state the reasons for the determination and will constitute final agency action for purposes of securing judicial review.

5. If additional information is required for resolution of the Request, notification in writing will be made by the Bank Board of the need for such information. The Bank Board will order that the information be submitted by a date certain. If no further information is needed for resolution of the Request, a Decision will be issued by the Bank Board as soon as practicable.

6. Unauthorized supplemental pleadings will not be considerd by the Bank Board in the absence of good cause shown. To show good cause for an otherwise unauthorized supplemental pleading, a party must demonstrate the existence of new and material evidence that was not readily available at the time of the initial filing despite the party's due diligence.

7. If appropriate, the Bank Board may, upon motion of a party or its own motion, issue an Order instructing the FSLIC as Receiver to stay temporarily its threatened action or decision pending resolution of the request for Expedited Relief. Such Order will be granted where necessary to maintain the status quo for the time required for the Bank Board to consider the Request for Expedited Relief. The issuance of such an Order does not, however, prohibit the FSLIC as Receiver from making any preparations legally required in advance of its threatened action (*e.g.*, reposting foreclosure). Any such stay will remain in full force and effect for a period of time sufficient to enable the party requesting relief to be provided with the Bank Board's Decision and an opportunity to seek judicial review of that Decision. Such time will be at least five (5) work days from the date of the Decision where delivery of the Bank Board's Decision is by express (overnight) delivery service and eight (8) work days if by certificate of regular U.S. mail.

D. Requests for Extension of Time or Waiver of Other Procedural Requirements

1. Failure to comply with any of the procedural requirements set forth herein may result in denial of the Request for Expedited Relief. However, reasonable requests for extensions of time or waiver of other procedural requirements may be granted upon a showing of good cause.

[FR Doc. 88-8442 Filed 4-20-88; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 044CE, Special Conditions No. 23-ACE-37]

Special Conditions; Modified Cessna Model 172 Series Airplanes With Porsche PFM3200 Engines Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions.

SUMMARY: These special conditions are issued to become part of the certification basis for modified Cessna Model 172 Series Airplanes with Porsche PFM3200 Engines installed. The airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. The novel and unusual design features include the installation of the Porsche PFM3200No3 Engine, which incorporates an electronic ignition system and a unique single-lever power control, for which the applicable regulations do not contain adequate or appropriate airworthiness standards. These special conditions contain the additional airworthiness standards which the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Oscar Ball, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1987, Porsche Aviation Products, Inc., Rural Route 2, Box 118A, Galesburg Municipal Airport, Galesburg, Illinois 61401, made application to the FAA for supplemental type certificate (STC) approval of the design changes necessary to incorporate the Porsche PFM3200No3 Engine in the Cessna Model 172M, N, P, and Q airplanes. The Porsche engine installation incorporates an electronic ignition system and a single-lever power control.

Electronic ignition systems and single-level power controls were not envisaged by the applicable CAR 3/Part 23 airworthiness standards. These features are considered novel and unusual design features and, as such, will require special conditions to provide adequate airworthiness standards.

Special conditions are issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101 do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49, after public notice as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

Type Certification Basis

Part 23 through Amendment 23-7 for engine, fuel system and electrical system installation related items. For Noise Regulations, Part 36, Appendix F, through Amendment 36-12. Also, §§ 21.50 and 23.1529 with Appendix G for Instructions for Continued Airworthiness. For all other aspects of the airplane, the following:

For Models 172 through 172Q, Part 3 of the Civil Air Regulations, effective November 1, 1949, as amended by Amendment 3-12. In addition, for S/N 17271035 and on, § 23.1559, effective March 1, 1978; for S/N 17276260 and on, and all Model 172Q, § 23.1545(a), Amendment 23-23 effective December 1, 1978.

Equivalent Safety Findings for airspeed indicator and operating limitations as set forth in CAR 3.757 and 3.778(a) for serial numbers 17261445, 1721578, 17265685 and on.

Exemption No. 4838; and these special conditions.

Discussion of Comments

No comments were received in response to Notice 23-ACE-37,

published in the **Federal Register** on January 26, 1988 (53 FR 2037). The closing date for comments was February 24, 1988.

Conclusion

In view of the design features discussed above, the following special conditions are issued for the propulsion system of the Model 172 Series Airplanes, with Porsche PFM3200 Engines installed, under the provisions of § 21.16 to provide a level of safety equivalent to that intended by the regulations incorporated by reference. This action is not a rule of general applicability and affects only the model/series of airplane identified in these special conditions.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

The Special Conditions

Accordingly, the Federal Aviation Administration adopts the following special conditions as a part of the type certification basis for the Cessna Model 172 Series Airplanes with Porsche PFM3200 Engines installed:

1. *Lightning Protection.* In addition to compliance with other applicable requirements relative to lightning protection, each electronic propulsion control system component, whose failure to function properly would prevent the continued safe flight and landing of the airplane, must be designed and installed to ensure that its operation and operational capabilities are not affected when the airplane is exposed to lightning.

2. *Protection from Unwanted Effects of Radio Frequency (RF) Energy.* In the absence of specific requirements for protection from the unwanted effects of RF energy, each electronic propulsion control system component, whose failure to function properly would prevent the continued safe flight and landing of the airplane, must be designed and installed to ensure that its operation and operational capabilities are not adversely affected when the airplane is exposed to externally radiated radio frequency.

3. *Propulsion Control System.* In addition to the requirements applicable to throttle, mixture and propeller controls, components of the propulsion control system, both airframe and engine manufacturer furnished, that affect thrust and that are required for continued safe operation, must be shown to have the level of integrity and reliability of the typical Cessna Model 172 Series propulsion control system with independent throttle, mixture, and propeller controls.

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

Paul K. Bohr,

Director, Central Region.

[FR Doc. 88-8705 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 88-NM-26-AD; Amdt. 39-5900]

Airworthiness Directives; Cessna Models 550 and S550 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Cessna Model 550 and S550 series airplanes by individual letters. This AD requires disconnection of electrical power to the overhead fluorescent lighting system. This amendment revises the Priority Letter AD by providing for an optional modification which, if installed, permits reconnection of the electrical power. This action is prompted by reports of unsafe wiring used for the overhead high voltage fluorescent lighting on certain airplanes. This condition, if not corrected, could result in cabin smoke and/or fire.

DATES: Effective May 10, 1988.

This AD was effective earlier to all recipients of Priority Letter AD 88-06-02, dated March 16, 1988.

ADDRESSES: The applicable service information may be obtained from Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph W. Rissmiller, Jr., Aerospace Engineer, Systems and Equipment Branch, ACE-130W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4419.

SUPPLEMENTARY INFORMATION: On March 16, 1988, the FAA issued Priority Letter AD 88-06-02, applicable to certain Cessna Model 550 and S550 series airplanes, which requires disconnection of electrical power to the overhead fluorescent lighting system. That action was prompted by three reports of unsafe wiring used for the overhead high voltage flourescent lighting on certain airplanes. The subject wiring is rated at 600 volts instead of the required 900 volts in the overhead fluorescent lighting system high voltage power distribution. The open circuit voltage on the affected wires is significantly in excess of the 600 volt rating, and could result in failure of the wire insulation and subsequent smoke and/or fire in the cabin.

Cessna issued Alert Service Letters SLA550-33-02 (for the Model 550) and SLA550-33-01 (for the Model S550), both dated March 14, 1988, which contain procedures for disconnection of the electrical power to the overhead fluorescent lighting system.

Subsequent to the issuance of Priority Letter AD 88-06-02, the FAA reviewed and approved Cessna Service Bulletins SB550-33-9 (for the Model 550) and SBS550-33-5 (for the Model S550), both dated March 17, 1988, which describe procedures for replacing the affected wiring harness with an new assembly that will eliminate the fire hazard addressed by this AD action. The FAA has determined that replacement of the existing wiring harness with the assembly described in these service bulletins constitutes terminating action for the requirements of Priority Letter AD 88-06-02, and electrical power may be reconnected to the indirect lighting system. The final rule has been revised to provide operators with this optional terminating action.

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

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further

determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Cessna: Applicable to Model 550 series airplanes, serial numbers (S/N) 550-0561, -0562, -0564, -0565, -0566, -0568, and -0569; and Model S550 series airplanes, S/N S550-0140 through -0146, -0148, and -0149; certificated in any category. Compliance is required as indicated, unless previously accomplished.

To preclude wiring failure, which could result in smoke and/or fire in the cabin, accomplish the following:

A. For Cessna Model 550 series airplanes: Prior to next activation of the airplane's electrical power, disconnect the electrical power to the indirect lighting system, in accordance with Cessna Alert Service Letter SLA550-33-02, dated March 14, 1988. Electrical power may be reconnected to the indirect lighting system following replacement of the affected wiring harness described in, and in accordance with, Cessna Service Bulletin SB550-33-9, dated March 17, 1988, or later FAA-approved revisions.

B. For Cessna Model S550 series airplanes: Prior to next activation of the airplane's electrical power, disconnect the electrical power to the indirect lighting system, in accordance with Cessna Alert Service Letter SLAS550-33-01, dated March 14, 1988. Electrical power may be reconnected to the indirect lighting system following replacement of the affected wiring harness described in, and in accordance with, Cessna Service Bulletin, SBS550-33-5, dated March 17, 1988, or later FAA-approved revisions.

C. An alternate means of compliance which provides an acceptable level of safety may be used when approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277.

These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

This amendment becomes effective May 10, 1988. It was effective earlier to all recipients of Priority Letter AD 88-06-02, issued March 16, 1988.

Issued in Seattle, Washington, on April 12, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-8709 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 87-AWP-4]

Establishment of Brawley, CA; Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a transition area at Brawley, CA. This transition area provides controlled airspace for aircraft executing a new instrument approach procedure to the Brawley Airpor.

EFFECTIVE DATE: 0901 U.T.C., June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace and Procedures Specialist, Airspace and Procedures Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (213) 297-1648.

SUPPLEMENTARY INFORMATION:

History

On January 14, 1988, FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new transition area at Brawley, California (53 FR 910). 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 was republished in Handbook 7400.6D dated January 4, 1988.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes a transition area at Brawley, CA, and provides controlled airspace for aircraft executing a new instrument approach procedure to the Brawley Airport.

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 25, 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) 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:

Brawley, CA [NEW]

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Brawley Airport (lat. 32°59'23"N., long. 115°30'58"W.); within 3 miles either side of the Imperial VORTAC 358° radial extending from the 6-mile radius area to 9.5 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within an 8-mile radius of the Brawley Airport.

Issued in Los Angeles, California, on April 11, 1988.

Jacqueline L. Smith,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 88-8707 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AWP-31]

Revision to Camp Pendleton, CA; Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Camp Pendleton, CA, transition area and expands the 700 foot transition area to the southwest and southeast of the Camp Pendleton tactical air navigation aid (TACAN). This expanded transition area will provide additional controlled airspace for aircraft operating under instrument flight rules (IFR) in the vicinity of Camp Pendleton Marine Corps Air Station (MCAS).

EFFECTIVE DATE: 0901 U.T.C., June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace and Procedures Specialist, Airspace and Procedures Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (213) 297-1648.

SUPPLEMENTARY INFORMATION:

History

On January 14, 1988, FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the Camp Pendleton, CA, transition area (53 FR 910). 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 was republished in Handbook 7400.6D dated January 4, 1988.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revises the Camp Pendleton, CA, transition area. This action provides additional controlled airspace southwest and southeast of the Camp Pendleton TACAN for IFR flights at Camp Pendleton MCAS.

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 25, 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) 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:

Camp Pendleton, CA [Revised]

That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 3 miles northwest of the Camp Pendleton TACAN (lat. 33°18'04"N., long. 117°21'06"W.) 041° and 221° radials, extending from 1 mile southwest to 18 miles northeast of the TACAN; and that airspace bounded by a line beginning at lat. 33°18'00"N., long. 117°15'00"W; to lat. 33°15'00"N., long. 117°15'00"W; to lat. 33°15'00"N., long. 117°18'18"W.; to the point of beginning.

Issued in Los Angeles, California, on April 11, 1988.

Jacqueline L. Smith,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 88-8706 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASW-52]

Amendment of Transition Area; Rockport, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the transition area located at Rockport, TX. The development of a new special instrument approach procedure (SIAP) to the San Jose Island Airport, Rockport, TX, utilizing the Corpus Christi Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC), has made this revision necessary. The intended effect of this revision is to provide adequate controlled airspace for aircraft executing this new SIAP. Coincident with this revision would be the changing of the status of the San Jose Island Airport from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 u.t.c., June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On January 20, 1988, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Rockport, TX (53 FR 3049).

Interested persons 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 that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D, dated January 1, 1988.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will revise the transition area located at Rockport, TX. The development of a new SIAP to the San Jose Island Airport, utilizing the Corpus Christi VORTAC, has necessitated this revision. This revision will expand the existing 700-foot transition area at Rockport, TX, to

include the San Jose Island Airport. It will *exclude* that portion of the transition area that lies more than 3 miles from the parallel to the shoreline. The intended effect of this revision is to provide adequate controlled airspace for aircraft executing this new SIAP. Coincident with this revision is the changing of the airport status from VFR to IFR.

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) 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:

Rockport, TX [Amended]

By adding to the end of the legal description: and within a 7-mile radius of the San Jose Island Airport (latitude 27°56'38.6"N., longitude 96°59'04.6"W.), excluding that portion more than 3 nautical miles from and parallel to the shoreline.

Issued in Fort Worth, TX, on April 6, 1988.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88–8708 Filed 4–20–88; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Parts 95, 173, and 177

46 CFR Parts 26, 35, 78, 97, 109, 185, and 197

[CGD 84–099]

Operation Of A Vessel While Intoxicated

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is correcting errors to the final rules on Operating A Vessel While Intoxicated, which appeared in the **Federal Register** on December 14, 1987 (52 FR 47526).

FOR FURTHER INFORMATION CONTACT: Mr. Sean T. Connaughton, Office of Marine Safety, Security and Environmental Protection (G–MVP), Phone (202) 267–0229.

SUPPLEMENTARY INFORMATION: The Coast Guard published the final rules on Operating A Vessel While Intoxicated, which appeared in the **Federal Register** on December 14, 1987 (52 FR 47526). That **Federal Register** notice contained several minor and non-substantive errors which are corrected by this document.

Corrections

In FR Doc. 87–28634 beginning on page 47526 in the issue of Monday, December 14, 1987, make the following corrections:

Title 33

§ 95.005 [Amended]

1. On page 47532, second column, in § 95.005(a), eighth line, insert "the" before "jurisdiction".

§ 95.010 [Amended]

2. On page 47532, third column, in § 95.010, second line under "Drug", "tha" should have read "than".

3. On page 47532, third column, in § 95.010, second line under "Vessel", "of" should have read "or".

§ 95.020 [Amended]

4. On page 47533, first column, in § 95.020(b), third line, "concentration" is misspelled.

§ 95.030 [Amended]

5. On page 47533, first column, in § 95.030(a), fourth line, "and" should have read "or".

§ 95.035 [Amended]

6. On page 47533, second column, in § 95.035(a)(2), first line, "Individual" should have read "individual".

PART 176—[AMENDED]

7. On page 47533, third column, the authority citation under Amendment 6, Part 173, is correctly revised to read:

Authority: 46 U.S.C. 6101, 12121; 49 CFR 1.46.

PART 177—[AMENDED]

8. On page 47534, first column, the authority citation under Amendment 9, Part 177, is correctly revised to read:

Authority: 46 U.S.C. 4302; 49 CFR 1.46.

§ 177.01 [Amended]

9. On page 47534, first column, in § 177.01, fourth line, "corrections" should have read "correction".

Title 46

10. On page 47535, third column, the authority citation under Amendment 20, Subpart 26.08, is correctly revised to read:

Authority: 46 U.S.C. 6101; 49 CFR 1.46.

§ 26.08–1 [Amended]

11. On page 47535, third column, in § 26.08–1, fourth line, "Chapter" should have read "chapter".

PART 35—[AMENDED]

§ 35.15–1 [Amended]

12. On page 47535, third column, in § 35.15–1, heading, insert "-TB/ALL" after "* * * and voyage records".

13. On page 47535, third column, in § 35.15–1, fourth line, "Chapter" should have read "chapter".

PART 78—[AMENDED]

14. On page 47535, third column, the authority citation under Amendment 24, Subpart 78.07, is correctly revised to read:

Authority: 46 U.S.C. 3306, 6101; 49 CFR 1.46.

PART 97—[AMENDED]

15. On page 47536, first column, the authority citation under Amendment 26, Part 97, is correctly revised to read:

Authority: 46 U.S.C. 3306, 6101, 8105; 50 U.S.C. 198; 49 CFR 1.46(b).

PART 109—[AMENDED]

16. On page 47536, first column, the authority citation under Amendment 28, Part 109, is correctly revised to read:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 6101, 10104; 46 App. U.S.C. 86; 49 CFR 1.46.

PART 185—[AMENDED]

17. On page 47536, second column, the authority citation under Amendment 32, Part 185, is correctly revised to read:

Authority: 46 U.S.C. 3306, 6101; 49 CFR 1.46.

PART 197—[AMENDED]

18. On page 47536, third column, the authority citation under Amendment 36, Part 197, is correctly revised to read:

Authority: 33 U.S.C. 1509(b); 43 U.S.C. 1333; 46 U.S.C. 3306, 6101; 49 CFR 1.46.

April 12, 1988.

P. C. Lauridsen,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 88-8792 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Parts 100 and 165

[CGD 88-022]

Safety and Security Zones; List of Temporary Rules

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document gives notice of temporary safety zones, security zones, and local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones, and special local regulations that were established between January 1, 1988 and March 31, 1988 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the last published list.

ADDRESS: The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 267-1477.

SUPPLEMENTARY INFORMATION: The local Captain of the Port must be immediately responsible to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since events and emergencies usually take place without advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action **Federal Register** notice is not required to place the special local regulations, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary special local regulations, security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period January 1, 1988 through March 31, 1988 unless otherwise indicated:

Docket No.	Location	Type	Date
COTP Pittsburgh, PA, Reg. 88-01	Monongahela River, from Mile 0.0	Safety Zone	Jan. 3, 1988.
COTP Providence, RI, Reg. 88-002	Rhode Island Sound, Narragansett Bay	do	Jan. 25, 1988.
COTP Providence, RI, Reg. 88-008	Rhode Island Sound, Narragansett Bay	do	Feb. 25, 1988.
COTP Hampton Roads, VA, Reg. 88-02	Chesapeake Bay, Hampton Roads, Elizabeth River, Southern Branch of Elizabeth River.	do	Feb. 7, 1988.
COTP Hampton Roads, VA, Reg. 88-03	Chesapeake Bay, Hampton Roads, Elizabeth River, Southern Branch of Elizabeth River.	do	Feb. 8, 1988.
COTP Miami, FL, Reg. 88-01	Main Ship Channel, Government Cut, Miami, FL	do	Jan. 3, 1988.
7-88-05	Florida St. Championships, St. Cloud, FL	Special Local Regulation	Mar. 20, 1988.
COTP Corpus Christi, TX, Reg. 87-11	Brownsville Ship, Channel, TX	Safety Zone	Dec. 9, 1987.
COTP Galveston, TX, Reg. 88-01	Galveston Channel, Galveston, TX	do	Jan. 9, 1988.
COTP Galveston, TX, Reg. 88-02	Galveston Channel, Bolivar Channel and the Inner Bar Channel, Galveston Bay.	do	Feb. 21, 1988.
COTP Houston, TX, Reg. 87-008	Houston Ship Channel, from City Dock 21 to turning Basin	do	Dec. 1, 1987.
8-88-01	Houston Ship Channel from Gulf of Mexico to Port of Houston Wharf 32.	do	Jan. 18, 1988.
COTP Houston, TX, Reg. 88-01	Houston Ship Channel, C.G. Port Safety Station, Houston to the I-610 Bridge.	Security Zone	Jan. 23, 1988.
COTP Houston, TX, Reg. 88-002	Houston Ship Channel, from I-610 Bridge to City Dock 30	Safety Zone	Jan. 23, 1988.
COTP Houston, TX, Reg. 88-003	Cedar Bayou, ½ mile in each direction from the old Cedar Bayou Highway Bridge.	do	Feb. 3, 1988.
COTP Mobile, AL, Reg. 88-01	Mobile Harbor, Mobile, AL	Security Zone	Feb. 8, 1988.
COTP San Francisco, CA, Reg. 88-1	San Francisco Bay	Safety Zone	Jan. 10, 1988.
COTP San Francisco, CA, Reg. 88-02	San Francisco Bay, CA	do	Mar. 26, 1988.
COTP LA/LB, CA, Reg. 88-03	Ports of Los Angeles/Long Beach, CA	do	Jan. 21, 1988.
COTP LA/LB, CA, Reg. 88-06	Captain of the Port Los Angeles/Long Beach, CA	do	Mar. 30, 1988.
COTP LA/LB, CA, Reg. 88-07	Ports of Los Angeles/Long Beach, CA	do	Feb. 25, 1988.
COTP LA/LB, CA, Reg. 88-08	Port of Long Beach, CA	Security Zone	Mar. 9, 1988.
COTP San Diego, CA, Reg. 88-01	San Diego Bay, CA, Pacific Ocean	Safety Zone	Jan. 7, 1988.
COTP San Diego, CA, Reg. 88-02	San Diego Bay, CA, Pacific Ocean	do	Jan. 27, 1988.
COTP San Diego, CA, Reg. 88-03	San Diego Bay, CA, Pacific Ocean	do	Feb. 16, 1988.
COTP San Diego, CA, Reg. 88-04	San Diego Bay, CA, Pacific Ocean	do	Mar. 2, 1988.
COTP San Diego, CA, Reg. 88-05	San Diego Bay, CA, Pacific Ocean	do	Mar. 15, 1988.
COTP San Diego, CA, Reg. 88-07	San Diego Bay, CA, Pacific Ocean	do	Mar. 23, 1988.
COTP San Diego, CA, Reg. 88-08	Coronado Roads, San Diego, CA, Pacific Ocean	Safety Zone	Mar. 29, 1988.
11-88-01	International Waterski Race; Lake Moovalya on the Colorado River.	Special Local Regulation	Mar. 19, 1988.
COTP Honolulu, HI, Reg. 88-02	Outer Apra Harbor, Guam, Marianas Islands	Security Zone	Feb. 4, 1988.
COTP Honolulu, HI, Reg. 88-03	Outer Apra Harbor, Guam, Marianas Islands	do	Feb. 9, 1988.

Date: April 14, 1988.

J.J. Smith,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 88-8793 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Baltimore, MD Regulation 88-03]

Safety Zone Regulation; Brewerton Channel Eastern Extension, Upper Chesapeake Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard Marine Safety Office Baltimore is establishing a safety zone in the Brewerton Channel Eastern Extension, Upper Chesapeake Bay. This zone is needed to protect vessels from a hazard associated with the dredging of the Brewerton Channel Eastern Extension. Entry into this zone by vessels in excess of 300 feet length overall and vessels with tows of a

combined tug and tow length overall in excess of 300 feet is prohibited unless authorized by the Captain of the Port Baltimore, Maryland.

EFFECTIVE DATE: This regulation is effective at 6:00 am local on 11 April 1988, and terminates at 8:00 am local on 30 April 1988 unless terminated sooner by Captain of the Port Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Commander L. I. McClelland, Chief, Port Operations Department, USCG Marine Safety Office, Custom House, 40 South Gay Street, Baltimore, Maryland 21202–4022, (301) 962–5105.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days from the date of this publication. Publishing a NPRM and delaying the effective date of this safety zone would be contrary to the public interest since immediate action is needed to safeguard watercraft and their occupants and the surrounding waters on the scheduled date.

Drafting Information

The drafters of this regulation are Lieutentant F. L. Propst, project officer for the Captain of the Port Baltimore, Maryland and Commander R. J. Reining, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulation

The operation requiring this regulation will involve the dredging of the eastern end of the Brewerton Channel Eastern Extension by Great Lakes Dredge & Dock Company. This dredging operation will constrict the channel and present a hazard to large transiting vessels. The dredges will be deepening and widening the present channel. The dredges will be accompanied by spoil barges and tugs. This dredging operation will substantially reduce the safe navigation of the channel by vessels.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.T0520 is added to read as follows:

§ 165.T0520 Safety Zone: The Brewerton Channel Eastern Extension, Upper Chesapeake Bay, Baltimore, Maryland.

(a) *Location.* The following area is a safety zone: The Brewerton Channel Eastern Extension, bounded on the eastern end by the Upper Chesapeake Channel lighted buoy "7" light list number 3625, approximate position 39°08'52"N 076°19'20"W, thence southwest on a bearing of 225T to approximate position 39°08'40"N 076°19'35"W. On the western end by the Craighill Channel lighted buoy "20C" light list number 3360, approximate position 39°10'42"N 076°25'57"W, thence southeast on a bearing of 148T to approximate position 39°10'35"N 076°25'52"W.

(b) *Effective date.* This regulation becomes effective on 6:00 am local 11 April 1988. It terminates at 8:00 am local 30 April 1988, unless sooner terminated by the Captain of the Port, Baltimore, Maryland.

(c) *Regulations.* (1) A vessel in excess of 300 feet length overall or a vessel with tow of a combined tug and tow length overall in excess of 300 feet may not enter the safety zone without the permission of the Captain of the Port Baltimore, Maryland, or his designated representative.

(2) Any vessel operating within the zone shall comply with the directions of the Captain of the Port Baltimore, Maryland or his designated representative.

(3) The Captain of the Port Baltimore, Maryland has designated the Officer of the Day, Marine Safety Office, Baltimore, Maryland as his representative. He may also from time to time designate a Coast Guard commissioned, warrant, or petty officer as his representative.

Dated: April 8, 1988.

J. H. Parent,

Captain, U.S. Coast Guard, Captain of the Port Baltimore, Maryland.

[FR Doc. 88–8794 Filed 4–20–88; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 10

[Docket No. 40788–8069]

Practice Before the Patent and Trademark Office, Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule; correction

SUMMARY: On February 6, 1985, final rules regarding the representation of others before the Patent and Trademark Office were issued. (50 FR 5172, February 6, 1985.) This notice makes a technical correction to the second sentence in § 10.157(a) to reflect the Local Rule designation currently used by the U.S. District Court for the District of Columbia.

EFFECTIVE DATE: March 1, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy C. Slutter by telephone at (703) 557–4035 or by mail marked to her attention and addressed to Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

PART 10—REPRESENTATION OF OTHERS BEFORE THE PATENT AND TRADEMARK OFFICE

1. The authority citation for 37 CFR Part 10 continues to read as follows:

Authority: 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 6, 31, 32, 41.

§ 10.157(a) [Corrected]

2. The reference in § 10.157, paragraph (a), the second sentence, to "1–26" is corrected to read "213".

Date: April 13, 1988.

Donald W. Peterson,

Deputy Assistant Secretary and Deputy Commissioner of Patents and Trademarks.

[FR Doc. 88–8743 Filed 4–20–88; 8:45 am]

BILLING CODE 3510–16–M

VETERANS ADMINISTRATION

38 CFR Part 17

Use of Community Nursing Home Care Facilities

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration (VA) is amending its medical regulations (38 CFR Part 17) to clarify those provisions under which an extension of

nursing home care may be granted. This amendment will further explain a benefit already available to eligible veterans.

EFFECTIVE DATE: May 23, 1988.

FOR FURTHER INFORMATION CONTACT: James R. Kelly, Office of Geriatrics and Extended Care, Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3692.

SUPPLEMENTARY INFORMATION: Four comments were received concerning the proposed regulatory amendment published on pages 22351 and 22352 in the **Federal Register** of June 11, 1987. None of the comments support the regulation.

Two commenters emphasized the need for a longer extension period in order to (1) make veteran placement more attractive to the nursing home and (2) cover some instances in which applications for public assistance are delayed longer than 45 days.

The position of the VA in regard to these comments respectively is that (1) the extension should not be used to make veteran placement attractive to a nursing home; rather, a contract per diem rate should be negotiated which adequately compensates the nursing home for care provided, and (2) the instances in which the application for public assistance are delayed longer than 45 days beyond the first 180 days of VA payment are so rare that they should not be addressed in the regulation.

The third commenter pointed out that in the Commonwealth of Puerto Rico, there are very limited public resources for the support of nursing home care and that longer extensions are necessary to cover the cost of care for veterans with low incomes. This very specific concern will not be addressed in this regulation, but will be studied by the VA and a subsequent regulation may be issued, if necessary.

The fourth commenter expressed the concern that the proposed regulation eliminates flexibility in the application of extensions, and that it will make competition to obtain nursing home beds more difficult for a growing nonservice-connected veteran population in need of such care. It is the intention of this regulation to clarify the circumstances of extension, and to reduce possibilities of inequitable application of current imprecise guidance. We believe the proposed regulation accomplishes this objective. We do not believe that the 45-day rule will reduce access of nonservice-connected veterans to community nursing homes. As noted earlier, the instances in which applications for public assistance are delayed longer than 45 days beyond the first 180 days of VA payment are very rare.

In summary, we find that no compelling reasons were presented by the commenters to warrant modification of the proposed regulations. Therefore, this regulatory amendment is made final without change. The VA appreciates the interest of the commenters.

This amendment to 38 CFR is considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. It will not have annual effect on the economy of $100 million or more; result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions; 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 Administrator has certified that this 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. This amendment concerns the criteria by which the placement of a veteran in a public or private nursing home care facility at VA expense may be extended beyond six months. Such extensions are the exceptions, not the norm, and concern only the eligibility of individual veterans. This proposed amendment imposes no economic, regulatory, or administrative burdens on small entities. One effect of this amendment will be to expedite arrangements for alternative third-party reimbursement for continued placement, generally through Medicare or Medicaid.

Catalog of Federal Domestic Assistance Numbers: 64.009 and 64.011.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, Health care, Health facilities, Health professions, Incorporation by reference, Medical devices, Medical research, Mental health programs, Nursing homes, Veterans.

Approved: March 28, 1988.

Thomas K. Turnage,

Administrator.

PART 17—[AMENDED]

38 CFR Part 17, *Medical*, is amended by revising § 17.51a to read as follows:

§ 17.51a Extensions of community nursing home care beyond six months.

Directors of health care facilities may authorize, for any veteran whose hospitalization was not primarily for a service-connected disability, an extension of nursing care in a public or private nursing home care facility at VA expense beyond six months when the need for nursing home care continues to exist and

(a) Arrangements for payment of such care through a public assistance program (such as Medicaid) for which the veteran has applied, have been delayed due to unforeseen eligibility problems which can reasonably be expected to be resolved within the extension period, or

(b) The veteran has made specific arrangements for private payment for such care, and

(1) Such arrangements cannot be effectuated as planned because of unforseen, unavoidable difficulties, such as a temporary obstacle to liquidation of property, and

(2) Such difficulties can reasonably be expected to be resolved within the extension period; or

(c) The veteran is terminally ill and life expectancy has been medically determined to be less than six months.

(d) In no case may an extension under paragraph (a) or (b) of this section exceed 45 days.

(Authority: 38 U.S.C. 210 (c)(1); 620(a))

[FR Doc. 88-8800 Filed 4-20-88; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AMO44PA; FRL-3350-1]

Approval and Promulgation of Implementation Plans for the Commonwealth of Pennsylvania

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a request from the Commonwealth of Pennsylvania to revise the Pennsylvania State Implementation Plan (SIP) with respect to volatile organic compound (VOC) emissions offset transactions in Bucks County, PA. The revision implements two offset transactions between Paramount Packaging Corporation (Chalfont Borough, Bucks County) and National Can Corporation (Falls Township, Bucks County) and

between Fres-co Systems USA, Inc. (Telford Borough, Bucks County) and National Can Corporation. These offset transactions are being implemented through External Orders issued by the Pennsylvania Department of Environmental Resources to the National Can Corporation to maintain the offsets.

EFFECTIVE DATE: May 23, 1988.

ADDRESSES: Copies of the revision and accompanying documents are available during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Eighth Floor, Philadelphia, Pennsylvania 19107, Attn: Esther Steinberg (3AM11)

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 700 North 3rd Street, Harrisburg, Pennsylvania 17120 Attn: Gary Triplett

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donna Abrams (3AM11) at the EPA, Region III address above or call (215) 597-9134.

SUPPLEMENTARY INFORMATION: The Department of Environmental Resources (the Department) adopted Subchapter C of Chapter 127 of the Pennsylvania Air Resource Regulations in 1979 in response to requirements of the Clean Air Act. Subchapter C establishes special permit requirements for sources locating in or significantly impacting nonattainment areas. In part, Subchapter C requires new sources to obtain emission reductions (offsets) to alleviate the ambient impact of the new source. These offsets may be created internally (within the same facility as the new source) or externally (at a different facility).

National Can Corporation discontinued their coater and litho operations on December 1, 1981, leaving an emission credit of 215 tons per year (TPY) of VOC. In accordance with previously approved regulations, these emissions were applied to new source(s) application at a ratio of 1.3 to 1. Also, on September 2, 1983, National Can Corporation discontinued their end seam compound liner operations leaving an emission credit of 162 TPY of VOC. These emissions were also applied to a new source(s) application at a ratio of 1.3 to 1. Therefore, for these discontinued operations the VOC credits are:

(a) Coater and Litho— $\frac{215}{1.3}$ = 165 TPY of VOC

(b) End Seam Compound Liner—

$\frac{162}{1.3}$ = 125 TPY of VOC

The Company had a total of 290 TPY of VOC emission credit that was available to bank or sell.

On October 18, 1983, National Can Corporation submitted an application to the Department to bank the VOC emissions generated by the shutdown of their end seam compound liner operations at its Morrisville Plant (Falls Township, Bucks County). On January 25, 1984, the Department approved National Can Corporation's banking application for 125 tons VOC per year. National Can Corporation could use these emission credits themselves or sell them to someone else.

On April 13, 1984, National Can Corporation advised the Department that it sold 46 tons per year of emission credit to Paramount Packaging Corporation. On June 12, 1984, National Can Corporation notified the Department that it had transferred 85 tons per year of emission credit to Fres-co Systems USA, Inc. The total emission credit transferred by National Can Corporation was 131 tons per year. The quantity available was 125 tons per year. Therefore, the sales of emission credit were 6 tons per year greater than that available for sale. EPA has required that National Can Corporation account for the above oversale.

In a letter dated August 21, 1985, the Department has agreed to account for the 6 TPY oversale by permanently reducing National Can's banked VOC emissions, generated by the shutdown of the coater and litho operations, from 165 TPY to 159 TPY.

On September 13, 1982, National Can petitioned the Department to bank the VOC credit from the shutdown of the coater and litho operations for future use at their Lehigh Valley facility. On October 29, 1982, the Department informed National Can that the banked VOC emission credit could only be used at their Fairless Hills plant or at a location within forty (40) miles door to door of the Fairless Hills plant. Therefore, the emissions from their Fairless Hills plant could not be used to offset emissions at their Lehigh Valley facility.

Subsequently, in September 1983, National Can again petitioned the Department to approve the banking of the credit from the shutdown of the Coater and litho operations for future sale to another company in the area. According to the Pennsylvania SIP, a company has only one year from shutdown to let the Department know if they are going to use the banked emission credit for resale. Therefore, approval of the banking of this credit would deviate from the Pennsylvania regulations. The application for the banking of this credit also did not include a construction schedule for the modification of the Fairless Hills facility or the construction of a new source as required by the regulations. Despite the lack of a construction schedule, Pennsylvania approved the banking of this emission credit (162 TPY) for internal use only. EPA believes this is a minor deviation and does not consider it to be sufficient to warrant disapproval of this SIP action. As stated earlier, DER reduced this banked credit to account for the 6 TPY oversale. Again, EPA does not think this deviation is sufficient enough to warrant EPA non concurrence on this offset transaction.

The Pennsylvania Federally approved SIP requires that emissions resulting from the new source not cause or contribute to emission levels which exceed the levels allowed for that pollutant in that area. The EPA has interpreted this to require that (1) emission offsets are greater than the emissions from the new source, and (2) the emission offsets be permanent. The Department has required the offsets to be used at a ratio of 1.3 to 1 which satisfies the first requirement. The Department must also establish that the emission offsets are permanent.

The National Can Corporation generated the offset credit through the closing of the end seam compound liner operations. For the emission reduction used as offset to be permanent, National Can Corporation may not restart the source. The Department has ensured the permanence of these emission reductions by issuing External Orders that require the National Can

Corporation to maintain the shutdown status of this source. Two Orders were issued on March 1, 1985, because of the two separate transactions.

It is important to note that according to the currently approved Pennsylvania SIP, National Can Corporation may restart the source used to generate the emission credits if National Can secured emission offset credits equal to what it sold to Paramount and Fres-co. Section 127.73 of the Pennsylvania Air Resource Regulations establishes the requirements for this reactivation. In accordance with these requirements, National Can Corp. would be required to obtain offsets for its reactivated source at a ratio of 1.3 to 1. This will guarantee that the overall emission levels do not increase in the nonattainment area.

On February 13, 1985, the Commonwealth of Pennsylvania submitted the above offset transactions as a SIP revision to EPA for review and approval. The SIP revision is comprised of a narrative portion, two External Orders for each offset transaction dated March 1, 1985, and a supplemental letter submitted by the Department dated August 21, 1985, specifying that National Can's banked VOC emissions will permanently be reduced by 6 TPY to account for the oversale. In a letter dated April 9, 1986, EPA notified the Department that we would process this package, but, in the future, we would not process any offset transaction which varies from the Pennsylvania SIP approved regulations, no matter how minor the variation may be. As a result of this revision in the **Federal Register** on October 22, 1985 (51 FR 37418). No comments were received as a result of this rulemaking action.

EPA's decision to approve this revision is based on a determination that, even though this transaction varies slightly from the State offset requirements, the variation is insignificant. Therefore, the revision adequately meets the requirements of the Federally approved State regulations. The Department, under previously approved regulations that require banking at a 1.3 to 1 ratio, is able to ensure that the offsets are greater than the emissions from the new source. Additionally, EPA is approving this revision based on a determination that the revision meets the requirements of section 110(a)(2) of the Clean Air Act. Specifically, EPA is approving the following three SIP revisions submitted by the State:

(i) The Order issued March 1, 1985, requiring that the coater and litho operations remain permanently closed.

(ii) The Order issued March 1, 1985, requiring that the end seam compound liner remain permanently closed.

(iii) The letter dated August 21, 1985, from the Department, permanently reducing National Can's banked emissions by 6 TPY.

The State did not request approval of, and EPA is not approving, any use of the National Can credits, including the amount of credits available for use. Approval of such use would depend on whether the applicable EPA policies are met. For example, if an existing source seeks to use any of the credits for relaxation of emission limits, the baseline requirements and other requirements of the Emissions Trading Policy Statement, 51 FR 43814 (December 4, 1986) must be met.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit on or before June 20, 1988. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Reporting and Recording requirements.

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

Date: March 6, 1988.

Lee M. Thomas,

Administrator.

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

PART 52—[AMENDED]

Subpart NN—Pennsylvania

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

Authority: 42 U.S.C. 7401–7462.

2. Section 52.2020 is amended by adding paragraph (c) (68) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(68) Revision to the Pennsylvania State Implementation Plan dated February 13, 1985, which implements two VOC offset transactions between Paramount Packaging Corporation and National Can Corporation and between Fres-co Systems USA, and National Can Corporation.

(i) *Incorporation by reference.* (A) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #85–524, signed on March 1, 1985.

(B) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #85–525, signed on March 1, 1985.

(C) Letter dated August 21, 1985, from the Department of Environmental Resources to the National Can Corporation.

(ii) *Additional material.* (A) Narrative submittal dated February 13, 1985, from the Department of Environmental Resources to EPA.

(B) Letter dated April 25, 1986, from the Department of Environmental Resources to EPA.

[FR Doc. 88–6189 Filed 4–20–88; 8:45 am]

BILLING CODE 6560–50–M

Proposed Rules

Federal Register
Vol. 53, No. 77
Thursday, April 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 300 and 531

Delegation of Authority to Agencies

AGENCY: Office of Personnel Management.

ACTION: Proposed rules.

SUMMARY: The Office of Personnel Management (OPM) proposes to remove the requirement for agencies to have delegation agreements in order to approve certain personnel actions. All agencies will now be able to approve superior qualifications appointments, waivers of time in grade requirements based on hardship or inequity, and training agreements within the limits formerly specified in delegation agreements.

DATE: Comments must be received on or before June 20, 1988.

ADDRESS: Send or deliver written comments to Curtis J. Smith Associate Director for Career Entry, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Tracy E. Spencer, (202) 632-6817.

SUPPLEMENTARY INFORMATION: In 1979, OPM used the authority granted by the Civil Service Reform Act to delegate to agencies authority to approve various personnel actions that previously had to be approved by OPM. Some of these authorities were delegated directly, but others required agencies to negotiate delegation agreements. The requirement for agreements had two main purposes. First, the agreements served as a safeguard against misuse of the authorities by setting out specific criteria for approval, by requiring annual reports, and by providing for withdrawal of delegated authority from any agency that seriously misused it. Second, the authorities covered by agreements could be tailored to each agency so an agency would not have to establish policies or evaluation procedures for authorities it did not use.

The agreements are still useful to permit selective delegation of authorities that are used by only a few agencies. However, agreements are not needed to ensure proper use of the more common authorities. Most agencies have had agreements covering those authorities for several years and have used the authorities properly. The reporting requirements contained in the agreements merely create an unnecessary paperwork burden.

Therefore, we propose to eliminate the requirement for agreements in connection with the commonly used authorities. The applicable regulations and instructions will, however, include limits on agencies' delegated authority previously contained in delegation agreements to ensure that extreme or atypical cases are reviewed and approved by OPM. Specifically, the changes proposed are as follows:

Waiver of time in grade requirements based on undue hardship or inequity (5 CFR 300.603). The proposed regulations would removed the requirement for a delegation agreement for approval of a promotion of no more than three grades and would set out the definitions of hardship or inequity to be used in making the determination. All waivers involving promotions of more than three grades would have to be approved by OPM.

Appointments above the minimum rate in grades GS–11 and above based on the appointees' superior qualifications (5 CFR 531.203(b)). The proposed regulations would remove the requirement for a delegation agreement when salaries set under the regulation do not exceed the candidates' existing pay by more than 20 percent.

Training agreements. Agencies would be delegated authority to develop and implement plans under when intensive training is to be used as a substitute for time in grade requirements, as long as the plans did not permit consecutive accelerated promotions of any trainees. Plans providing for consecutive accelerated promotions will continue to require OPM approval. Agreements approved under this delegated authority would have to be consistent with instructions set out in the FPM, with merit promotion policy, and other applicable laws and requirements.

OPM also plans to revise the FPM to delegate to agencies authority to approve training agreements under which intensive training may be substituted for normal qualifications requirements, and authority to approve payment of candidates' travel expenses for interviews when a position at grade GS–10 or above is so unique in terms of its duties, responsibilities, and/or performance requirements that a preemployment interview is necessary for a final determination of applicants' qualifications. Instructions for use of these additional delegations will be published in an appropriate FPM issuance.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations affect only the procedures used to appoint and assign certain Federal employees.

List of Subjects

5 CFR Part 300

Administrative practice and procedure, Government employees.

5 CFR Part 531

Administrative practice and procedure, Government employees, Wages.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM proposes to amend 5 CFR Parts 300 and 531 as follows:

PART 300—EMPLOYMENT (GENERAL)

1. The authority citation for Part 300 is revised as set forth below, and the authorities following individual sections and subparts are removed:

Authority: 5 U.S.C. 552, 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218. Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7151, 7154; E.O. 11478, 3 CFR 1966–1970 Comp., p. 803. Sec. 300.104 also issued under 5 U.S.C. 7701 et seq. Sec. 300.301 also issued under 5 U.S.C. 3324. Sec. 300.603 also issued under 5 U.S.C. 1104.

2. In § 300.603, paragraph (a)(1) is revised, paragraph (a)(4) is removed, and new paragraphs (d) and (e) are added to read as follows:

§ 300.603 Exceptions to restrictions.

(a) Section 300.602 of this part does not prevent the advancement of an employee when:

(1) The advancement is made under the provisions of a training agreement established in accordance with instructions in Chapter 338 of the Federal Personnel Manual. However, an agency may not make promotions of more than two grades in 1 year solely on the basis of a training agreement or a series of training agreements, and may not approve training agreements that provide for consecutive promotions of any employee at rates exceeding those prescribed in § 300.602 of this part. Training agreements that provide for consecutive accelerated promotions must be approved by OPM.

* * * * *

(d) Section 300.602 (a) and (b) of this part does not prevent the advancement of an employee to a position no more than three grades above the employee's current grade when:

(1) The employee meets all other qualification requirements for the position; and

(2) The agency head or his or her designee determines that waiver of the time in grade requirements is needed to avoid undue hardship to the agency or inequity to the employee resulting from an unavoidable situation that cannot be corrected through valid actions other than promotion of the particular employee. Each promotion authorized under this paragraph must be approved individually by the agency head or his or her designee.

(e) Section 300.602 (a) and (b) does not prevent the advancement of an employee in a situation not covered by paragraphs (a) through (d) when OPM authorizes the advancement to avoid undue hardship or inequity, in an individual case of a meritorious nature.

PART 531—PAY UNDER THE GENERAL SCHEDULE

3. The authority citation for Part 531 is revised to read as follows, and the authority citations following any subparts or sections are removed.

Authority: 5 U.S.C. 5115, 5338, and chapter 54; Section 531.203 issued under 5 U.S.C. 5333 and 5334; Section 531.204 issued under 5 U.S.C. 5334 and 5402; Section 531.205 issued under 5 U.S.C. 5305 and 5402, E.O. 11721, as amended; Section 531.305 issued under 5 U.S.C. 5333, E.O. 11721, as amended; Subpart D issued under 5 U.S.C. 5301, 5335, and 5338, E.O. 11721, as amended; Subpart E issued under 5 U.S.C. 5336 and 5338, E.O. 11721, as amended.

4. In § 531.203, paragraph (b)(1) is revised to read as follows:

§ 531.203 General provisions.

* * * * *

(b) *Superior qualifications appointments.* (1) A "superior qualifications appointment" means an appointment to a position in Grade 11 or above of the General Schedule made at a rate above the minimum rate of the appropriate grade under authority of section 5333 of title 5, United States Code, because of the superior qualifications of the candidate. Prior approval of OPM is required if the proposed rate exceeds the candidate's existing pay by more than 20 percent (unless the position is in the Library of Congress).

* * * * *

FR Doc. 88-8791 Filed 4-20-88; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Foreign Agriculture Service

7 CFR Parts 11 and 1550

Foreign Market Development Program

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would update existing regulations with respect to the conduct of foreign market development programs utilizing public or private U.S. entities. The proposal also includes new provisions designed to ensure that the benefits generated by the programs are as broadly distributed throughout the relevant agricultural sector(s) as feasible and, particularly, that no U.S. firm or individual derive an unfair advantage or benefit from program activities.

DATE: Comments on this proposed rule must be received by June 20, 1988.

ADDRESSES: Interested persons are invited to submit written comments to: Chief, Marketing Programs Staff, Commodity and Market Programs, Foreign Service, USDA, Room 4932-S, Washington, DC 20250-1000.

All comments received will be available for public inspection during regular business hours at the U.S. Department of Agriculture, Room 4932—South Building, 14th and Independence Avenue SW., Washington, DC 20250-1000.

FOR FURTHER INFORMATION CONTACT: Elizabeth H. Callahan, Chief, Marketing Programs Staff, Foreign Agricultural Service, USDA. Telephone: (202) 447-5521.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "non-major." It has been determined that this rule will not result in an annual effect on the economy of $100 million or more; will not cause a major increase in costs to consumers, individual industries, Federal, State or local government agencies or geographic regions; and will not have an 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.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Foreign Agricultural Service is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rule making with respect to the subject matter of this rule.

The collection of information requirements of this proposed rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act.

This action will not have a significant impact specifically upon area and community development. Therefore, review as established by Executive Order 12372 was not used to assure that units of local government are informed of this action.

General Background

This proposed rule updates the regulations appearing at 7 CFR Part 11, Subpart B (7 CFR 11.51-11.61). The rule also includes new provisions governing participation in foreign market development activities conducted by FAS.

FAS conducts foreign market development activities to promote exports of U.S. agricultural commodities under section 601 of the Agricultural Act of 1954 (7 U.S.C. 1761). One of these activities is a program generally conducted with U.S. nonprofit agricultural trade associations, referred to as "Cooperators", for the development of foreign markets for specific commodities. FAS enters into a cooperative agreement with the respective Cooperator and provides funds for export promotion activities. These agreements, commonly referred to as "Market Development Project

Agreements", delineate the responsibilities and obligations of the Cooperator. The Cooperator contributes resources to the program, usually in an amount equivalent to one-half the cost of the program. Eligible resources include cash or goods and services contributed by the U.S. Cooperator, its members, and/or foreign third parties. The Cooperator is reimbursed by FAS for authorized expenses incurred pursuant to "annual marketing plans" approved in advance by FAS. FAS approval of programs is based on the following criteria: Probable success in maintaining or increasing foreign consumption and U.S. exports of the subject U.S. agricultural commodities; the potential long range contribution of the program to U.S. agricultural exports and relative importance of exports to the subject commodities and to U.S. agricultural and U.S. balance of payments; compatibility with U.S. foreign policy; the ability of the applicant to provide competent U.S. based staff and other resources to assure adequate development, supervision and execution of program activities; the extent to which the Cooperator represents U.S. commodity interests; the willingness and ability of private organizations to back up the Cooperator's promotional activities with aggressive selling and adequate supplies of commodities of the quality desired by foreign buyers; competition in the market and cultural, political and economic obstacles which might restrict exports of U.S. agricultural commodities into world markets.

Another foreign market development activity administrated by FAS is the Export Incentive Plan (EIP) in which FAS enters into cooperative agreements with private U.S. companies for promotion of brand named agricultural products. The types of activities authorized in the EIP program are more limited than the Cooperator program and are specifically identified in each agreement.

Market development activities may also be carried out by FAS under the authority of section 5(f) of the Commodity Credit Corporation (CCC) Charter Act when such activities have been authorized by the CCC Board of Directors or the Secretary.

FAS also administers the Targeted Export Assistance (TEA) program established pursuant to section 1124 of the Food Security Act of 1985, as amended (7 U.S.C. 1736s), which provides export promotion assistance for U.S. agricultural commodities, the exports of which have been adversely affected by unfair foreign trade practices. Section 1124 requires that priority assistance be provided for U.S. agricultural commodities which have received a favorable decision under section 301 of the Trade Act of 1974 and for those the exports of which have suffered retaliatory action as a consequence of a favorable section 301 decision. Administrative procedures in the TEA program parallel those of the foreign market development Cooperator and EIP program. The Administrator of FAS, in his capacity as Vice President of CCC, enters into TEA agreements with U.S. nonprofit agricultural trade associations or with private U.S. companies ("TEA Participants") which obligate a specified amount of CCC resources for the purpose of reimbursing the TEA Participant for eligible costs incurred in conducting export promotion activities approved in advance by FAS. A Federal Register Notice announcing the TEA program for fiscal year 1988 was published June 3, 1987, at 52 FR 20764. That notice further describes the TEA program.

Title I of Pub. L. 480, as amended by section 1111 of the Food Security Act of 1985, authorizes the use of foreign currencies received from the concessional financing of sales of agricultural commodities to fund market development activities overseas. Accordingly, FAS may enter into agreements specifying funding in foreign currency received pursuant to Title I, Pub. L. 480.

This proposed rule updates regulations applicable to FAS' foreign market development programs presently in 7 CFR Part 11, Subpart B, by revising legal citations and terminology and updating references to FAS programs. As revised, the regulations would now appear in 7 CFR Part 1550.

The proposed rule sets forth requirements applicable to participation in FAS market development programs. It is the policy of FAS that the benefits of the market development programs be as broadly distributed as feasible throughout the relevant U.S. agricultural sector and that no U.S. firm or entity derive an unfair advantage from program activities. The new provisions which would be uniformly applicable to all participants, are intended to eliminate any real or potential conflicts of interest in the foreign market development programs. It has been determined that more specific guidance was needed regarding what constituted conflict of interest in the market development programs and specific provisions were required to preserve the integrity and reputation of the market development programs. Written comments received from cooperators pursuant to an earlier survey requesting views on this subject will be available for public inspection.

This proposed rule sets forth requirements applicable to all cooperative market development agreements with U.S. trade organizations, except those with private U.S. entities for the promotion of brand identified products. The rule would require that entities entering into the market development agreements, their parent organizations affiliates and subsidiaries (1) not engage in the export of commodities promoted under the agreements; (2) not assess fees for services provided to individual exporters in facilitating an export sale, if market development program resources were used for any activities intended to result in that specific sale; (3) not promote their private self-interests or conduct private business, except as part of an approved sales team; (4) submit to FAS for its approval, criteria for the selection of industry representatives to participate in activities including the selection of U.S. firms to participate in U.S. brand-identified promotions and; (5) distribute on a timely basis, upon request of any U.S. trade entity, all data developed with project funds or participants' resources if the expense was claimed as a contribution to the program.

The proposed rule would help to ensure that market promotion activities are carried out to increase U.S. exports in general rather than to generate revenues for the participants' organizations. No Cooperator or TEA Participant, for example, or their respective parent organizations, subsidiaries or affiliates will be able to export the commodity it promotes through either program. There is no prohibition, however, against those entities participating in the domestic trading of the commodity. If a Cooperator or TEA Participant sponsors a sales team abroad or organizes U.S. entities' participation in a trade fair, it could not charge the participants a fee or commission on sales resulting from those activities. On the other hand, Cooperator and TEA Participants could provide and charge a fee for technical assistance related to export sales that were in no way generated by project funded promotions. Likewise, private business representatives traveling as part of a project funded activity, other than a sales team, would do so as representatives of the Cooperator and must represent the interests of all producers and may not pursue strictly private business topics with trade

contacts abroad, or otherwise use the activity as an opportunity to promote personal or private business interests. They may, of course, contact those foreign trade individuals on subsequent trips, not paid for with project funds, and transact business as private entities, without stating or implying that the transaction has the approval of the Cooperator or TEA Participant.

List of Subjects in 7 CFR Part 1550

Agricultural commodities, Exports.

Accordingly, it is proposed to amend Title 7 of the Code of Federal Regulations as follows:

Part 11—[Removed]

1. 7 CFR Part 11 is removed.
2. Part 1550 is added to read as follows:

PART 1550—PROGRAMS TO HELP DEVELOP FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES

Sec.

1550.1 Purpose and scope.
1550.2 Delegations of authority.
1550.3 Market Development Project Agreements.
1550.4 Export Incentive Program Agreements.
1550.5 Other Market Development Activities.
1550.6 Program participation and benefits.
1550.7 Failure to comply with program requirements.
1550.8 Further information.

Authority: Sec. 601 of the Agricultural Act of 1954, as amended (7 U.S.C. 1761); Secs. 108(d)(2)(B) and 108(f) the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 108); Sec. 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)); E.O. 12220, 45 FR 44245.

§ 1550.1 Purpose and scope.

This part sets forth policies and requirements with respect to the conduct by the Foreign Agricultural Service (FAS) of programs utilizing public or private entities in the United States to help develop foreign markets for United States agricultural commodities on a mutually benefiting basis. As far as practicable, FAS relies upon representatives of the private U.S. agricultural sector to carry out market development activities through cooperative agreements.

§ 1550.2 Delegations of authority.

(a) Authority to conduct market development activities, generally, has been delegated to the Administrator, FAS.

(b) Authority to execute agreements and all other market development activities has been redelegated by the Administrator, FAS, to the Assistant Administrator for Commodity and Marketing Programs, except that the Administrator, FAS, has retained authority to execute agreements as Vice President, Commodity Credit Corporation, utilizing the funds of, or commodities owned by, Commodity Credit Corporation.

§ 1550.3 Market development project agreements.

(a) *General.* "Market Development Project Agreements" are cooperative agreements between FAS and United States agricultural trade associations or associations of State Departments of Agriculture, which entities are hereinafter referred to as the "Cooperators", for the purpose of maintaining, expanding, or creating foreign markets for U.S. agricultural commodities. Activities to be undertaken are generally intended to promote specific commodities on a generic basis; however, FAS may authorize promotion of an agricultural commodity on a brand identified basis when it is determined that such promotion is in accord with the purpose of the market development programs.

(b) *Use of third parties.* A Cooperator that enters into a Market Development Project Agreement may undertake market development activities directly or through a third party provided that such Cooperator remains responsible for the activities of the third party.

(c) *Contributions.* Cooperators are expected to contribute funds or make in-kind contributions towards completion of approved market development activities equivalent to what they expend in project funds. Such contributions will be stated as a percentage of the total cost of the activities in the market development project agreement. Contributions by third parties will be accepted as satisfying the contribution obligation of the Cooperator.

(d) *Project funds.* FAS will make funds available, up to the amount stated in the Market Development Project Agreement, to reimburse Cooperators for expenditures incurred in conducting activities authorized by the agreement and budgeted in a marketing plan approved in advance by FAS. Funds will be paid in United States dollars unless the Cooperator and FAS specifically agree that payment shall be made in foreign currencies.

(e) *Consideration of projects.* Market Development Project Agreements will be entered into by FAS only if it is determined that such agreements could contribute to the effective creation, expansion, or maintenance of markets for U.S. agricultural commodities abroad based upon the following criteria:

(1) Probable success in maintaining or increasing foreign consumption and U.S. exports of U.S. agricultural commodities;

(2) Potential long range contribution of the project to U.S. agricultural exports and relative importance of exports to the subject commodities, U.S. agriculture generally, and the U.S. balance of payments;

(3) Compatibility with foreign policy;

(4) Ability of the Cooperator to provide competent U.S. based staff and other resources to assure adequate development, supervision and execution of program activities;

(5) Extent to which the Cooperator represents commodity interests;

(6) Willingness and ability of private entities to back up promotional activities with aggressive selling of the U.S. agricultural commodities;

(7) Adequate supplies of the U.S. commodities of the quality desired by foreign buyers;

(8) Competition for sales of subject commodities in foreign markets; and

(9) Political and economic obstacles which might restrict imports of U.S. agricultural commodities into foreign countries.

§ 1550.4 Export Incentive Program Agreements.

(a) *General.* "Export Incentive Program Agreements" are cooperative agreements between FAS and a private United States entity for the purpose of maintaining, expanding or creating foreign markets for United States agricultural commodities. Activities to be undertaken are intended to promote U.S. agricultural exports through the promotion of brand identified commodities or products.

(b) *Use of third parties.* An entity that enters into an Export Incentive Program Agreement may undertake market development activities directly or through a third party provided such entity remains responsible for the activity.

(c) *Contributions.* Participating entities are generally required to contribute at least fifty percent of the eligible promotion costs incurred pursuant to the Export Incentive Program Agreement.

(d) *Project funds.* Upon submission of a claim for an incentive payment, FAS will make funds available to the participating entity, up to the amount stated in the Export Incentive Program Agreement, to carry out the purposes of the project. Such a claim will be submitted on a marketing year basis or at such other time as may be agreed by

FAS. The amount of funds to be paid by FAS on each claim will be specified in the agreement and will be based upon either a stated percentage of the promotional expenditures claimed, volume of exports over a stated period, or a combination of both. Funds will be paid in U.S. dollars only.

(e) *Consideration of projects.* Export Incentive Program Agreements will be entered into by FAS based upon the same criteria set-forth in § 1550.3(e) (1)–(4), (8) and (9) and on the basis of whether the agricultural commodity or product to be promoted is of the type that would benefit from brand identified promotion.

(f) *Initiation of agreements.* FAS will periodically announce that entities may submit proposals for an Export Incentive Program Agreement when FAS determines that a specific commodity or product may benefit from brand promotion. Once a commodity or product is selected by FAS, participation is open to all U.S. entities exporting, or desirous of exporting, the commodities on a brand-identified basis.

§ 1550.5 Other market development activities.

(a) *FAS Contracts.* FAS may, from time to time, enter into contracts pursuant to which FAS procures, for a stated consideration, property and services needed in developing markets for U.S. agricultural commodities.

(b) *Commodity Credit Corporation Programs.* The Administrator, FAS, who is also the Vice President of the Commodity Credit Corporation (CCC), may be authorized to conduct market development activities which are carried out under the authority of the Commodity Credit Corporation Charter Act, 15 U.S.C. 714 *et seq.* The terms and conditions of any such market development activities will be determined by the Board of Directors of CCC, or by the Secretary of Agriculture and may provide for the use of either funds of, or commodities owned by, CCC to support market development activities.

§ 1550.6 Program participation and benefits.

(a) *Scope.* This section establishes requirements applicable only to participation in Market Development Project Agreements and any other cooperative agreements with U.S. organizations to develop foreign markets for U.S. agricultural commodities, except that this section does not apply to agreements between FAS and private U.S. entities for brand identified promotion.

(b) *General.* It is the policy of FAS to insure that the benefits generated by agreements are as broadly distributed throughout the relevant agricultural sector as feasible and, particularly, that no U.S. entity or organization derives an unfair advantage or benefit from project activities, whether funded with project funds or contributions.

(c) *Industry participation.* When required by the Administrator, FAS, U.S. entities entering into market development agreements with FAS shall furnish to FAS for approval the criteria established by the entities for the selection of U.S. agricultural industry representatives to participate in program activities such as trade teams, sales teams and trade fairs. Such criteria must ensure participation on an equitable basis by a representative cross section of the relevant U.S. agricultural industry.

(d) *Distribution of information.* All entities entering into market development agreements shall provide, on a timely basis, upon request of any U.S. trade entity, any and all data developed and produced with project funds or contributions and, in connection therewith, may charge a fee, not to exceed the costs incurred in assembling, duplicating and distributing the requested material.

(e) *Export activities and related services.* (1) Neither the entities entering into agreements nor their parent organization, subsidiaries or affiliates shall (i) make export sales during the term of the agreement of agricultural commodities of the kind which are promoted by use of project funds, or (ii) assess fees for services provided to exporters in facilitating export sales if project funds have been used for any promotional activities intended to result in that specific export sale. Checkoffs or membership dues may be assessed by the Cooperator based on commodity sales when such assessments are a condition of membership in the cooperator association.

(2) All entities participating in approved program activities, except as part of a sales team, shall not use the activities to promote private self-interests or conduct private business if the use of sales teams is provided for by FAS in the Cooperator's annual marketing plan.

§ 1550.7 Failure to comply with program requirements.

(a) Within 60 days after the effective date of these regulations, entities participating in agreements within the scope of section 1550.6 shall certify in writing to the Administrator, FAS, that they, their parent organization, subsidiaries, or affiliates are not engaged in the business of making export sales of agricultural commodities promoted by the use of projects funds.

(b) In the event of noncompliance with any provisions of these regulations, FAS may terminate the agreement or disallow a claim for the payment of project funds.

§ 1550.8 Further information.

Further information regarding agreements to develop new markets for United States agricultural commodities and as to operations under such agreements can be obtained by contacting Marketing Programs Staff, Commodity and Marketing Programs, Room 4932–S, USDA (202–447–5521).

Signed at Washington, DC on April 1, 1988.

Thomas O. Kay,

Administrator, Foreign Agricultural Service.

[FR Doc. 88–8688 Filed 4–20–88; 8:45 am]

BILLING CODE 3410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM–40–24]

Union Carbide Corp.; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking: Denial.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–40–24) submitted by the Union Carbide Corporation. The petitioner requested that the NRC amend its regulations in four areas pertaining to uranium milling operations and closure requirements. Three of the amendments requested by the petitioner are being denied due to changes made in NRC's regulations as a result of standards issued by the Environmental Protection Agency (EPA). The NRC regulatory changes that were necessary to conform to EPA's standards are required by law. The petitioner's requests, which were received prior to promulgation of EPA's standards, are inconsistent with existing EPA requirements. The fourth area deals with a requested change to the assumed real interest rate used to cover the cost of long-term surveillance. This request is denied on the basis that the proposed change is inconsistent with the Government's historical real rate of return.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Docment Room, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3877.

SUPPLEMENTARY INFORMATION:

The Petition

On November 30, 1982 (47 FR 53899), the Nuclear Regulatory Commission (NRC) published a notice of receipt of a petition for rulemaking filed by the Union Carbide Corporation. The petition requested that the NRC amend portions of its regulations concerning criteria for the operation of uranium mills and the disposition of tailings or wastes resulting from these activities.

The petitioner suggested specific amendments to Criteria 1, 5, 6, and 10 of Appendix A to Part 40. This appendix sets out the technical, financial, ownership, and long-term site surveillance criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of uranium mills and associated tailing. Appendix A was issued as part of the NRC's regulations implementing the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95–604, 42 U.S.C. 7901, et seq.). These regulations were published in the **Federal Register** on October 3, 1980 (45 FR 65531).

The petitioner believes that the suggested amendment will continue to adequately protect the public health, safety, and the environment from radiation hazards associated with uranium milling. In addition, the petitioner asserts that its suggested amendments are more cost effective in that they would significantly reduce the costs of compliance at the facilities covered by the regulations.

The Suggested Amendments: Criterion 1

Criterion 1 covers the selection of new tailings disposal sites or the adequacy of existing tailings diposal sites. The petitioner suggests that the long term isolation of tailings and associated contaminants be defined as a 100–200 year period rather than the "thousands of years" period.

The petitioner bases this suggestion on testimony before the NRC, the states of Colorado and New Mexico, the Enviornmental Protection Agency, and the Military Nuclear Systems Subcommittee of the Committee on the Armed Services. The petitioner contends that this testimony indicates that:

1. The thousands of years period is unreasonable.
2. Technology does not exist to assure the isolation of tailings for thousands of years.
3. The present requirement is costly and speculative.
4. It is difficult, if not impossible, to design a reclamation plan for a tailings pile that will withstand erosion over a period of thousands of years.
5. Tailings disposal should be based on a realistic period of time, such as 100–200 years.
6. The thousands of years requirement tends to relieve the goverment of any responsibility for ultimate control (Criterion 11).
7. The funds for long-term surveillance and control will be available to pay for any repair necessitated by damages resulting from any unexpected event (Criterion 10).

The Suggested Amendments: Criterion 5

Criterion 5 covers restoration of groundwater contaminated by seepage of toxic materials from mill tailings sites. The petition contends that Criterion 5 attempted to distinguish existing from new sites. For new sites, the petitioner states that seepage would not result in deterioration of groundwater supplies, and technical alternatives are provided to assure that deterioration does not occur. The petitioner states, however, that for existing sites no guidance was given concerning the standards to be used in developing the required site-specific seepage control and groundwater protection methods. The petitioner's proposed amendment is intended to provide guidance it believes is missing for existing sites by specifically including consideration of the current use of the groundwater, naturally-occurring characteristics of the groundwater, potential use of the groundwater based on needs of the community, size of the aquifer, availability of other drinking water sources, and the practicability of restoration.

The Suggested Amendments: Criterion 6

Petitioner proposes amendments to Criterion 6 which would delete requirements for (1) a three meter cover over tailings or wastes and (2) a surface exhalation of radon emanating from the tailings or wastes to less than two picocuries per square meter per second. Instead, suggested revisions would include cover designs that are based on site specific analyses and concentrations of radon and other radioactive material beyond a small buffer zone of approximately 500 feet established around the covered areas. These concentrations would not exceed limits specified in Appendix B, Table II of 10 CFR Part 20, excluding background. The petitioner requests that remedial actions be cost-effective and based on a realistic assessment of the health hazard to the public that uranium mill tailings may pose. The petitioner believes that health risks to the public from exposure to radium and radon from uranium mill tailings should be compared with risks from exposure to other natural sources of radium, radon, and their daughters as well as to other risks commonly accepted by the public. The petitioner contends that, if such comparisons are made, it is clear that the health risks to the public associated with uranium mill tailings have been greatly overestimated. The petitioner believes that its proposal will ensure that mill tailings are controlled in a safe manner and that people and the environment will be protected from radiation hazards associated with tailings disposal.

The Suggested Amendments: Criterion 10

This criterion imposes a charge on each mill operator to cover the cost of long-term surveillance. The total charge must be such that, "with an assumed 1 percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance." The petitioner proposes the use of a 2 percent interest rate rather than the current 1 percent interest rate. The petitioner requests that this rate, which it considers to be a more accurate percentage spread between inflation and interest rates, be used.

Basis for Request

As a basis for the requested action, the petitioner stated it has facilities that are affected by the NRC regulations in both Agreement and Non-agreement States. The requirements of Appendix A of 10 CFR Part 40 also apply to Agreement States. As a result of Agreement States conforming their regulations to be compatible with NRC's, hearings and public comments were solicited. The petitioner claims that, "* * * additional testimony and evidence have been elicited which were not available to the NRC in the consideration of its own regulations." In light of this new information, the petitioner requests that the NRC reconsider its regulatory program. It is the petitioner's contention that

compliance with the amendments it proposes will protect public health and safety and the environment from radiation hazards associated with uranium milling byproduct material while significantly reducing the costs of compliance at its uranium mills.

Public Comments on the Petition

A notice of filing of petition for rulemaking was published in the **Federal Register** on November 30, 1982 (47 FR 53889). Interested persons were invited to submit written comments or suggestions concerning the petition by January 31, 1983. At the request of serveral commenters, the comment period was extended until May 2, 1983. The NRC received 11 comments in response to the notice; five from environmental groups; three from State agencies; and one each from the industry, an industrial representative, and a private citizen.

All the commenters, with the exception of the two from the industry and the industrial representative, were opposed to the petition. The main reasons cited by these commenters were:

1. Based upon Pub. L. 97–415 (issued January 4, 1983), which amended UMTRCA, the Environmental Protection Agency is to develop general environmental standards by October 1, 1983. The NRC will then review and revise its regulations to conform to the EPA standards. Therefore, any changes now would be premature.

2. The additional information provided by the petitioner is of limited value.

3. Changes proposed by the petitioner are not adequate to protect public health, safety, and the environment. The existing regulations will provide for this and are reasonable considering the hazards involved.

The comments from the industry and industrial representative are in total support of the petition. These commenters also identified other parts of the regulations which they felt should be changed.

Staff Action on the Petition

The response to the petition for rulemaking was delayed because Pub. L. 97–415 (NRC Authorization Act of 1983, issued January 4, 1983) required EPA to develop general environmental standards by October 1, 1983 and for the NRC to then conform its regulations to those issued by the EPA. Most of the issues raised by the petitioner were addressed in the final EPA environmental standards (48 FR 45926; October 7, 1983).

NRC's conformance to the EPA standards was completed in a two-step process. The first step resulted in a final rule published on October 16, 1985 (50 FR 41852). This rule revised Appendix A to 10 CFR Part 40 in order to conform to the EPA requirements except for those relating to ground-water protection. The second step also amended Appendix A and completed conformance to the EPA ground-water protection requirements. The NRC began this step with advance notice of proposed rulemaking on November 26, 1984 (49 FR 46425) prior to developing amendments for the ground-water protection conforming changes.

As stated in the proposed rule to conform to ground-water protection requirements (51 FR 24697; July 8, 1986), "When the NRC publishes its final rule on ground-water protection, the rulemaking proceedings necessary to conform its regulations to EPA standards will be completed. At that time, the NRC will make a final determination on the issues raised by the petitioner and publish its findings in the **Federal Register**." The final rule conforming ground-water protection requirements, which completed the actions necessary to conform NRC regulations to EPA standards, was published on November 13, 1987 (52 FR 43553).

Reasons for Denial

The first three amendments to Appendix A to 10 CFR Part 40 suggested by the petitioner relate to Criteria 1, 5, and 6. These criteria were changed based on requirements in Pub. L. 97–415 that the NRC conform its regulations to the EPA standards. Accordingly, the petitioner's proposals are assessed against the revised NRC regulations, rather than the regulations to which the petition was originally addressed. The reasons for denial follow:

Criterion 1: The petitioner's proposal of a long-term isolation period of 100–200 years would be inconsistent with EPA's longevity standard, now part of NRC's rules. EPA requires reasonable assurance that control of radiological hazards to be effective for 1,000 years, to the extent reasonably achievable, and in any case for at least 200 years.

Criterion 5: The requirements for ground-water protection contained in criterion 5 have been totally revised as a result of conformance to EPA standards. The current requirements are more stringent than those that the petitioner requested to be changed. The petitioner's proposed changes would be inconsistent with current EPA requirements, now part of NRC's rules. However, the concerns of the petitioner as far as contamination and use of an aquifer at existing sites have been incorporated into the current regulations. At any site, new or existing, an applicant can apply for an alternate concentration limit (ACL) for ground-water constituents. Use of the aquifer is one of the factors upon which an ACL could be based.

Criterion 6: The NRC requirements for radon control have been significantly changed as a result of EPA requirements. The minimum three meter cover is no longer required. The radon release rate has been changed to not exceed the EPA established average release rate of 20 picocuries per square meter per second to the extent practicable throughout the effective design life. The requirements in this criterion have been reduced from those that the petitioner requested be amended. However, further changes would be inconsistent with EPA requirements.

The fourth change suggested by the petitioner is that dealing with Criterion 10. This criterion was not effected by the EPA standards. The petitioner indicates that a 2% annual real interest rate is a more accurate reflection of the historic earning power of investments versus the 1% rate used in NRC's regulations.

The petitioner's request is based on comments provided to the Colorado Department of Health by the Colorado Mining Association on June 5 and 17, 1981 and June 5, 1982. The basis for the 2% rate is "* * * that a 2% annual real interest rate is a more accurate reflection of the historic earning power of investments. Research performed by Union Carbide Corporation's corporate finance group has shown that the average domestic bond yield over the last 30-year period (1950–1980) exceeds the GNP deflator by 2%." The domestic bond yield is derived from Moody's Investor Services average corporate yield from the four rating classifications (Aaa, Aa, A, Baa) and is also the average of three groups (railroad, public utility, and industrial).

The real rate of return used in criterion 10 is based on the difference between the long-term government bond rates and the consumer price index. Long-term government bond rates are less than corporate rates.

The Government's real rate of return should be based on government yields because the funds are paid to the Treasury. The Treasury will not be investing these funds in corporate bonds or for that matter in any other investment vehicle. Conceptually, these funds can be viewed as displacing the need for government borrowings. Therefore, their true investment value

can be measured by the government's ability to forego the payment of interest on government bonds at the margin. Because these instruments have historically averaged approximately a 1 percent real rate of return, this is its appropriate value.

Furthermore, even if one assumed the government could invest these funds in corporate bonds, and earn a higher rate of return, such a practice would be counter to the intended purpose for these funds. The higher corporate real rate of return reflects a risk premium whereas government bonds are essentially risk free investments. Given the need to ensure funds in perpetuity, it would be imprudent to invest in corporate bonds and be exposed to potential losses. Because the petitioner's request is based on an industrial yield, it would not be appropriate to use these figures. Therefore, the proposed change is denied.

Dated at Rockville, MD this 11th day of April, 1988.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-8766 Filed 4-20-88; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 88-276]

Assessment and Adjustment of Additional Premiums

Date: April 12, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is proposing to amend its Insurance Regulations by adding a new regulation regarding the assessment of additional insurance premiums against institutions the accounts of which are insured by the FSLIC ("insured institutions"). The proposal would implement by regulation the FSLIC's authority to assess additional insurance premiums and would provide for an adjustment of such premiums based on insured institutions' capital levels.

DATE: Comments must be received by June 6, 1988.

ADDRESS: Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552. Comments received on this proposal will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Jerilyn Rogin, Attorney, (202) 377-7018, Christina M. Gattuso, Regulatory Counsel, (202) 377-6649, Regulations and Legislation Division; or Terrill A. Rupp, Attorney, (202) 377-7051, FSLIC-Green Division; Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

The Board has the authority to prescribe the FSLIC insurance premium structure in accordance with the terms and limitations included in section 404 of the National Housing Act ("NHA"). 12 U.S.C. 1727. That section addresses the amount of premiums and the circumstances under which they may be assessed.

Section 404(b) of the NHA provides express authority to the FSLIC to prescribe the manner in which insurance premiums are to be paid to the FSLIC by insured institutions. Section 404(b)(1) prescribes the amount of this regular, or base, insurance premium: Each insured institution "shall pay * * * a premium * * * equal to one-twelfth of 1 per centum of the total amount of all accounts of the insured members of such institution." 12 U.S.C. 1727(b).

Section 404(c) of the NHA provides that, in addition to the base premium of one-twelfth of one percent, the FSLIC may assess an additional premium of up to one-eighth of one percent.[1] With respect to the additional premium, section 404(c) does not prescribe a specific amount. Rather, section 404(c)(1) authorizes the FSLIC to assess the additional premium "until the amount of such premiums equals the amount of all losses and expenses of the Corporation." The amount set forth in section 404(c)(1)—one-eighth of one percent—is a cap ("the absolute cap") on the amount of additional premium that the FSLIC may assess.

On August 10, 1987, Congress enacted into law the Competitive Equality Banking Act of 1987, Pub. L. No. 100-86, 101 Stat. 552 ("CEBA"). Section 306(c) amended section 404(c) of the NHA by adding paragraph 404(c)(2), entitled "Limitations on Amount of Assessment." That section provides for a five-year phase-down of the amount of additional premium that the FSLIC may charge. The statute implements this phase-down by imposing a cap ("the yearly cap") on the amount of additional premium the FSLIC may charge over a five-year period.

The amount of additional premium may exceed the yearly cap if the Board determines that "severe pressures on the Corporation exist which necessitate an infusion of additional funds."

In the early 1980's, the Board had proposed to implement by rule its authority under section 404(c) of the NHA to assess additional insurance premiums.[2] The proposal was never adopted as a final rule, however. Now, upon reconsideration of this issue, the Board proposes to implement the authority granted by section 404(c) by regulation in such a way as to adjust the amount of the additional premium to reflect the risk that an insured institution poses to the FSLIC.

In addition to this risk-based adjustment, today's proposal would reiterate, in new § 563.15-1, the authority granted to the FSLIC under section 404(c) of the NHA.[3] Proposed § 563.15-1 would also provide that any additional premiums assessed by the FSLIC be assessed and paid on a quarterly basis and that the FSLIC publish in the **Federal Register** as notice to insured institutions of the amount of assessment due each quarter.

II. Statutory Authority to Adjust the Additional Premium

In addition to the Board's express authority to assess base insurance premiums and additional insurance

[1] As originally enacted, section 404 provided for an annual premium of one-quarter of one percent of an institution's deposits and permitted a discretionary additional premium of one-quarter of one percentum to cover losses and expenses. Both references to one-quarter of one percent were changed to one-eighth of one percent in 1935. *See* Act of May 28, 1935, ch. 150, section 25(a), 49 Stat. 298 (1935). The base annual premium was lowered further to one twelfth of one percent in 1950. *See* Act of June 27, 1950, ch. 369, section 7, 64 Stat. 259 (1950), yielding the one twelfth percent plus one-eighth percent structure in the statute today.

The legislative history of section 404(c) of the NHA indicates that additional insurance premiums may be assessed to cover all prior losses and expenses of the FSLIC, not just those incurred in the immediately preceding year. The statute also gives the FSLIC the discretion not to assess additional insurance premiums in any given year.

[2] *See* "Federal Savings and Loan Insurance Corporation; Insurance Premiums," 47 FR 51583 (Nov. 4, 1982) (advance notice of proposed rulemaking); "FSLIC Insurance Premiums," 48 FR 13191 (Mar. 17, 1983) (proposed rule).

[3] In the Board's view the language of section 404(c) authorizing the FSLIC to assess additional premiums is self-executing; that is, no implementing regulations are necessary in order for the FSLIC to collect the additional premium. The point of today's proposed implementing regulations is to establish a risk-based method for assessing the additional premium, which does require explication by implementing regulation. *Cf.* 12 CFR 563.15 (regular, or base, insurance premiums).

premiums as outlined in the preceding section, the Board is also authorized to make adjustments, refunds, and deferrals of premium payments. A statutory provision enacted in 1969, section 6 of Pub. L. No. 91–151, 83 Stat. 396–97, provides, in pertinent part, as follows:

> (b) The Federal Savings and Loan Insurance Corporation is authorized by regulation or otherwise
>
> * * * * *
>
> (2) *to take such action,* including without limitation *such adjustments and refunds* and such deferral of premium payments and other payments, *as it may determine to be necessary or appropriate* for or in connection with the implementation of this section (i.e., section 6 of Pub. L. No. 91–151) or other legislation amending or supplementing said section 404 (of the National Housing Act). (Emphasis added).

On its face, this provision authorizes such "adjustments and refunds" as the FSLIC may deem appropriate in connection with the implementation of any amendment to section 404 of the NHA. The Board is unaware of any legislative history suggesting a Congressional intent to limit the broad discretion delegated to the FSLIC by this statutory language.

Given this broad grant of discretionary authority, the Board believes that it may be authorized to adjust its additional insurance premiums by refunding (or reducing) certain portions thereof as it deems appropriate in connection with the implementation of section 404 of the NHA. The Board, however, specifically solicits comment on the extent of its statutory authority to assess additional premiums on the basis of risk to the FSLIC. Assuming such statutory authority exists, the Board also solicits comment on whether the capital-based premium scheme set forth in this proposal is an appropriate exercise of that authority.

III. Description of the Proposal

A primary purpose of today's proposal is to offer insured institutions an incentive to raise capital. The proposed rule sets forth a variable-rate program for additional premiums that is tied to an insured institution's capital level. In the Board's view, it is important to base the amount of additional insurance premiums assessed on the amount of capital held by an insured institution because, as it has explained elsewhere in some detail, capital provides the most effective buffer against loss and risk to the FSLIC fund. *See* Board Res. No. 86–857, 51 FR 33565 (Sept. 22, 1986). The proposal provides a direct incentive for an insured institution with capital that is below the threshold (see explanation below) to raise additional capital so as to qualify for a reduction in the additional premiums.

An understanding of the proposal requires reference back to the statutory provision, described above, that authorizes the FSLIC to charge an additional premium in excess of the amount prescribed in the table contained in section 404(c) of the NHA (but in no event to exceed one-eighth of one percent of the accounts of insured members) if the Board makes the requisite statutory findings.[4]

Under the proposal, for any period for which the Board made the requisite statutory determination, any insured institution whose capital, as determined in accordance with the Board's rules governing minimum regulatory capital requirements, equals or exceeds 6 percent for the quarter of assessment would not have to pay the difference ("the differential") between the yearly cap on the additional premium set forth in section 404(c)(2) of the NHA and the absolute cap on the additional premium set forth in section 404(c)(1) (*i.e.*, one eighth of one percent). The Board specifically solicits comment on whether, instead of a 6 percent threshold, another threshold should be used or whether capital-based premiums should be based on a scale-down schedule. For example, under one possible scale-down schedule, thrifts with 6 percent or greater regulatory capital would pay only the amount applicable for the quarter in question as set forth in section 404(c)(2) of the NHA; between the minimum regulatory capital requirement and 6 percent regulatory capital, an institution would be required to pay 50 percent of the differential; and institutions with less than the minimum regulatory capital requirement would be required to pay the full additional premium. The Board also solicits comment on whether alternative measures of capital (*e.g.*, capital as measured by generally accepted accounting principles) should be used and whether alternative refund amounts (*e.g.*, the full amount of the additional premium) should be used.

Today's proposal also would amend § 563.16–2 to address offset against insurance premiums. Pursuant to section 404(a) of the NHA, the Corporation is authorized to accomplish the purposes of section 404 by rules, regulations, orders, or otherwise as it may consider necessary or apporpriate. Accordingly, the Board today proposes to amend § 563.16–2 to incorporate by regulation insured institutions' authority to offset, before 1993, up to 20 percent of their pro rata share of the statutorily prescribed amount against their yearly additional insurance premiums, and their authority after 1992 to offset their pro rata share of the statutorily prescribed amount against their yearly insurance premiums.

Additionally, however, the proposal would limit the amount of any such offset to a maximum of one-fourth of the total amount allowable in any one premium year for any one quarter. In the Board's view, such a quarterly limitation is appropriate due to the fact that the Board has, since 1985, been assessing premiums on a quarterly basis. The Board wishes to note that, in the event an insured institution ceases to be insured by a Corporation during any premium year, as that term is defined in section 404(3)(2)(F) of the NHA, such institution would be entitled to the entire offset upon exiting the FSLIC.

By initiating this rulemaking, the Board intends to present for public consideration the general concept of a risk-based deposit insurance program and, in conjunction with the proposal established today, to study the effects of such a program. Accordingly, the Board specifically requests comment on whether the approach outlined in this proposal is the most effective way of implementing a risk-based premium structure, and it invites commenters to submit alternative ways of doing so.

The Board notes that this rule would be prospective from the date of adoption of the final rule. Moreover, the Board notes that this regulation applies solely to adjustment of additional premiums and in no way affects the assessment and payment by insured institutions of regular insurance premiums.

Pursuant to the rulemaking policies and procedures of 12 CFR 508.13, as supplemented by Board Res. No. 80–584, 45 FR 63135 (Sept. 23, 1980), the Board is providing for a 45–day rather than a 60–day public comment period, because the public interest requires prompt Board action.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 603, the Board is providing the following regulatory flexbility analysis.

1. *Reasons, objectives and legal basis underlying the proposed rule.* These elements are incorporated above in the **SUPPLEMENTARY INFORMATION** regarding the proposal.

2. *Small entities to which the proposed rule would apply.* The proposed rule would apply to all

[4] The required determination is that "severe pressures on the Corporation exist which necessitate an infusion of additional funds." 12 U.S.C. 1727(c)(2).

institutions whose accounts are insured by the FSLIC.

3. *Impact of the proposed rule on small institutions.* The proposed rule would not have as substantial impact on small insured institutions.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that duplicate, overlap, or conflict with this proposal.

5. *Alternatives to the proposed rule.* There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed in the **SUPPLEMENTARY INFORMATION** set forth above.

List of Subjects in 12 CFR Part 563

Bank deposit insurance, Investments, Reporting and recordkeeping requirements, Savings and loan associations.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 563, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows:

Authority: Sec. 1, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401–407, 48 Stat. 1255–1260, as amended (12 U.S.C. 1724–1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071.

2. Add new § 563.15–1 to read as follows:

§ 563.15–1 Adjustment of additional premiums.

(a) *General.* Pursuant to section 404(c) of the National Housing Act, as amended, and subject to paragraph (b) of this section, the Corporation is authorized to assess against each insured institution additional premiums for insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation, except that the total amount so assessed in any one year against any such institution shall not exceed one-eighth of one percernt of the total amount of the accounts of its insured members. Such additional premiums, if assessed by the Corporation, shall be assessed and paid on a quarterly basis. The Corporation will publish in the **Federal Register** a notice to insured institutions of the amount of assessment due each quarter.

(b) *Limitations on amount of assessment.* (1) The amount of any additional premium assessed by the Corporation against any insured institution under paragraph (a) of this section shall not exceed the percentage set forth in section 404(c)(2) of the National Housing Act, *as amended,* unless the Board determines that severe pressures on the Corporation exist that necessitate an infusion of additional funds.

(2) The amount of any additional premiums assessed by the Corporation or any insured institution pursuant to paragraph (a) of this section shall be reduced by the amount of any supplemental assessments paid for such period by such insured institution to the Financing Corporation pursuant to § 592.12 of this chapter.

(c) *Adjustments of additional premiums.* Notwithstanding a determination by the Board pursuant to section 404(c)(2) of the National Housing Act that severe pressures on the Corporation exist that necessitate an infusion of additional funds, the Corporation shall not assess against any insured institution an additional premium in excess of the amount determined by applying the percentage set forth in section 404(c)(2) of the National Act, *Provided, that* such insured instituition's regulatory capital, as determined in accordance with its rules governing minimum regulatory capital requirements, is equal to or greater than 6 percent as of the quarter for which such additional premium is being assessed. If the Board makes such a determination, however, any insured institution whose regulatory capital is less than 6 percent shall be assessed an additional premium in the full amount permitted under section 404(c)(1) of the National Housing Act.

3. Amend § 563.16–2 by adding new paragraphs (c) and (d) to read as follows:

§ 563.16–2 Secondary reserve.

* * * * *

(c) *Offset Against Insurance Premiums.* Pursuant to section 404(e) of the National Housing Act, as amended, and subject to paragraph (d) of this section, an insured institution may offset against additional insurance premiums assessed under section 404(c) of the National Housing Act in premium years before 1993 an amount not to exceed 20 percent of such institution's pro rata share of the statutorily prescribed amount for the calendar year in which each premium year begins; for any premium year beginning after 1992, an insured institution may offset its pro rata share of the statutorily prescribed amount against any insurance premium assessed against it.

(d) *Quarterly Offset of Insurance Premiums.* Unless the Board determines otherwise, the amount of the offset permitted for any insurance premiums assessed against an insured institution under section 404 of the National Housing Act shall not exceed for any quarter of any premium year an amount equal to one-fourth of the total applicable offset allowed for any insured institution under paragraph (c) of this section.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88–8788 Filed 4–20–88; 8:45 am]

BILLING CODE 6720–01–M

---

12 CFR Parts 563, 571 and 588

[No. 88–270]

Loans to One Borrower; Bank Secrecy Act Compliance Procedures; Repurchase Agreements and Reverse Repurchase Agreements; Accepting Things of Value; Withdrawal of Proposed Rules

Date: April 11, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rules; withdrawals.

SUMMARY: Pursuant to its recently adopted regulatory review procedures, *see* Board Res. No. 88–269, (published elsewhere in today's issue of the **Federal Register**, the Federal Home Loan Bank Board ("Board") hereby gives notice that it is withdrawing the following items: the Reverse Repurchase Agreements proposed regulation adopted by the Board on November 22, 1985, 50 FR 49940 (Dec. 6, 1985); the Loans to One Borrower proposed regulation adopted by the Board on August 15, 1986, 51 FR 30225 (Aug. 25, 1986); and the proposed rule on Bank Secrecy Act Compliance Procedures adopted by the Board on April 30, 1987, 52 FR 17406 (May 8, 1987). The Board notes that this action carries no implications with respect to its substantive views on the merits of these regulatory proposals.

In addition, the Board also notes its withdrawal of its proposed policy statement on Accepting Things of Value, 52 FR 12425 (June 18, 1987). It was the Board's intention to codify these guidelines in the *Code of Federal Regulations* ("CFR"). However, the Board has adopted these guidelines as a

notice document to provide guidance, as required by Congress, to assist employees, officers, directors, agents, and attorneys of financial institutions within its jurisdiction for purposes of complying with the Bank Bribery Amendments Act of 1985. This notice was published in the **Federal Register** on Friday, April 1, 1988, 53 FR 10561, and will not be codified in the CFR.

DATE: These withdrawals are effective April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah Dakin, Regulatory Counsel, (202) 377–6445; or Carol J. Rosa, Paralegal Specialist, (202) 377–7037, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88–8817 Filed 4–21–88; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 88N–0085]

Aspartame; Food Chemical Codex

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is proposing to adopt the Food Chemicals Codex (FCC) specifications for aspartame. This action is based on the agency's practice of adopting FCC specifications for food ingredients if FCC has developed acceptable specifications. The proposal would amend 21 CFR 172.804(b) by removing the current specifications and by adding a requirement that the additive meet FCC specifications for aspartame.

DATE: Comments by June 20, 1988.

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

FOR FURTHER INFORMATION CONTACT: Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–5487.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 26, 1974 (39 FR 27317), the agency in § 172.804 established the food-grade specifications for aspartame and described the methods of analysis. Specifications included the assay (§ 172.804(b)(1)); specific rotation (§ 172.804(b)(2)); and a limit on the 5-benzyl-3,6-dioxo-2-piperazineacetic acid content (§ 172.804(b)(3)). These specifications were established because they were necessary to assure the safe use of the food additive. No food-grade specifications existed in the open literature at that time. However, the agency was working with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop specifications for aspartame. Upon development of acceptable specifications, the agency intended to incorporate them into the aspartame regulation in accordance with its usual practice of using FCC specifications when they are appropriate.

In 1981, FCC published its third edition which contains food-grade specifications for aspartame. These specifications contain identical provisions for the assay and specific rotation of aspartame as those contained in § 172.804(b). The FCC specifications also contain a limit of 1.5 percent on the 5-benzyl-3,6-dioxo-2-piperazineacetic acid content of aspartame. This limit is more stringent than the limit (2 percent) in § 172.804(b)(3). The FCC specifications also contain an identification assay and limits on losses on drying, residue on ignition, arsenic, heavy metals, and transmittance.

In 1983, FCC published its first supplement to the third edition. In this supplement, FCC changed its specifications for aspartame by (1) adding a requirement for identification of aspartame by its infrared spectrum and (2) modifying the description of aspartame, and the limits for specific rotation (from between +12.5° and +17.50° to between +14.5° and +16.5°).

The agency has evaluated the FCC specifications and has found them acceptable. Furthermore, the agency notes that the FCC specifications for aspartame are more stringent than current specifications in § 172.804. However, FCC specifications are developed in consultation with the food industry and represent "food grade" to that industry. Therefore, FDA believes that aspartame currently used in food meets FCC specifications and the agency is proposing to incorporate these specifications into § 172.804(b).

The agency has determined under 21 CFR 25.24(a)(9) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The agency, in accordance with the Regulatory Flexibility Act, has considered the effects that this regulation would have on small entities including small businesses and has determined that the effect of this regulation is to maintain the current known use of aspartame. Therefore, FDA certifies, in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has analyzed the economic effects of this proposal and has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

The agency's finding of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

Interested persons may, on or before June 20, 1988, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, it is proposed that Part 172 be amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR Part 172 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 172.804 is amended by revising paragraph (b) to read as follows:

§ 172.804 Aspartame.

* * * * *

(b) The additive meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 28–29, and First Supplement p. 5, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

Dated: April 8, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88–8778 Filed 4–20–88; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans; Illinois

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

ACTION: Proposed rulemaking.

SUMMARY: USEPA announces proposed disapproval of a revision to the Illinois State Implementation Plan (SIP) for Ozone. The proposed SIP revision would, if approved, provide for a relaxation of the baseline transfer efficiency from 40 percent to 30 percent at the Ford Motor Company (Ford Motor) prime surfacer and topcoat painting operations, which are located in Cook County, Illinois. This County is a part of the Chicago Ozone Demonstration Area. USEPA's action is based upon a June 13, 1985, submittal from the State of Illinois.

USEPA is proposing to disapprove this SIP revision because the Illinois Ozone SIP lacks an approvable attainment demonstration for the Chicago Nonattainment Area.

DATE: Comments on this revision and on the proposed USEPA action must be received by May 23, 1988.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review (It is recommended that you telephone Uylaine E. McMahan, at (312) 886–6031, before visiting the Region V office):

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.

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

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886–6031.

SUPPLEMENTARY INFORMATION: On June 13, 1985, the Illinois Environmental Protection Agency (IEPA) submitted a proposed revision to Illinois' ozone SIP for Ford Motor. This SIP revision is in the form of an Illinois Pollution Control Board (IPCB) March 22, 1985, Opinion and Order (R83–36). This facility is located in Cook County, Illinois.

The IEPA is requesting a relaxation for Ford Motor from IPCB Rule 205(n)(1) of Chapter 2: Air Pollution. This proposed SIP revision would allow Ford Motor to relax its baseline transfer efficiency from 40 percent to 30 percent for its prime surfacer and topcoat painting operations.

USEPA has evaluated this proposed revision in relation to a July 29, 1983, memorandum from Sheldon Meyers, Director, Office of Air Quality Planning and Standards, which discusses source specific SIP revisions. This memorandum requires that, for a State to secure USEPA approval of a relaxation, the State would need to show that the SIP, as a whole despite the relaxation, would provide for attainment as expeditiously as practicable, but not later than December 31, 1987, in extension areas.

However, elsewhere in today's **Federal Register**, USEPA is proposing to disapprove Illinois' ozone attainment demonstration for Chicago because the presently effective ozone control measures are not sufficient to attain the ozone national ambient air quality standards (NAAQS) by December 31, 1987. Therefore, USEPA is proposing to disapprove this SIP revision for Ford Motor, because the Illinois Ozone SIP lacks an approvable attainment demonstration for the Chicago nonattainment area and, thus, any source specific relaxation to the ozone SIP is not approvable.

Additionally, to evaluate the approvability of a source specific SIP revision, USEPA must determine whether or not a proposed revision will interfere with reasonable further progress (RFP) toward the attainment and maintenance of the NAAQS in the Chicago ozone attainment demonstration area. As mentioned above, Illinois' currently adopted control program is being proposed as being inadequate to achieve attainment by the end of 1987. Consequently, the current control program must also be judged inadequate to achieve reasonable further progress toward attainment of the NAAQS. This means, in turn, that a compliance extension or relaxation further exacerbates a situation in which inadequate progress toward attainment is being made. On this basis also, USEPA proposes to disapprove this proposed relaxation. The reader is referred to USEPA's October 10, 1985, technical support document, available at USEPA's Region V office, for a further discussion of USEPA's analysis of this proposed SIP revision.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before May 23, 1988 will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office listed at the front of this notice.

Under 5 U.S.C. 605(b), I certified that this proposed disapproval will not have a significant economic impact on a substantial number of small entities because it applies to only one Ford Motor facility in the Chicago Area.

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

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401–7642.

Dated: February 9, 1987.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 88–8740 Filed 4–20–88; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 53, No. 77
Thursday, April 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

Animal and Plant Health Inspection Service

[Docket No. 88-039]

Scrapie Eradication Program; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting between members of the Animal and Plant Health Inspection Service, United States Department of Agriculture, and members of the public, to discuss the Scrapie Eradication Program.

PLACE, DATES, AND TIME OF MEETING: The meeting will be held in Room 107-A of the Administration Building, 14th Street and Independence Avenue, Washington, DC 20250, May 10-11, from 8:30 a.m. to 4:00 p.m. on both days. Those attending the meeting must obtain a pass from building security personnel before proceeding to the meeting.

FOR FURTHER INFORMATION CONTACT: Dr. Chester A. Gipson, Senior Staff Veterinarian, Program Planning Staff, VS, APHIS, USDA, Room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8321.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to bring together members of the Animal and Plant Health Inspection Service (APHIS), the sheep industry, and other members of the public to discuss the current Scrappie Eradication Program. We anticipate that these persons will provide valuable information, recommendations, and opinions concerning the policies and procedures of the Scrapie Eradication Program.

The Department of Agriculture is reviewing and evaluating the current Scrapie Eradication Program to plan its future direction. Information resulting from an economic analysis and program review by APHIS staff will be presented during the meeting.

The meeting will be open to the public. Anyone interested in the Scrapie Eradication Program should send their written statements concerning the program to Dr. Chester A. Gipson at the above address, or present them at the time of the meeting.

Dated: April 15, 1988.

James W. Glosser,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-8745 Filed 4-20-88; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

[Docket No. 88-007N]

Implementation of the Sulfa-on-Site Test for Sulfamethazine in Swine

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of intent to implement the Sulfa-on-Site test for sulfamethazine in selected establishments.

SUMMARY: The Food Safety and Inspection Service (FSIS) recently approved for use, by its personnel, a rapid, implant screening test, known as the Sulfa-On-Site test, that can be used to estimate the level of sulfamethazine residues in swine tissues. FSIS intends to commence Sulfa-On-Site testing in 20 swine slaughtering establishments on April 4, 1988.

FOR FURTHER INFORMATION CONTACT: Dr Mark T. Mina, Acting Assistant Deputy Administrator, Regional Operations, Meat and Poultry Inspection Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3697. Dr. Wertice J. Smith, Acting Director, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-7623.

SUPPLEMENTARY INFORMATION: The presence of violative levels of sulfamethazine residues in swine tissues has long been a concern of FSIS. The Food and Drug Administration has determined the tolerance for sulfamethazine, a sulfonamide drug product, to be 0.1 parts per million (ppm) in the edible tissue of swine.[1] Data from FSIS's National Residue Program (NRP), which is a statistically based random sampling program designed to provide information on the occurrence of residue violations in specified animal populations, indicate that the average national incidence of violative levels of sulfonamide residues in swine carcasses has been more than 4 percent for all swine slaughtered during the past 10 years. Over the past 3 years, sulfamethazine residues accounted for about 94 percent of sulfonamide residues.

Currently, testing of swine tissues samples for sulfamethazine residues, collected under the NRP, is performed using the Sulfa Thin Layer Chro-romatography Fluorscence (STLC-F) analysis (an AOAC approved for method of analysis for the presence of sulfamethazine residues.[2] As part of its efforts to reduce the incidence of sulfamethazine residues in swine tissues, FSIS has developed and recently approved for use by inspectors in establishments a rapid screening test known as the Sulfa-On-Site (SOS) test, which enables the inspector to estimate the level of sulfamethazine residues in swine tissues in a matter of a few hours. The STLC-F analysis method is inappropriate for on-site use because it must be done in FSIS laboratories or FSIS accredited laboratories, and test results generally are not available for many days after the sample was taken.

The "SOS Test" involves the uses of thin layer chromatography coupled with fluorescent detection under long-wave ultraviolet light. Samples of urine are spotted on chromatography plates along with two standards containing known amounts of sulfamethazine. The plates are developed using two, sequentially applied solvents and a reagent spray that combines with sulfonamides on the plate to produce fluorescent substances that can be viewed under ultraviolet light. The plates are evaluated in an ultraviolet light box by comparing the degree of fluorescence of samples with that of the standard solutions on the sample plate. The test is calibrated so that test readings predict liver or muscle tolerance violations corresponding to

[1] 21 CFR 556.670; 9 CFR 318.20.

[2] Official Methods of Analysis of the Association of Official Analytical Chemists, 14th Edition, Section 41.052-41.058.

the 0.1 ppm tolerance for sulfamethazine.

SOS testing is intended to provide inspectors in official establishments which slaughter swine a reliable method for screening animals that may have violative levels of sulfamethazine residues in their tissues. If animals test positive, the inspector will hold and, upon confirmation by laboratory testing, dispose of the specific animal carcasses that contain violative residues. The STLC-F test used for monitoring is both too slow and too expensive to provide the inspector an effective means to enforce tolerance level limits on specific animals. That is, the STLC-F test is suitable for the NRP monitoring and can be a test for confirming SOS results, but it is not suitable for use by inspectors as a routine part of their in-plant, carcass by carcass inspection procedures.

FSIS intends to phase in the use of the SOS test, starting in 20 of the 100 largest establishments slaughtering swine. FSIS is unable to commence SOS testing in all swine slaughter establishments, because the Agency does not have sufficient personnel trained to perform the SOS test at each official establishment or adequate numbers of SOS test kits or the resources to train personnel or to purchase the SOS test kits. With costs approaching $1,000 for each kit to perform 600 tests, it would cost about $1.2 million to provide the kits necessary to initiate testing in all establishments. The costs of providing trained personnel to perform the test and the cost of performing confirmatory tests in FSIS laboratories would also have to be met. Furthermore, even at relatively low violation rates, FSIS laboratory assets available to conduct confirmation testing of positive SOS results would be severely strained and would impact on the ability of FSIS laboratories to respond to routine analyses as provided under NRP monitoring.

Although FSIS does not have the resources to conduct SOS screening tests in all establishments, the Agency believes it can significantly reduce the risks associated with sulfamethazine residues if it uses its available resources to begin SOS testing in 20 of the 100 swine slaughter establishments that slaughtered the most swine during FY 1987. SOS testing in these 20 establishments will begin on April 4, 1988. Additional establishments will be added as personnel are trained, SOS test kits become available and laboratory capabilities are expanded (additional laboratory technicians are trained and additional contract laboratories for FSIS analyses become available).

FSIS plans initially to test six swine each day in each of these 20 establishments. Carcasses of swine selected for testing will be held pending results of the SOS screening tests. Where results of the screening test indicate that carcass muscle tissue may contain levels of sulfamethazine residues above the tolerance, the carcass will be retained until the results of quantitative analysis are received. Quantitative analysis of positive SOS screening test results will be performed by STLC–F analysis. The STLC–F analysis provides a high degree of accuracy as demonstrated by using even more sensitive analytical procedures employing Gas Chromatography/Mass Spectrometry. Where quantitative analysis indicates that the carcass contains violative levels of sulfamethazine residues, the inspector will be notified and the carcass will be condemned and disposed of in accordance with the requirements of 9 CFR Part 314 of the Federal meat inspection regulations.

Where results of the screening test indicate that only the liver (and other organs) of the test-sample animal contain violative levels of sulfamethazine residues, the liver (and other organs) will be condemned without STLC–F testing. FSIS believes that use of its limited laboratory resources for quantitative analysis of violative levels in livers (and other organs) in unwarranted given the still unacceptable level of muscle tissue violations estimated to exist which will require laboratory quantitative analysis. Official establishments may, at their own expense, send sampled liver tissue to an FSIS accredited laboratory for STLC–F testing.

Done at Washington, DC, April 8, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88–8812 Filed 4–20–88; 8:45 am]

BILLING CODE 3410-DM-M

[Docket No. 88–008N]

Changes in Testing Procedures for Sulfamethazine

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of changes in laboratory testing procedures.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing two changes to its laboratory testing procedures for sulfamethazine (SMZ) residues in swine. The first change applies only to those samples collected under FSIS's recent intensified monitoring for sulfamethazine. Effective immediately and for the duration of the intensified monitoring program for sulfamethazine, FSIS will test only muscle tissue to determine whether violative levels of SMZ are present in the carcass. However, this change does not apply to routine analyses for sulfamethazine conducted under FSIS's National Monitoring Program. The second change applies to all future laboratory analyses for sulfamethazine. Effective immediately, FSIS will no longer perform a confirmation test on each positive sample of muscle tissue that falls between the range of 0.11 and 0.15 parts per million (ppm). Confirmation testing will be periodically conducted to measure the continuing effectiveness of current laboratory quality assurance analyses of sulfamethazine. These adjustments in testing methodology are to increase the effectiveness and efficiency of the Agency's sulfamethazine testing program.

FOR FURTHER INFORMATION CONTACT: Dr. Wertice Smith, Acting Director, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC, (202) 447–7623.

SUPPLEMENTARY INFORMATION: Until recently, laboratory testing of swine tissue (liver and muscle) has been performed only under FSIS's National Residue Program (NRP). Inspectors collect samples of the liver and muscle tissue of animals as directed and submit these samples to an FSIS laboratory or an FSIS accredited laboratory. The samples are then analyzed using the Sulfa Thin Layer Chromatography Fluorescence (STLC–F) analysis (an AOAC approved method [1] of analysis for the presence of sulfamethazine residues). The liver sample is tested first, and if the results indicate violative levels of SMZ (above the tolerance of 0.1 ppm [2]), the muscle tissue is analyzed to determine whether the muscle tissue also contains residues above the tolerance. The residue level in the liver is approximately 3 times the residue level in muscle tissue. Therefore, even though the liver is above the tolerance, the muscle tissue may not be. If the level of residue in the muscle tissue falls between 0.11 and 0.15 ppm, slightly above the tolerance of 0.1 ppm, FSIS policy has been to further confirm the test result through the use of Gas

[1] Official Methods of Analysis of the Association of Official Analytic Chemists, 14th Edition, Sections 41.052–41.058.

[2] 21 CFR 556.670; 9 CFR 318.20.

Chromatography/Mass Spectrometry (GC/MS) analysis (an AOAC approved method of confirmation analysis for sulfonamide residues).

Recently, because of continuing, unacceptable levels of sulfamethazine residue violations, the Agency has increased the number of tissue samples taken from swine for testing. This has increased the numbers of analyses to be conducted at FSIS's laboratories (or by accredited laboratories under contract to FSIS), and has led to a reexamination of FSIS's laboratory procedures for laboratory testing for sulfamethazine residues, and to the conclusion that changes should be made regarding routine use of GC/MS confirmation where the violative level was close to the tolerance, and regarding the routine analysis of more than one tissue from an animal.

FSIS has compared the results of STLC–F analyses which were positive for sulfamethazine with concentrations between 0.11 and 0.15 ppm with the results of the GC/MS confirmation analyses. This comparison revealed that all positive STLC–F analyses were confirmed as such under subsequent GC/MS analyses. Because of the accuracy of STLC–F analyses and because use of GC/MS to confirm STLC–F analyses is costly and time consuming, FSIS will no longer do confirmation testing on each positive STLC–F test of muscle tissue falling between 0.11 and 0.15 ppm. Confirmation testing using GC/MS will be performed only periodically as a quality control measure.

As stated, FSIS currently analyzes the liver sample for the presence of SMZ residues and, if violative SMZ residues are found, then the muscle sample is analyzed. However, because the known ratio for SMZ presence in liver to muscle is 3:1, the level in one can be calculated based upon the level found in the other. For example, if the residue concentration in the liver is 0.12 ppm, the residue concentration in the muscle tissue is estimated to be 0.04 ppm; the liver would contain violative residues, but the muscle tissue would not. Therefore, to better utilize its laboratory resources during this intensified monitoring period, FSIS will analyze muscle tissue samples only, and, if violative, the inspector will be notified and the liver will be condemned and disposed of in accordance with the requirements of 9 CFR Part 314 of the Federal meat inspection regulations.

In instances where an establishment seeks a faster laboratory report, FSIS will permit such establishment to send the liver tissue of the animal to an accredited laboratory at its own expense for sulfonamide analysis and will accept the results of that analysis.

Done at Washington, DC, on April 8, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88–8813 Filed 4–20–88; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

[Docket No. 80222–8022]

Access of U.S. Scientists to Foreign Research Facilities

AGENCY: Federal Technology Management Division, Office of the Under Secretary for Economic Affairs.

ACTION: Request for information.

SUMMARY: The Federal Technology Transfer Act of 1986 (Pub. L. 99–502) requires directors of federal laboratories, when evaluating offers for cooperative research agreements involving participants subject to control of a foreign government or company, to consider whether such government grants U.S. entities access to its own facilities and opportunities to enter into similar cooperative arrangements.

The President, through Executive Order No. 12591 of April 10, 1987, ordered agencies to consult with the United States Trade Representative (USTR) in making this evaluation. USTR has requested the assistance of the Department of Commerce in collecting relevant information concerning foreign practices.

This information will assist the Department in working with federal agencies in implementing the Act and in preparing its own required reports to Congress. It should also assist Executive branch officials responsible for developing, evaluating and/or negotiating bilateral science and technology agreements with foreign governments, as well as related implementing agreements.

The Department is particularly interested in obtaining from the private sector specific information concerning (a) the denial by foreign governments of opportunities to do research in foreign facilities or to enter into formal cooperative relationships, and (b) the effect of current policies governing foreign access to federal laboratories on private sector willingness to enter into cooperative agreements with such laboratories. The Department is not soliciting any confidential or proprietary information.

DATE: Comments should be received on or before June 1, 1988, but certain information, as indicated under Supplementary Information below, will be welcome at any time.

ADDRESS: Comments should be mailed or delivered by hand to Mr. Joseph P. Allen, Acting Director, Federal Technology Management Division, Office of the Under Secretary for Economic Affairs, United States Department of Commerce, Room 4839 Herbert C. Hoover Building, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph P. Allen at the above address or by telephone at (202) 377–8101.

SUPPLEMENTARY INFORMATION: In 1986 Congress passed, and the President signed, the Federal Technology Transfer Act of 1986 (Pub. L. 99–502). This statute seeks to promote the transfer of commercially useful technologies from federal laboratories to the private sector by encouraging the laboratories to enter into cooperative research and development arrangements with private industry, universitites, state and local governments, and others. The laboratories are authorized to agree in advance to convey exclusive rights to any inventions made by a federal employee resulting from the arrangement.

On April 10, 1987, President Reagan issued Executive Order No. 12591 which has as its principal themes (a) incentives for inventors in federal laboratories; (b) decentralized management of technology at those laboratories; and (c) effective and balanced international scientific and technological cooperation.

As such, the President and Congress recognized that adequate incentives are needed to encourage the private sector to take the time, trouble, and risk inherent in developing an invention, determining its commercial potential, and bringing it to the marketplace.

The President and the Congress recognized that technology complexes such as Silicon Valley, Route 128, Research Triangle and Forrestal Center had evolved around major universities which could transfer the results of research on an exclusive basis, thus providing business with a powerful incentive to enter into arrangements with them and to take the risks inherent in bringing a new technology to the marketplace (see S. Rep. No. 283, 99th Congress, Second Session).

President Reagan believed that federal laboratories could overcome the barriers which in the past had precluded effective collaboration with the private sector and, as such, had served to retard the commercialization of federal laboratory research. Congress believed

that by eliminating these restraints, the 300+ federal laboratories—which spend about $18 billion annually on R&D and employ one-sixth of the nation's scientists and engineers—could also serve as nuclei for successful research and development arrangements.

The Federal Technology Transfer Act of 1986 aims at creating a climate for improved scientific collaboration between the public and private sectors by removing the unnecessary legal and organizational barriers that had previously existed. To this end, the new law—

—Permitted agencies to allow their laboratories to enter into cooperative research agreements and to negotiate exclusive patent licensing arrangements;
—Required that agencies give at least 15% of royalties received from licensing an invention to the federally employed inventor with the remainder going to the laboratory; and
—Created a preference for domestic development of resulting technologies.

The latter aspect is particularly significant. Because of the size of the taxpayers' investment in the federal research establishment, Congress wanted to make sure that U.S. citizens would be the principal beneficiaries of the new efforts to adapt technology developed at federal laboratories to commercial use—efforts which, if successful, were expected to lead to new efficiencies, products, markets, industries and jobs, and, more generally, to improved international competitiveness.

To achieve its purpose, Congress took several specific actions. For example, it required laboratory directors, when evaluating possible research agreements, to give preferences to small businesses (see 15 U.S.C. 3710a(c)(4)(A)) and to businesses located in the United States which agree to substantially manufacture domestically products that incorporate inventions made under an agreement or products made through the use of processes developed under an agreement (see 15 U.S.C. 3710(c)(4)(B)).

Congress wanted to make sure that laboratory directors considered projects which are most likely to benefit employment in the United States or the technical development of U.S. companies.

In addition, concerns have been raised about the policies adopted by federal laboratories toward allowing foreign scientists access to state-of-the-art research facilities funded by the taxpayers without obtaining an appropriate quid pro quo. Laboratories have pursued such policies for a variety of reasons. In many cases, it reflects a commendable commitment to furthering international scientific cooperation and training foreign scientific personnel. In others, the motive is a practical one: it ensures a supply of trained personnel for far less money than a laboratory would have to pay U.S. nationals for the same work.

However, for a variety of reasons, members of Congress have frequently questioned Federal practices in this area and indeed continue to do so.

The Department is aware of concerns that foreign governments may have refused to allow American firms access to foreign research facilities or opportunities to enter into foreign-sponsored cooperative agreements and licensing arrangements, or that they are willing to do so only under onerous conditions—that is, that such governments have sought access to our most valuable technology while denying us comparable access to theirs. On the other hand, there is also speculation that some American firms may have failed to pursue efforts by foreign governments to include them in important research projects, including those relating to superconductivity.

The Federal Technology Transfer Act requires federal laboratory directors to take into consideration, when evaluating cooperative proposals involving industrial organizations or other persons subject to the control of a foreign government, whether such foreign government permits U.S. agencies, organizations or other persons to enter into cooperative research and development agreements and licensing arrangements (15 U.S.C. 3710a(c)(4)(B)). As the conferees explained this, "(w)hen evaluating whether to grant access by (sic) a foreign company, the Federal laboratories may examine the willingness of the foreign government to open its own laboratories to U.S. firms" (see House Conference Report No. 953, 99th Congress, Second Session at 16).

The President, in Executive Order No. 12591, also directs heads of agencies, when negotiating cooperative agreements and licensing arrangements with foreign persons or industrial organizations, to consider (a) whether those governments have policies to protect U.S. intellectual property rights, and (b) whether such governments have adequate national security export controls.

Agency heads are required to consult with the USTR in evaluating these various factors.

The policies adopted by laboratory directors and their parent agencies toward access by foreign scientists may have particular relevance under the Federal Technology Transfer Act. The Department is seeking information as to whether current U.S. policies regarding access to laboratories by foreign scientists are deterring American firms from pursuing opportunities for cooperative research with the Government laboratories.

If so, this would deny the firms and the public as a whole the benefits of developing technologies. It would deny the laboratories the chance to obtain from the private partner funds, personnel, services, facilities, equipment and other resources that could be used in the conduct of specified research as well as royalties from resulting inventions.

The USTR has requested the Department of Commerce, through the Office of the Under Secretary for Economic Affairs, to obtain relevant information which can be used in implementing the President's instruction. The information should also be helpful to appropriate federal agencies in drafting, analyzing, and negotiating bilateral science and technology agreements with foreign governments or related implementing arrangements.

Because of the importance of the issue, and because of the clear relationship of the request to its own responsibilities to report periodically to Congress on the implementation of the Federal Technology Management Act, the Department has agreed to provide this assistance. Accordingly, the Office of the Under Secretary is requesting public comment on any or all of the following matters:

(1) Has your organization even sought and been denied an opportunity to participate in a foreign research and development venture, whether purely private or sponsored/funded by a foreign government or quasi-government institution? If private, do you have any evidence or reason to believe that the denial was instigated by the foreign government involved? Was your organization permitted to participate, but only on terms which made participation impossible or impractical? Which country is involved? Do you have reason to believe its policies are improving?

(2) To what extent, if any, has your institution's willingness to participate in cooperative arrangements with federal laboratories been favorably or unfavorably affected by current U.S. practices governing access by foreign scientists to such laboratories? What policies or procedures would you recommend be changed or adopted?

(3) If your institution is a college, university or other nonprofit

organization which has entered into cooperative agreements with the private sector, have you encountered any corporate concern regarding foreign access to your facilities and, if so, how have you attempted to address these?

(4) What criteria would you recommend for determining whether an industrial organization is subject to "the control of a foreign company or government" as required by Section 3710a(c)(4)(B) of Title 15 of the United States Code?

(5) What recommendations can you make for improving the Federal Technology Transfer Act or the way it is administered?

Comments, particularly those relating to Question 1, are requested by June 1, 1988 but information requested will be welcome on a continuing basis. All comments will be considered. Examples of situations described in Question 1 that arose prior to this notice should be submitted as soon as possible to assist us in evaluating any pending international science and technology agreements. The Department specifically requests that replies not include information of a confidential or proprietary nature.

The information collection requested by this notice has been approved by the Office of Management and Budget under Control No. 0608-0059.

Dated: April 11, 1988.

Barry Beringer,

Associate Under Secretary for Economic Affairs.

[FR Doc. 88-8718 Filed 4-20-88; 8:45 am]

BILLING CODE 3510-18-M

International Trade Administration

[A-570-007]

Barium Chloride From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by the petitioner, the Department of Commerce has conducted an administrative review of the antidumping duty order on barium chloride from the People's Republic of China. The review covers China National Chemicals Import and Export Corporation (Sinochem) and the periods April 6, 1984 through September 30, 1984 and October 1, 1985 through September 30, 1986. The review indicates the existence of dumping margins during both periods.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the calculated differences between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Michael Rill or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601/2923.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 1987 the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 313) the final results of its last administrative review of the antidumping duty order on barium chloride from the People's Republic of China (49 FR 40635, October 17, 1984). The petitioner requested in accordance with § 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published the notice of initiation on November 18, 1986 (51 FR 41649). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS").

In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item numbers as well as the TSUSA item numbers in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation in the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by the review are shipments of barium chloride, a chemical compound having the formula BaCl2 or BaC12-2H20, currently classifiable under TSUSA item 417.7000 and HS item 2827.38.00.

The review covers Sinochem and the periods April 6, 1984 through September 30, 1984 and October 1, 1985 through September 30, 1986.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the delivered, packed price to unrelated purchasers in the United States. We made adjustments for foreign inland freight, ocean freight and insurance. No other adjustments were claimed or allowed.

Foreign Market Value

We have concluded that the economy of the PRC is state-controlled for purposes of this administrative review. As a result, section 773(c) of the Tariff Act requires us to use either the prices or the constructed value of such or similar merchandise sold by a country or countries whose economy is not state-controlled. Section 353.8 of the Commerce Regulations establishes a preference for determining foreign market value based upon sales prices in a non-state-controlled-economy country at a stage of economic development comparable to that of the state-controlled-economy country.

After an analysis of countries which produce barium chloride, we determined that India and Peru were the countries most comparable to the PRC in their stages of economic development. However, the Indian Embassy declined to permit us to contact Indian firms, and the firm contacted in Peru did not respond.

Lacking information on sales of barium chloride from a country at a stage of economic development comparable to that of the PRC, in accordance with § 353.8(c) of the Commerce Regulations we calculated foreign market value based on the Chinese factors of production as valued in a non-state-controlled-economy country at a stage of economic development reasonably comparable to that of the PRC.

We valued PRC materials, labor, and energy on the basis of publicly available price and cost information from

Thailand, except that a value for feedstock (raw material) coal from Indonesia was used because a value from Thailand was not available. Valuation of factory overhead was based on experience in Thailand. We added amounts for general expenses and profit as required by section 773(e)(1)(B) of the Tariff Act and packing costs based on Thai costs. Because the respondent did not provide factor information for all factories requested, we determined foreign market value on the basis of the highest-cost producer among those for which factor information was provided.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Sinochem	04/06/84-09/30/84	27.21
	10/01/85-09/30/86	59.99

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 8 days of publication. Any hearing, if requested, will be held 35 days after the date of publication, or the first workday thereafter. Prehearing briefs and/or written comments from interested parties may be submitted not later than 25 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 32 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 59.99 percent based on the above margin for the most recent period shall be required. For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after September 30, 1986 and who is unrelated to the reviewed firm, a cash deposit of 59.99 percent shall be required. These deposit requirements are effective for all shipments of Chinese barium chloride entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Date: April 13, 1988.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-8802 Filed 4-20-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-031]

Large Power Transformers From Italy; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on large power transformers from Italy. The review indicates the existence of dumping margins for the one firm with shipments. The other two Italian manufacturers had no shipments.

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Laurie A. Lucksinger or David P. Mueller, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255/2923.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 46806) the final results of its last administrative review of the antidumping finding on large power transformers from Italy (37 FR 11772, June 14, 1972). The petitioner, Westinghouse Electric Corporation, and two manufacturers, Ansaldo Componenti ("Ansaldo") and Officine Elettromeccaniche Lombarde ("O.E.L."), requested in accordance with 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation of antidumping duty administrative review on July 17, 1987 (52 FR 27036). The Department has now conducted the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of large power transformers ("transformers"); that is, all types of transformers rated 10,000 kVA (kilovolt-amperes) or above, by whatever name designated, used in the generation, transmission, distribution, and utilization of electric power. The term "transformers" includes, but is not limited to, shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers. Not included are combination rectifier-transformer units, commonly known as rectiformers, if the entire integrated assembly is imported in the same shipment and entered on the same entry and the assembly has been ordered and invoiced as a unit, without a separate price for the transformer portion of the assembly. Transformers covered by this finding are currently classifiable in TSUSA items 682.0755, 682.0765, and 682.0775. These products are currently classifiable under HS item numbers HS 8504.22.00, 8504.23.00, 8504.34.00, 8504.40.00, 8504.50.00 and 8505.50.00.

The review covers three exporters of Italian large power transformers to the United States, Nuova Industrie Elettriche di Legnano ("N.I.E.L."), Ansaldo, and O.E.L., and the period June 1, 1986 through May 31, 1987.

United States Price

In calculating United States price the Department used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the duty-paid, delivered, packed price paid by unrelated purchasers in the United States. We made adjustments, where applicable, for U.S. and foreign inland freight, ocean freight, insurance, handling charges, brokerage charges, and U.S. duties. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for

comparison. Home market price was based on the ex-factory price.

Due to the technical complexity of these products we used the procedure developed in previous reviews to make our determination. We determined the theoretical price of the U.S. and home market units according to the 1968 Westinghouse Electric Corporation price rules ("WPR") and found the U.S./home market ratio. We then adjusted each actual sales price to account for differences between the actual home market unit price and the theoretical price of that unit, including commissions to unrelated parties, credit, cost of treating insulation oil, and payments to O.E.L. accourding to its home market contracts for storing the home market units. Further, we made an adjustment for differences in efficiency; that is, differences in internal transformer power losses. We then applied the theoretical ratio to the net home market transformer price. Finally, we converted the adjusted home market price to U.S. dollars and made circumstance of sale adjustments and added the cost of packing the U.S. units. O.E.L. claimed a warehousing expense on its home market units. As we noted in the previous review, we do not consider "warehousing" to be an additional cost to the manufacturers of this product and we have not allowed the claim in these preliminary results. No other adjustments to foreign market value were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period:

Manufacturer/exporter	Margin (percent)
N.I.E.L	*71.40
Ansaldo	*0.00
O.E.L	6.75

*No shipments during the period; margin from last review in which there were shipments.

Ansaldo has requested revocation from the finding based on the Department's determination in the last administrative review that this Italian manufacturer had made no sales at less than fair value for the period June 1, 1983 through May 31, 1984. In addition, Ansaldo has made no shipments of transformers to the U.S. for the period June 1, 1984 through May 31, 1987. This request for revocation is pursuant to the Commerce regulations (19 CFR 353.54(b)).

The Department notes that it determined in the last administrative review that the decision to revoke an antidumping finding with respect to one company does not rely solely on the absence of sales at less than fair value or lack of shipments. The Department must also be satisfied that there is no likelihood of resumption of sales at less than fair value within the meaning of 19 CFR 353.54(a). In making such a determination we must consider the merchandise and its market. There is a limited market in the U.S. for transformers and there may be several years between sales of the units. The last review for Ansaldo covered only one sale to the United States. Due to the nature of this case, revocation with respect to Ansaldo would be premature without the review of additional sales to the United States.

Interested parties may request disclosure and/or an administrative protective order within 5 days after the date of publication of this notice and may request a hearing within 8 days of publication. Any hearing, if requested, will be held 35 days after the date of publication or the first workday thereafter. Prehearing briefs and/or written comments from interested parties may be submitted not later than 25 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 32 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instruments directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Tariff Act a cash deposit rate of estimated antidumping duties based on the above margins shall be required for all shipments by the companies reviewed of large power transformers from Italy.

For any future entries of this merchandise from a new exporter or manufacturer not covered in this or prior administrative reviews, whose first shipments occurred after May 31, 1987 and who is unrelated to any previously reviewed firm, a cash deposit of 6.75 percent shall be required on large power transformers. These deposit requirements are effective for all shipments of Italian large power transformers entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Joseph A. Spetrini,

Acting Assistant Secretary Import Administration.

Date: April 13, 1988.

[FR Doc. 88-8803 Filed 4-20-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-001]

Sorbitol From France; Preliminary Results of Antidumping Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by Roquette Freres, the Department of Commerce has conducted an administrative review of the antidumping duty order on sorbitol from France. The review covers the one known manufacturer/exporter of this merchandise to the United States and the period April 1, 1986 through March 31, 1987. The review indicates the existence of *de minimis* dumping margins during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Robin Gray or Phyllis Derrick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; Telephone (202) 377-1130/2923.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 20444) the final results of its last administrative review of the antidumping duty order on sorbitol from France (47 FR 15391, April 9, 1982).

Roquette Freres requested in accordance with § 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation on May 20, 1987 (52 FR 18937). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS"). In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated ("TSUSA")* item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs offices to consult the schedule.

Imports covered by the review are shipments of French crystalline sorbitol. Crystalline sorbitol is a polyol produced by the catalytic hydrogenation of sugars (glucose). It is used in the production of sugarless gum, candy, groceries and pharmaceuticals. Such merchandise is currently classifiable under TSUSA item number 493.6820 and HS item number 29.05.4400 of the Harmonized System. The review covers the one known French exporter of crystalline sorbitol to the United States, Roquette Freres, and the period April 1, 1986 through March 31, 1987.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed, duty-paid, delivered price to unrelated purchasers in the United States. We made deductions, where applicable, for foreign inland freight, ocean freight, marine insurance, freight forwarding, U.S. Customs duties and brokerage fees. We made an addition for an import levy imposed by the EC on corn which was not collected by reason of exportation of the sorbitol to the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparision. Home market price was based on the packed delivered price to unrelated purchasers in the home market. We made adjustments, where applicable, for inland freight, rebates, post-sale warehousing, and differences in credit costs and packing. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that a margin of .46 percent exists for the period April 1, 1986 through March 31, 1987.

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 8 days of publication. Any hearing, if requested, will be held 35 days after the date of publication, or the first workday thereafter. Pre-hearing briefs and/or written comments from interested parties may be submitted not later than 25 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 32 days after the date of publication.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, since the margin for Roquette Freres for the review period is less than 0.50 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties, as require, as required by section 751(a)(1) of the Tariff Act, on shipments of French sorbitol entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after March 31, 1987 and who is unrelated to any reviewed firm, or any previously review firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of French sorbitol entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Date: April 13, 1988.

[FR Doc. 88-8804 Filed 4-20-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-015]

Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Review and Revocation in Part

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation in part.

SUMMARY: On November 23, 1987, the Department of Commerce published the preliminary results of its administrative review and intent to revoke in part the antidumping finding on television receivers, monochorme and color, from Japan. The review covers one manufacturer and one exporter of this merchandise to the United States and the period April 1, 1983 through September 12, 1984.

We gave interested parties an opportunity to comment on the preliminary results and intent to revoke in part. We received no comments.

Based on our analysis, the final results of our review remain unchanged from the preliminary results.

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: J.E. Downey or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 35821) the tentative determination to revoke in part the antidumping finding on television receivers, monochrome and color, from Japan (36 FR 4597, March 10, 1971). On November 23, 1987, the Department published in the **Federal Register** (52 FR 44927) preliminary results of its administrative review of and intent to revoke in part the antidumping finding. We have now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the "Tariff Act").

Scope of the Review

Imports covered by the review are shipments of television receiving sets, monochrome and color, from Japan. Television receiving sets include, but are not limited to, units known as projection televisions, receiver monitors, and kits (containing all the parts necessary to receive a broadcast television signal and produce a video image). Not included are certain monitors not capable of receiving a broadcast signal, certain combination units (combinations of television receivers with other electrical entertainment components such as tape recorders, radio receivers, etc.), and certain subassemblies not containing the components essential for receiving a broadcast television signal and producing a video image.

This review covers television receiving sets manufactured by Orion Electric Co., Ltd. and exported to the United States by Otake Trading Co., Ltd. and the period April 1, 1983 through September 12, 1984.

Final Results of the Review and Revocation in Part

We invited interested parties to comment on the preliminary results of the review and intent to revoke in part. We received no comments. Based on our analysis, the final results of the review remain unchanged from the preliminary results and we determine that no margins exist for Orion/Otake for the period April 1, 1983 through September 12, 1984.

For the reasons set forth in the preliminary results of review and intent to revoke in part, we are satisfied that there is no likelihood of resumption of sales at less than fair value of Japanese television receivers, monochrome and color, manufactured by Orion Electric Co. and exported by Otake Trading Co. Accordingly, we revoke in part the antidumping finding on televisions, monochrome and color, from Japan. This partial revocation applies to all unliquidated entries of this merchandise manufactured by Orion Electric Co., Ltd. and exported to the U.S. by Otake Trading Co., Ltd. and entered, or withdrawn from warehouse, for consumption on or after September 12, 1984.

The Department shall instruct the Customs Service not to assess antidumpting duties on all appropriate entries.

This administrative review, revocation in part, and notice are in accordance with sections 751(a)(1) and (c) of Tariff Act (19 U.S.C. 1675(a)(1), (c)), and § 353.53a and 19 CFR 353.53a and 353.54.

Date April 13, 1988.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 88-8805 Filed 4-20-88; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Bycatch Committee will convene a public meeting, May 4, 1988, in Kodiak, AK, to prepare a fishery management plan amendment outline to replace the time/area closure plan that expires at the end of 1989. The public meeting will adjourn on May 7. During the first two days of the meeting the Committee will meet jointly with the Kodiak Advisory Committee's Bycatch Subgroup to discuss the proposed amendment. Other agenda topics include reports on the status king and Tanner crab stocks, salmon bycatch and halibut distribution.

For more information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone (907) 271-2809.

Dated: April 15, 1988.

Richard H. Schaefer,

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

[FR Doc. 88-8783 Filed 4-20-88; 8:45 am]

BILLING CODE 3510-22-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 88-2-86CD]

Commencing 1986 Cable Distribution Proceeding; Partial Distribution of Royalty Fund

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice Commencing 1986 Cable Distribution Proceeding; Notice of Partial Distribution of 1986 Cable Royalty Fund.

SUMMARY: The Copyright Royalty Tribunal announces that a controversy exists regarding the distribution of the royalties paid by cable operators in Phase I and In Phase II for the calendar year 1986. The Tribunal also announces it will make a partial distribution of the 1986 cable royalty fund.

EFFECTIVE DATE: The 1986 cable distribution controversy is declared effective April 21, 1988. The partial distrubiton of the 1986 cable royalty fund shall take place on April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street, NW., Suite 450, Washington, DC 20036, (202) 653-5175.

SUPPLEMENTARY INFORMATION: Based upon the comments filed in response to the Copyright Royalty Tribunal's notice, 52 FR 47626 (December 15, 1987), asking the claimants to the 1986 cable copyright royalty fund whether a controversy existed as to the distribution of the fund, the Tribunal has determined that controversies exist in both Phase I and Phase II of the distribution proceeding, effective April 21, 1988.

Prior to the receipt of the claimants' comments, the Tribunal received a joint motion from the Phase I claimants asking for a distribution of all the monies coming available for distribution on April 21, 1988. The movants moted that the Court of Appeals decision in *Cablevision v. MPAA et. al.* will result in additional royalty payments being made into the 1986 fund sufficient to satisfy all claims that may be made with respect to the 1986 fund. Accordingly, the full amount of royalties maturing on April 21, 1988 can be distributed. None of the Phase II parties opposed the motion. The Tribunal granted the movants' motion by Order dated March 8, 1988, and hereby announces that the Tribunal will make a partial distribution of the 1986 cable royalty fund on April 21, 1988, being those funds which shall become available on that date.

The procedural dates in this docket will be set by the Tribunal in an order to

be issued to the parties in the proceeding at a later date.

Mario F. Aquero,

Chairman.

Dated: April 18, 1988.

[FR Doc. 88-8744 Filed 4-20-88; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 11-12 May 1988.

Times of Meeting: 0800-1700 hours each day.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board's Ad Hoc Subgroup on Ballistic Missile Defense (Follow-on) will meet for classified briefings and discussions reviewing matters that are an integral part of or are related to the issue of the study effort; i.e. terminal defense, midcourse discrimination, and BM/C3. The Subgroup is tasked with a comprehensive review of BMD requirements, technology, and specific critical issues impacting on program development. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-8721 Filed 4-20-88; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Strategic Planning and Technology Base Task Force will meet June 1-2, 1988 from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to explore the relationship between Navy strategic planning process and the Technology Base. The entire agenda for the meeting will consist of discussion of key issues issues regarding the integration of technology management with strategic planning and requirements definition, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Ann Lynn Cline, Special Assistant to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Date: April 18, 1988.

W. R. Babington, Jr.,

Commander, JAGC, U.S. Naval Federal Register Liaison Officer.

[FR Doc. 88-8785 Filed 4-20-88; 8:45 a.m.]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee Panel on Importance of Environmental Data will meet on May 11-12, 1988. The meeting will be held at the Center for Naval Analyses 4401 Ford Avenue, Alexandria, VA. The meeting will commence at 8:30 a.m. and terminate at 4:30 p.m. on May 11; and commence at 8:30 a.m. and terminate at 4:00 p.m. on May 12, 1988. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide briefings for the panel members on the significance of quantitative knowledge of environmental parameters to naval weapons and warfare. The agenda will include technical briefings, and discussions addressing tactical environmental support systems, surface/anti-air warfare systems, oceanography research and development and the warfare payoff, integrated undersea surveillance, environmental support to the fleet, role of electro-optics and RF propagation in naval warfare and magnetics and naval warfare. These briefings, and discussions will contain classified information that is specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive Order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander L.W. Snyder, U.S. Navy, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000.

Date: April 18, 1988.

W.R. Babington, Jr.,

Commander, JAGC, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 88-8784 Filed 4-20-88; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Idaho Operations Office; Research and Development for Comminution Equipment

AGENCY: Department of Energy.

ACTION: Notice of Program Interest for Research and Development for Comminution Equipment.

SUMMARY: The Idaho Operations Office of the U.S. Department of Energy, Office of Industrial Programs (OIP), is interested in unsolicited proposals for the research and development of major pieces of equipment and/or advanced control systems, including sensors, for comminution. The proposed research and development may take any form from analytical design and bench scale testing through industrial installation and evaluation. The initial phase of the work must include a techno-economic assessment of the project indicating sufficient economic viability to assure implementation by private industry.

As used herein, the term "comminution" refers to the grinding circuit starting with the crushing step and ending with the classifier. It includes all major and ancillary equipment affecting the energy requirements of the process, by this

definition, such general mining operations as drilling, hauling, and blasting are excluded. Also excluded by this definition are the extraction steps normally found in the finish cycle, e.g., flotation, melting, solvent extracting, and smelting.

All unsolicited proposals must contain the following information: 1) An economic evaluation of the proposed concept comparing its cost with the average cost currently experienced in the environment wherein it is expected to be applied; 2) an energy savings evaluation of the proposed concept indicating that its industry-wide application would yield an energy savings of at least 0.01 Quad/year (based on 10,500 BTU/kWh); 3) a description of the proposed research and development, including a statement of work, project schedule, budget, milestones, and decision points; 4) a description of the major participants, their most recent financial statements, and the amount of cost sharing by each; and 5) a description of the facilities wherein the research and development will be performed and the resumes of the key individuals who will direct and perform the research.

DOE will make a general evaluation of the unsolicited proposals based on the following types of factors: (1) The overall merit of the proposed project; (2) the anticipated objectives to be achieved and the probability of achieving the stated objectives; (3) the facilities or techniques which the applicant proposes to make available to achieve the proposed project's objectives; and (4) the qualifications of the proposer, project director, and key personnel. Based on the general evaluation above, DOE will select proposals which represent a unique or innovative idea, method, or approach for the development of major items of equipment and/or advanced control systems. The factor "overall merit of the proposed project" will be determined primarily by (a) the degree of energy and cost savings which the industry can expect through implementation of the research and development results; and (b) the adequacy of the project description, statement of work, schedule, and milestones. Industry's commitment to the project, as demonstrated by the amount of its cost sharing, will be strongly considered in the selection.

DOE has funding available in FY 1988 for initiating this comminution research and development project. Additional DOE support in subsequent fiscal years is dependent on the availability of funds, the success of the projects initiated in FY 1988, and the quality of unsolicited proposals that are eligible for consideration in FY 1989.

Industrial concerns active in the mineral processing industry, all technically qualified individuals, educational institutions, private research institutions, nonprofit organizations, or other commercial entities are invited to respond to this announcement. However, proposers who are not active in the manufacture and/or use of comminution equipment are encouraged to secure significant participation in the project by an industrial partner with an interest in the application of the proposed technology.

DOE reserves the right to support or not support any or all proposals. DOE will accept no responsibility for any costs associated with the preparation of proposals.

DATES: Unsolicited proposals will be evaluated individually as they are received. Due to the availability of fiscal year 1988 funds, proposers are encouraged to submit as soon as possible to be eligible for consideration in FY 1988. This NOPI is effective until April 15, 1989.

CONTACTS: Each proposal submitted must be physically separate from any other proposal submitted. Six (6) copies of each proposal, including the signed original, should be submitted to:

U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, ID 83402
Attn: W.A. Obenchain, Conservation Technologies Division, Unsolicited Proposal NOPI

Questions relating to this NOPI should be directed to the above address or W. A. Obenchain, telephone (208) 526–1807.

Issued at Idaho Falls, ID, on April 11, 1988.

H. Brent Clark,

Director, Contracts Management Division.

[FR Doc. 88–8716 Filed 4–20–88; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER88–336–000 et al.]

Maine Public Service 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. Maine Public Service Company

[Docket No. ER88–336–000]

April 18, 1988.

Take notice that on April 11, 1988, Maine Public Service Company (Maine Public) tendered for filing a proposed initial rate schedule pertaining to a Purchase Agreement (Agreement) between Maine Public and Boston Edison Company (Boston Edison) for the sale of capacity and energy to Boston Edison. Under this Agreement, Maine Public will sell its full entitlement to capacity and energy from Wyman Unit No. 4 to Boston Edison for the six month period beginning May 1, 1988 and ending October 31, 1988. Maine Public has requested that the rate schedule become effective May 1, 1988 and that it be cancelled on October 31, 1988, in accord with the terms of the Agreement.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER88–334–000]

April 18, 1988.

Take notice that on April 11, 1988, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Nine to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of St. Cloud (Rate Schedule FERC No. 63) and a document entitled Schedule TX Operating Agreement Between Florida Power & Light Company and City of St. Cloud which document supplements Amendment Number Nine.

FPL states that under Amendment Number Nine, FPL will transmit power and energy for City of St. Cloud as is required in the implementation of its interchange agreement with the Utility Board of the City of Key West.

FPL further states that the Schedule TX Operating Agreement defines the methodology used to determine the additional incremental cost under Section 1.4 of Amendment Number Nine.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Amendment and the proposed Operating Agreement be made effective immediately. FPL states that copies of the filing were served on City of St. Cloud.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Tenaska III, Inc.

[Docket No. QF88–295–000]

April 14, 1988.

On March 11, 1988, Tenaska III, Inc. (Applicant), of 407 North 117th Street, Omaha, Nebraska, 68154 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No

determination has been made that the submittal constitutes a complete filing.

The topping cycle cogeneration facility will be located in Paris, Texas. The major equipment will include two combustion turbine-generators, two waste heat recovery boilers, and an extracting steam condensing turbine-generator. The facility will provide useful thermal energy to an industrial process. The combined maximum net electric power production capacity will be 250 megawatts. The primary energy source will be natural gas.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

4. Elmore, Ltd.

[Docket No. QF86-647-001]

April 19, 1988.

On April 1, 1988, Elmore, Ltd. (Applicant), of 480 West Sinclair Road, Calipatria, California 92233 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the Niland Area of Imperial County, California. The estimated net electric capacity will be 34 MW. The facility will consist of geothermal well field facilities, power plant facilities and electric interconnection facilities. The geothermal well field facilities shall initially consist of approximately eight production wells, five injection wells and a geothermal fluid-gathering system. No electric utility, electric utility holding company or any combination thereof has any ownership interest greater than fifty percent in the facility.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

Del Ranch, Ltd.

[Docket No. QF86-727-001]

April 19, 1988.

On April 1, 1988, Del Ranch, Ltd. (Applicant), of 480 West Sinclair Road, Calipatria, California 92233 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the Niland Area of Imperial County, California. The estimated net electric capacity will be 34 MW. The facility will consist of geothermal well field facilities, power plant facilities and electric interconnection facilities. The geothermal well field facilities shall initially consist of approximately eight production wells, five injection wells and a geothermal fluid-gathering system. No electric utility, electric utility holding company or any combination thereof has any ownership interest greater than fifty percent in the facility.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

6. Ultrasystems Development Corporation and FCS Development Corporation

[Docket No. QF88-307-000]

April 19, 1988.

On March 18, 1988, Ultrasystems Development Corporation and FCS Development Corporation (Applicant), of 12500 Fair Lakes Circle, Suite 260, Fairfax, Virginia 22033 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Ocean County, New Jersey. The facility will consist of two (2) circulating fluidized bed steam generators and a single extraction/condensing steam turbine-generator. The thermal energy recovered from the facility will be used for domestic hot water production and housekeeping requirements. The net electric power production capacity will be 96,800 kilowatts. The primary energy source will be coal. Installation of the facility is scheduled to begin in mid-1992.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Company

[Docket No. ER85-780-000]

April 18, 1988.

Take notice that on April 12, 1988, Pacific Gas and Electric Company tendered for filing, pursuant to Ordering Paragraphs (E) and (F) of the November 14, 1988 Commission Order, a compliance report.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

8. New England Power Company

[Docket No. ER88-333-000]

Take notice that on April 8, 1988, New England Power Company (NEP) tendered for filing a System Energy Sales and Exchange Tariff, designated as Tariff No. 5, that provides for the sale and/or exchange of surplus energy from time to time. NEP also tendered for filing executed Service Agreements with several New England utilities who have already entered into such transactions with NEP. NEP seeks waiver of the Commission's notice requirements so that these transactions may become effective as specified in the Service Agreements.

NEP states that under the proposed tariff, sales of system power would be priced at an energy reservation charge rate not to exceed $13.30 per megawatthour plus an energy charge rate which reflects NEP's forecast of the incremental cost of providing the system energy for the transaction.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power & Light Company

[Docket No. ER8-340-000]

April 18, 1988.

Take notice that on April 11, 1988, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Nineteen to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Homestead, Florida (Homestead) (Rate Schedule FERC No. 55).

FPL states that under Amendment Number Nineteen, FPL will transmit power and energy for Homestead as is required in the implementation of its interchange agreement with the Utility Board of the City of Key West, Florida.

FPL requests that waiver of Section 35.2 of the Commission's Regulations be granted and that the proposed Amendment be made effective immediately. FPL state that copies of the filing were served upon Homestead.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

10. Arkansas Power & Light Company

[Docket No. ER88-339-000]

April 18, 1988.

Take notice that on April 13, 1988, Arkansas Power & Light Company (AP&L) tendered for filing the redetermined rate pursuant to a Letter Agreement dated July 9, 1987, between AP&L and the City of Ruston, Louisiana (Ruston) for transmission service. AP&L

requests an effective date of March 1, 1988 for the redetermined rate.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

11. Nantahala Power and Light Company

[Docket No. EL82-20-004]

April 18, 1988.

Take notice that on March 2, 1988, Nantahala Power and Light Company tendered for filing, pursuant to Commission Order dated November 13, 1987, a refund report with refunds totaling $545,733.96, with the appropriate interest.

A copy of this filing has been served upon all parties of this proceeding.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this document.

12. Florida Power & Light Company

[Docket No. ER88-335-000]

April 18, 1988.

Take notice that on April 11, 1988, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Seven to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Sebring Utilities Commission (Rate Schedule FERC No. 64) and a document entitled Schedule TX Operating Agreement Between Florida Power & Light Company and Sebring Utilities Commission which document supplements Amendment Number Seven.

FPL states that under Amendment Number Seven FPL will transmit power and energy for Sebring Utilities Commission as is required in the implementation of its interchange agreement with the Utility Board of the City of Key West.

FPL further states that the Schedule TX Operating Agreement defines the methodology used to determine the additional incremental cost under Section I.4 of Amendment Number Seven.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendment and the proposed Operating Agreement be made effective immediately. FPL states that copies of the filing were served on Sebring Utilities Commission.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

13. The Connecticut Light and Power Company, et al.

[Docket No. ER88-332-000]

April 18, 1988.

Take notice that on April 11, 1988, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule and, effective April 22, 1987, a proposed termination in accordance with the terms of said rate schedule, with respect to a Transmission Agreement dated April 23, 1986 between (1) CL&P and Western Massachusetts Electric Company (WMECO) and (2) Westfield Gas and Electric Light Department (Westfield).

CL&P states that the Transmission Agreement provides for service to Westfield for the transmission of New England Power Company (NEPCO) electric capacity and associated energy.

The transmission change rate is equal to the annual average cost of transmission service on the transmission systems of CL&P and its affiliated Northeast Utilities companies (NU system) at the time that the transmission service commenced, and is determined in accordance with Appendix A and Exhibits I, II and III thereto of the Transmission Agreement. The weekly Transmission Charge is determined by the product of (i) the appropriate transmission charge rate divided by 52 ($/kW-week), and (ii) the maximum number of kilowatts of capacity and energy purchased by Westfield during an hourly period of each such week during the Term.

CL&P requests that the Commission waiver its standard notice periods and permit the Transmission Agreement to become effective as of April 23, 1986, and to terminate, in accordance with its own terms; effective April 22, 1987.

WMECO has filed a Certificate of Concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, WMECO, and Westfield (Westfield, MA).

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

14. Pacific Gas and Electric Company

[Docket No. ER88-337-000]

April 18, 1988.

Take notice that on April 13, 1988, Pacific Gas and Electric Company (PG&E) tendered for filing a change in rate schedule for Rate Schedule FERC No. 108, a contract with the City of Santa Clara, California (City) entitled "System Bulk Power Sale and Purchase Agreement Between City of Santa Clara and Pacific Gas and Electric Company" (Agreement). The Agreement and its appendices were accepted by the Commission on September 23, 1987 in Docket No. ER87-498-000 and contain capacity and energy rates for firm, baseload power sold to City by PG&E.

PG&E proposes to change the energy rate pursuant to Appendix A of the Agreement. Since the increase is under $200,000, PG&E is filing in accordance with § 35.13(a)(2) of the Commission's regulations (18 CFR 35.13(a)(2)). In addition, PG&E is requesting a waiver of the Commission's notice requirements in accordance with § 35.11 of the Commission's regulations (18 CFR 35.11) so that the energy rate change may become effective on April 1, 1988 as agreed to in the Agreement.

Copies of this filing were served upon City and the California Public Utilities Commission.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

15. Florida Power & Light Company

[Docket No. ER88-342-000]

April 18, 1988.

Take notice that on April 11, 1988, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Nine to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Starke, Florida (Rate Schedule FERC No. 79) and documents entitled Schedule TF Operating Agreement Between FPL and City of Starke, Florida and Schedule TX Operating Agreement Between Florida Power & Light Company and City of Starke, Florida which documents supplement Amendment Number Nine.

FPL states that under Amendment Number Nine, FPL will transmit power and energy for City of Starke, Florida as is required in the implementation of its interchange agreements with City of Lakeland, Florida Power Corporation, the Florida Municipal Power Agency, the Utility Board of the City of Key West, City of Gainesville, Jacksonville Electric Authority, City of Lake Worth, Seminole Electric Cooperative, Inc. and Tampa Electric Company.

FPL further states that the Schedule TF Operating Agreement and Schedule TX Operating Agreement define the methodology used to determine the additional incremental cost under Section I.4 and II.4 of Amendment Number Nine.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed

Amendment and the proposed Operating Agreement be made effective immediately. FPL states that copies of the filing were served on City of Starke, Florida.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

16. Western Area Power Administration

[Docket No. EF88-5101-000]

April 18, 1988.

Take notice that on April 6, 1988, the Under Secretary of the Department of Energy, by Rate Order No. WAPA-37, did confirm and approve, on an interim basis, to be effective beginning on June 8, 1988, on extension of the rate contained in Contract No. 7-07-50-P0890 for Amistad and Falcon Projects' power marketed by the Western Area Power Administration (Western).

The rate extension will be in effect on an interim basis pending the Commission's approval of it or a substitute rate on a final basis.

Article 9(a) of Contract No. 7-07-50-P0890 requires Western to calculate the annual installment to be paid by the South Texas Electric Cooperative, Inc., and the Medina Electric Cooperative, Inc. (STEC/MEC), for the power generated at the Amistad and Falcon Powerplants, by consultation with the U.S. Section of the International Boundary and Water Commission (U.S. Section), and to submit it to STEC/MEC in the form of a contract exhibit on or before August 31 of the year preceding the fiscal year to which it pertains.

The amount of each annual installment shall be the sum of:

1. An annual installment, including interest, to amortize within the remaining period the unpaid United States investment in the Falcon hydroelectric facilities and in the penstocks at Amistad Dam;

2. An annual installment to amortize over a 50-year period that United States actual total investment costs, with interest, for hydroelectric power facilities, not including penstocks, at Amistad Dam to be under the jurisdiction of the U.S. Section, including the costs of engineering plans, supervision, administration of construction, and interest during construction; and

3. The annual operation, maintenance, replacement, and administration costs of the U.S. Section and the administration costs of Western related directly or indirectly to the United States power facilities at Amistad Dam and at Falcon Dam, provided that such costs shall be based on prudent and businesslike management practices and in accordance with established electric industry operation and maintenance practices.

This repayment schedule is not dependent upon the power and energy made available for sale or the rate of generation each year. Western will continue to provide STEC/MEC with a revised exhibit A by August 31 of each year using the same methodology.

The Under Secretary states that the rate extension is submitted for confirmation and approval on a final basis for a 5-year period beginning June 8, 1988, and ending June 7, 1993, pursuant to the authority vested in the Commission by Delegation Order No. 0204-108.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

17. Connecticut Light and Power Company, et al.

[Docket No. ER88-341-000]

April 18, 1988.

Take notice that on April 11, 1988, Connecticut Light and Power Company (CL&P) tendered for filing proposed rate schedule and, effective October 31, 1986, a proposed termination in accordance with the terms of said rate schedule, with respect to a Transmission Agreement dated May 1, 1986 between (1) CL&P and Western Massachusetts Electric Company (WMECO) and (2) Peabody Municipal Light Plant (Peabody).

CL&P states that the Transmission Agreement provides for service to Peabody for the transmission of 5,000 kilowatts of CMEEC electric capacity and associated energy.

The transmission charge rate is an annual rate equal to the annual average cost of transmission service on the transmission systems of CL&P and its affiliated Northeast Utilities companies (NU System) at the time that the transmission service commenced, and is determined in accordance with Appendix A and Exhibits I, II and III thereto of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the appropriate transmission charge rate divided by twelve ($/kW-month) and (ii) the number of kilowatts Peabody purchases from CMEEC during each such month of the Term. The transmission change is reduced to give due recognition for payments made by Peabody to other systems also providing transmission service.

CL&P requests that the Commission waive its standard notice periods and permit the Transmission Agreement to become effective as of May 1, 1986, and to terminate, in accordance with its own terms, effective October 31, 1986.

WMECO has filed a Certificate of Concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, WMECO, and Peabody (Peabody, MA).

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

18. Tucson Electric Power Company

[Docket No. ER88-328-000

April 18, 1988.

Take notice that on April 12, 1988, Tucson Electric Power Company (Tucson) tendered for filing an Amendment (Amendment) to the Interconnection Agreement (Agreement) between Tucson and the City of Anaheim, California. The purpose of the Amendment is to correct the original filing by including page 9 of the Agreement which was inadvertently omitted from the original filing. The Agreement remains the same, i.e., to establish the terms and conditions for the interconnection of the electrical systems of Tucson and the City of Anaheim and the exchange of economy energy, emergency assistance energy, and banked energy between the two systems. Tucson states that services may be provided under Service Schedule A to the Agreement entitled "Economy Energy Interchange," Service Schedule B entitled "Emergency Assistance," or Service Schedule C entitled "Banked Energy."

Tucson renew its original request for an effective date of February 16, 1988, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon the City of Anaheim.

Comment date: May 2, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell

Acting Secretary.

[FR Doc. 88-8811 Filed 4-20-88; 8:45 am]

BILLING CODE 6717-01-M

Economic Regulatory Administration

[ERA Docket No. 88-11-NG]

Northeast Gas, Inc.; Application To Extend Blanket Authorization To Import Natural Gas From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application for Extension of Blanket Authorization to Import Natural Gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on March 16, 1988, of an application filed by Northeast Gas, Inc. (NGI), requesting that the blanket authorization previously granted in DOE/ERA Opinion and Order No. 95 issued on December 20, 1985 (ERA Docket No. 85-23-NG), be amended to extend its term for two years. NGI's existing authorization to import up to 100 Bcf of Canadian natural gas over a two-year period expired March 31, 1988. Under the extension requested, NGI would be authorized to import 100 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery following expiration of its existing blanket authorization.

The application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed no later than May 23, 1988.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue SW., Washington, DC 20585 (202) 586-9482

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION:

NGI requests continued authority to import the gas from various Canadian suppliers for sale on a spot-market basis to certain gas distribution companies in the northeastern states. NGI would continue to import the gas for its own account or as an agent for its U.S. purchaser clients and the Canadian suppliers. NGI intends to use existing pipeline facilities to transport the gas. NGI would advise the ERA of the date of first delivery under the extended authorization and submit quarterly reports giving details of individual transactions.

Under the proposed import, NGI would import and resell the gas to the following 20 local distribution companies (purchaser clients) located in the U.S. Northeast on a spot market basis: Bay State Gas Company; Berkshire Gas Company; The Brooklyn Union Gas Company; Colonial Gas Company; The Connecticut Light & Power Company of New York, Inc.; Elizabethtown Gas Company; EnergyNorth, Inc.; Essex County Gas Company; Fitchburg Gas and Electric Light Comapany; National Fuel Gas Supply Corporation; New Jersey Natural Gas Company; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation; Norwich Utilities; Public Service Electric & Gas Company; South Jersey Gas Company; Southern Connecticut Gas Company; and Valley Gas Company. NGI states that the agreements to purchase gas would not exceed two years in duration with most expected to last less than one year. Such agreements may be subject to extension at the option of the parties. Transportation arrangements are expected to be on a best-efforts basis with the specific terms to be negotiated between NGI or its clients and the Canadian suppliers.

In support of its application, NGI asserts that the proposed extension of its existing blanket import authorization is not inconsistent with the public interest since the extension requested would continue to provide U.S. Northeast gas consumers expanded access to competitively-priced Canadian gas.

The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 8884, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intevene, notices of intervention, requests for additional procedures and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.d.t., May 23, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. A request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decison and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of NGI's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 12, 1988.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-8717 Filed 4-20-88, 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. G-4579-050, et al.]

Cities Service Oil and Gas Corporation, et al.; Applications for Certificates, Abandonment of Service and To Amend Certificates [1]

April 18, 1988.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce, to abandon service or to amend certificates as described herein, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 2, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Description
G-4579-050, F, Apr. 4, 1988	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, OK 74102.	Colorado Interstate Gas Company, Stenis A Unit, Hugoton Field, Kearny County, Kansas.	(1)
G-12235-006, D, Mar. 31, 1988.	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, OK 73125.	Southern Natural Gas Company, Breton Sound Area, Offshore Louisiana.	(2)
G-12864-000, D, Apr. 4, 1988.	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, CA, 94120-7309.	K N Energy, Inc., Twin Field, Hansford County, Texas	(3)
CI63-213-000, D, Mar. 30, 1988.	Sun Exploration and Production Company, P.O. Box 2880, Dallas, TX 75221-2880.	Northwest Pipeline Corporation, Basin Dakota Field, San Juan County, New Mexico.	(4)
CI64-11-001, D, Mar. 30, 1988.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, TX 75221.	Lone Star Gas Company, a Division of ENSERCH Corporation, Healdton Field, Carter County, Oklahoma.	(5)
CI75-241-000, D, Mar. 30, 1988.	Perry R. Bass, First City Bank Tower, 201 Main Street, Ft. Worth, TX 76102.	Natural Gas Pipeline Company of America, Pecos Federal #1 Area, Eddy County, New Mexico.	(6)
CI76-240-002, D, Apr. 4, 1988.	Chevron U.S.A. Inc.	Twin Field, Hansford County, Texas	(3)
CI78-154-001, D, Apr. 4, 1988.	BHP Petroleum Company Inc., 5847 San Felipe, Suite 3600, Houston, TX 77057.	Texas Eastern Transmission Corporation, Hico Knowles Field, Lincoln Parish, Louisiana.	(7)
CI79-377-001, D, Mar. 31, 1988.	Multistate Oil Properties, N.V., P.O. Box 2511, Houston, TX 77001.	Northern Natural Gas Company, Division of Enron Corp., Hansford North Field, Hansford County, Texas.	(8)
CI83-336-001, D, Mar. 31, 1988.	do	Phillips Petroleum Company, Panhandle West Field, Hutchinson County, Texas.	(9)
CI88-389-000 (G-2905), B, Mar. 31, 1988.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Arkla Energy Resources, a Division of Arkla, Inc., Chickasha Field, Grady County, Oklahoma.	(10)
CI88-390-000 (CI72-737), B, Mar. 30, 1988.	do	Caprock Pipeline Company, Bobbit Field, Carson County, Texas.	(10)
CI88-391-000, F, Mar. 31, 1988.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	El Paso Natural Gas Company, Langlie-Mattix Field, Lea County, New Mexico.	(11)
CI88-392-000, F, Apr. 1, 1988.	Maxus Exploration Company, 717 N. Harwood Street, Dallas, TX 75201.	Arkla Energy Resources, a division of Arkla, Inc., Witcherville Field, Sebastian County, Arkansas.	(12)
CI88-393-000 (CI60-657), B, Apr. 1, 1988.	Mobil Oil Exploration & Producing Southeast Inc	Texas Gas Transmission Corporation, Calhoun Field, Ouachita and Lincoln Parishes, Louisiana.	(13)
CI88-394-000 (G-19544), B, Apr. 1, 1988.	Graham-Michaelis Drilling Co., Inc., D/B/A Graham-Michaelis Corp., P.O. Box 247, Wichita, KS 67201.	Phillips Petroleum Company, Camrick Field, Texas County, Oklahoma.	(14)
CI88-395-000 (CI81-367-000), B, Apr. 4, 1988.	Phillips Petroleum Company, 990-G Plaza Office Building, Bartlesville, OK 74004.	Texas Eastern Transmission Corporation, West Cameron Block 522, Offshore Louisiana.	(15)
CI88-396-000 (CI62-1287), B, Apr. 4, 1988.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	West Texas Gathering Company, Kermit and South Kermit Field, Winkler County, Texas.	(10)
CI88-397-000 (G-13807), B, Apr. 4, 1988.	do	Panhandle Eastern Pipe Line Company, Greenough (Light Gas Area), Beaver County, Oklahoma.	(10)
CI88-399-000 (CI67-322), B, Apr. 4, 1988.	do	McQuiddy Ranch Area, Hemphill County, Texas	(10)
CI88-401-000, B, Apr. 6, 1988.	Phillips Petroleum Company	Skelly Oil Company, No. 90 ac of the so. 135 AC Surv. 6, Jane Gammel Survey, Hutchinson County, Texas.	(16)

[1] Effective 11-1-84, Cities acquired from Sun Exploration and Production Company 12.5% interest in the Stennis A Unit, Hugoton Field, Kearny County, Kansas.
[2] The wells have been permanently plugged and abandoned.
[3] Effective 3-1-88, Chevron assigned certain acreage to Vernon E. Faulconer Inc.
[4] Effective 12-1-83, Sun assigned its interest in Property No. 520770, Huerfano Unit, to William J. Green.
[5] Effective 4-15-87, ARCO assigned its interest in certain acreage to E. Dunlap, Jr. 1978 Revocable Trust.
[6] Effective 5-27-87, Perry R. Bass assigned certain acreage to C. Wendell Schoenberger.
[7] Effective 6-1-87, BHP Petroleum Company Inc. assigned certain acreage to Maple Gulf Coast Properties Corporation.
[8] Effective 9-1-88, Multistate Properties, N.V. assigned its interest in the E.G. Garrett #1 well to Vita Oil Company.
[9] Effective 9-1-88, Multistate Oil Properties, N.V. assigned its interest in the Johnson #1 well to Vita Oil Company.
[10] Effective 1-1-87, ARCO assigned all its interest in certain acreage to Hondo Oil and Gas Company.
[11] Effective 12-1-86, Amoco Production Company assigned its working interest in Langlie-Mattix Queen Unit, Lea County, New Mexico to MPTM.
[12] Effective 11-1-87, Sun Operating Limited Partnership assigned certain acreage to Maxus Exploration Company.
[13] Effective 8-1-87, MOEPSI assigned certain acreage to Rockbridge Oil & Gas, Inc.
[14] Effective Producing gas reservoir depleted and well was plugged on 2-21-86.
[15] Effective 8-31-87, Phillips Petroleum Company assigned all its interest in certain acreage to Huffco Petroleum Corporation.
[16] The oil and gas lease was sold to David Irvin Well Service effective 12-1-87.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 88-8734 Filed 4-20-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP88-314-000, et al.]

Natural Gas Pipeline Company of America et al., Natural gas certificate filings

Take notice that the following filings have been made with the Commission:

1. Natural Gas Pipeline Company of America

[Docket No. CP88-314-000]

April 15, 1988.

Take notice that on March 25, 1988, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP88-314-000 an application pursuant to section 7 of the Natural Gas Act and the Commission's Regulations thereunder for a blanket certificate of public convenience and necessity authorizing Applicant, subject to the terms and conditions set out therein, to implement new firm storage services under Rate Schedule FSS. The storage services proposed under Rate Schedule FSS are (1) a 30-day peaking service, (2) a 50-day peaking service, and (3) a 120-day annual service. Services under Rate Schedule FSS would be available on a first-come, first-serve basis, to any shipper submitting a valid request, as defined in Rate Schedule FSS, to the extent that capacity is available. Shippers under Rate Schedule FSS would be required to recycle gas on an annual basis. Service would be subject to the other terms and conditions of Rate Schedule FSS and any transportation to effectuate the storage services would be arranged separately. The proposal is more fuly set forth in the application which is on file with the Commission and open to public inspection.

A description of the types of firm storage services available under the proposed Rate Schedule FSS are as follows:

30-Day Peaking Service

Applicant will receive natural gas from a shipper during the winter and summer periods. Applicant will deliver gas to the shipper for a period of up to 30 days during the winter period; provided, however, that Applicant shall not be obligated to deliver gas more than 15 days during any 30 day period. During the months of September and October, Applicant shall only be obligated to receive from a shipper each day up to 50% of the shipper's maximum daily quantity (MDQ). For purposes of the 30-day peaking service provision of Rate Schedule FSS the summer period shall be the period March through October and the winter period shall be the period November through February.

50-Day Peaking Service

Applicant will receive natural gas from a shipper during the winter and summer periods. Applicant will deliver gas to the shipper for a period of up to 50 days during the winter period; provided, however, that Applicant shall not be obligated to deliver gas more than 30 days during any 50 day period. During the months of September and October, Applicant shall only be obligated to receive from a shipper each day up to 50% of the shipper's MDQ. For purposes of the 50-day peaking service provision of Rate Schedule FSS the summer period shall be the period March through October and the winter Period shall be the period November through February.

120-Day Annual Service

Applicant will receive natural gas from a shipper any time during the year; provided, however, that during the months of September and October, Applicant shall only be obligated to receive from the shipper each day up to 50% of the shipper's MDQ. Applicant will deliver gas to the shipper for a period of up to 120 days at any time during the year; provided, however, that for the period December through February, Applicant shall only be obligated to deliver to the shipper each day up to 90% of the Shipper's MDQ.

Applicant further requests permission and approval to abandon any such service at the termination of the applicable FSS agreement and Commission approval of tariff provisions implementing the terms and conditions governing the firm storage servcies.

Applicant is performing "open access" transportation and has accepted an Order 436/500 blanket certificate in Docket No. CP86-582. Therefore, Applicant's sales customers have rights, as set out at 18 CFR § 284.10, to substitute firm transportation services by Applicant for a portion of their firm sales service, thereby enabling them to transport gas purchased directly from producers, marketers, etc. in lieu of sales by Applicant. As part of such change, converting customers may wish to contract to utilize storage services along with transportation services. Thus, the Applicant states the availability of the proposed storage services would facilitate the conversion rights available to Applicant's customers. In addition, the firm storage services offered here would be available to entities other than converting sales customers within capacity constraints, to augment the flexibility of their operation.

For the above reasons, Applicant is seeking authority to initiate new firm storage services of general availability. It is asserted that such services would be available to any party, including but not limited to Applicant's existing sales and transportation customers, on a first-come, first-serve basis.

Comment date: May 6, 1988, in accordance with Standard Paragraph F at the end of this notice.

2. Arkla Energy Resources, A division of Arkla, Inc.

[Docket Nos. CP60-79-004, CP70-242-002]

April 19, 1988.

Take notice that on March 31, 1988, Arkla Energy Resources, a division of Arkla, Inc., (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket Nos. CP60-79-004 and CP70-242-002, a petition pursuant to Sections 7(b) and 7(c) of the Natural Gas Act to amend and for partial abandonment of the certificate issued in Docket No. CP-60-79, and for abandonment of the certificate issued in Docket No. CP70-242, so as to authorize Arkla to provide gas service to the City of Winfield, Kansas (Winfield) and surrounding areas pursuant to an Amended Service Agreement dated December 15, 1986, and amended by letter agreement dated February 15, 1988 (Amended Agreement), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Arkla states that it has entered into an Amended Agreement with Winfield, for a primary term extending through July 31, 1996, to provide such volumes of natural gas as Winfield may require to meet the natural gas requirements of Winfield's municipal gas distribution system including the customers in the South Winfield area currently served from Arkansas Louisiana Gas Company's Rural Extension No. 671 (R E 671) and the natural gas requirements of Winfield's two power plants. Arkla indicates that the sale of natural gas to Winfield would be made available, under Rate Schedule No. G-2, through five existing delivery points. Arkla further states the Amended Agreement provides that Winfield would be considered a customer receiving service under an "eligible firm sales agreement" within the meaning of §284.10(b) of the Commission's regulations and shall continue to have any such conversion and reduction rights attendant thereto. Also, Arkla indicates that the Amended Agreement permits Winfield to purchase up to 50 percent of its requirements from other suppliers and to substitute transportation through Arkla's interstate pipeline system for such gas purchased form other suppliers.

Comment date: May 10, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Company, United Gas Pipe Line Company

[Docket No. CP-75-265-009]

April 19, 1988.

Take notice that on March 30, 1988, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, jointly filed to amend their application filed in Docket No. CP75-265-000 pursuant to section 7(c) of the Natural Gas Act so as to add two exisitng interconnections between their facilities as exchange points, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

From time to time in the past, Tennessee and United have filed joint applications to amend the original request by establishing additional delivery points which were supporterd by exchange agreements. Specifically, Tennessee and United requests authorization to amend their certificate by adding an exchange point at:

(1) An interconnection between facilities of Tennessee and United rear Cocodrice, Terrebonne Parish, Louisiana;

(2) An interconnection between the 24-inch Project Lirette Pipeline, and United's facilities in Terrebonne Parish, Louisiana near Lirette, Louisiana.

Tennessee and United state that these two delivery points will enhance the operational flexibility and reliability of both pipelines.

Comment date: May 10, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. United Gas Pipe Line Company

[Docket No. CP88-297-000]

April 19, 1988.

Take notice that on March 15, 1988, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP88-297-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon measuring facilities, located in Bienville Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

United states that the measuring facilities were installed under United's budget-type authorization issued in Docket No. CP69-111 to enable United to receive natural gas from the H.W. Walker No. 1 Weil in Danville Field, Bienville Parish, Louisiana. United asserts that subsequently the H. W. Walker No. 1 Well has been plugged and abandoned by Franks.

United submits that the proposed abandonment will be implemented without detriment or termination of gas service to any of United's customers.

Comment date: May 10, 1988, in accordance with Standard Paragraph F at the end of this notice.

5. Trunkline Gas Company

[Docket No. CP88-326-000]

April 19, 1988.

Take notice that on April 5, 1988, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas, 77251-1642, filed in Docket No. CP88-326-000 a prior notice request pursuant to Sections 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Exxon Corporation (Exxon), a producer, under the certificate issued in Docket No. CP86-586-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that it proposes to transport up to 25,000 Mcf per day on behalf of Exxon pursuant to a transportation agreement dated January 29, 1988 (Agreement). The Agreement provides for Applicant to receive gas at existing points of interconnection between Applicant and Exxon located in South Timbalier blocks 171, 165 and 170, it is stated.

Applicant states that it would make ultimate delivery to Illinois Power Company in Douglas County, Illinois for their system supply.

Applicant further states that the maximum daily and annual quantities would be 25,000 Mcf and 1,825,000 Mcf, respectively. Applicant asserted that service under Section 284.223(a) commenced on February 1, 1988, as reported in Docket No. ST88-2767.

Comment date: June 3, 1988, in accordance with Standard Paragraph G at the end of this notice.

6. Tennessee Gas Pipeline Company

[Docket No. CP88-327-000]

April 19, 1988.

Take notice that on April 1, 1988, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511 Houston, Texas 77252 filed in Docket No. CP88-327-000 a request pursuant to Section 284.223 of the Regulations under the Natural Gas Act for authorization to transport natural gas under the blanket certificate issued in Docket No. CP87-115-000 pursuant to Section 7(c) of the Natural Gas Act, all as more fully set

forth in the request on file with the Commission and open to public inspection.

Tennessee proposes to transport natural gas for Intercon Gas, Inc. (Intercon). Tennessee explains that service commenced March 8, 1988 under Section 284.223(a) of the Commission's Regulations, as reported in Docket No. ST88-2983. Tennessee further explains that the peak day quantity would be 579,500 dekatherms, the average daily quantity would be 9,472 dekatherms, and that the annual quantity would be 3,457,280 dekatherm. Tennessee explains that it would receive natural gas for Intercon's account in the states of Louisiana, Kentucky, Texas, Mississippi, West Virginia, Alabama, Tennessee and Offshore Louisiana. Tennessee further explains that, it would redeliver natural gas to Intercon in the states of Indiana, Iowa, Ohio, Virginia, Illinois, Kentucky, Michigan, Wisconsin, Tennessee, Pennsylvania, Massachusetts, Maryland, West Virginia, New Hampshire, Texas, Arkansas, Louisiana, South Carolina, Georgia, Delaware, Connecticut, Rhode Island, New York and New Jersey.

Comment date: June 3, 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,

Acting Secretary.

[FR Doc. 88-8806 Filed 4-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-7-20-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

April 18, 1988.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on April 12, 1988, tendered for filing to its FERC Gas Tariff, Second Revised Volume No. 1 the following tariff sheets:

Twenty-fifth Revised Sheet No. 201
Eighteenth Revised Sheet No. 205
Sixteenth Revised Sheet No. 211
Ninth Revised Sheet No. 214

Algonquin states that such tariff sheets are being filed pursuant to Section 7 of Rate Schedule F-4, Section 10 of Rate Schedule STB, Section 9 of Rate Schedule SS-III and Section 17 of the General Terms and Conditions of its FERC Gas Tariff to track rate changes by its pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern") and that Algonquin is filing Twenty-fifth Revised Sheet No. 201, Eighteenth Revised Sheet No. 205, Sixteenth Revised Sheet No. 211 and Ninth Revised Sheet No. 214 to reflect those rate changes made by Texas Eastern in the underlying services.

The proposed effective date for Twenty-fifth Revised Sheet No. 201, Eighteenth Revised Sheet No. 205, Sixteenth Revised Sheet No. 211 and Ninth Revised Sheet No. 214 is March 30, 1988.

Algonquin notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 25, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois Cashell,

Acting Secretary.

[FR Doc. 88-8808 Filed 4-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-286-000]

Cascade Natural Gas Co.; April 15, 1988.

Cascade Natural Gas Co., *Complainant* Northwest Pipeline Company, Chevron Chemical Company, Intermountain Gas Company, Hadson Gas Systems, Inc., and Llano, Inc.; *Respondents.*

Take notice that on April 8, 1988, Cascade Natural Gas Corporation (Cascade), Post Office Box 24464, Seattle, Washington 98124, filed a motion to substitute Llano, Inc. and Hadson Gas Systems, Inc., as respondents in this proceeding in place of Intermountain Gas Company (Intermountain). Cascade contends that Intermountain is not longer participating in the transaction at issue in this proceeding, and moves that the Commission dismiss Intermountain. Cascade contends that Llano and its affiliate, Hadson, are not participating in the transaction at issue in Intermountain's stead, and are the appropriate respondents to the complaint.

Any person desiring to be heard with respect to this motion should file an answer, protest, or motion to intervene, as appropriate, within 21 days after the date of this notice. The substitute

respondents are directed to answer within the same time period. Such pleading should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance the Commission's Rules 211, 213, or 214 (18 CFR 385.211, 213 or 214), as appropriate. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Persons who have heretofore filed a motion to intervene need not file again. Copies of the motion are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8807 Filed 4-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-3-001]

El Paso Natural Gas Co.; Revised Change in Rates Pursuant to Purchased Gas Cost Adjustment

April 18, 1988.

Take notice that on April 7, 1988, El Paso Natural Gas Company ("El Paso"), as allowed by and in compliance with ordering paragraph (C) of the Federal Energy Regulatory Commission's ("Commission") order issued March 31, 1988 at Docket Nos. TA88-3-33-000, *et al.*, filed a revised notice of change in rates for jurisdictional gas service rendered under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGA"), of the General Terms and Conditions in El Paso's FERC Gas Tariff, First Revised Volume No. 1.

El Paso states that the Commission's March 31, 1988 order, among other things, conditionally accepted, effective April 1, 1988 subject to refund, the alternate tariff sheets included in El Paso's notice of rate change filed March 1, 1988 at Docket No. TA88-3-33-000. However, El Paso states, in ordering paragraph (C), the Commission provided that El Paso could, within 30 days of the issuance of the order, file lower alternative rates, to be effective April 1, 1988, reflecting a 12-month amortization of the 6-month actual deferred account balance as of December 31, 1987. Accordingly, El Paso states, as permitted by and in compliance with ordering paragraph (C), El Paso tendered for filing the following sheets to its FERC Gas Tariff which El Paso proposes to be made effective in lieu of their counterparts included in its original March 1, 1988 PGA rate change filing and accepted by the Commission's March 31, 1988 order:

Tariff volume	Tariff sheet
First Revised Volume No. 1.	First Substitute Sixteenth Revised Sheet No. 100 First Substitute Fourth Revised Sheet No. 100-A.
Third Revised Volume No. 2.	First Substitute Fortieth Revised Sheet No. 1-D.
Original Volume No. 2A....	First Substitute Forty-second Revised Sheet No. 1-C.

El Paso states that the tendered tariff sheets reflect the $0.5918 per dth increase in the base purchased gas cost rate included in its original March 1, 1988 PGA filing, and an increase of $0.1024 per dth in the surcharge rate, for a net increase of $0.6942 per dth in El Paso's currently effective rates.

El Paso requested that the Commission grant such waiver of the applicable provisions of El Paso's FERC Gas Tariff, the Commission's PGA Regulations, and any other applicable Commission rules and regulations as may be necessary to allow the tendered tariff sheets to be accepted and permitted to become effective April 1, 1988 in substitution for their counterparts filed March 1, 1988 at Docket No. TA88-3-33-000, as provided for in the Commission's March 31, 1988 order.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. TA88-3-33-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC., 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 25, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8809 Filed 4-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA88-10-000]

G.M. Lehnertz; Petition for Adjustment

April 19, 1988.

On March 25, 1988, G.M. Lehnertz (Petitioner) filed a petition for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA). Petitioner states that in June, 1981 the Texas Railroad Commission (TRC) determined that the A.J. Reed No. 1 well, located in the Carthage field of Panola County, Texas, qualified as a stripper gas well under section 108 of the NGPA (TRC Docket No. F-06-032799). On March 1, 1988, Petitioner filed a petition for an enhanced recovery determination with the TRC under § 271.805 of the Commission's regulations for the Reed No. 1 well. Petitioner's March 25, 1988 adjustment request seeks waiver of the time-of-filing requirements governing such enhanced recovery petitions.

Under § 271.805 of the Commission's regulations, if a stripper well's production averages more than 60 Mcf per production day during any 90-day production period, then both the purchaser and the operator are required to file a written notice of disqualification with the Commission and each other. The right to collect a maximum lawful price under NGPA section 108 terminates on the last day of the disqualifying 90-day production period unless within 150 days of the last day of such period the operator files a motion contesting a notice of disqualification or a petition for determination that the increase in production was the result of the application of an enhanced recovery technique, seasonal fluctuation or temporary pressure build-up. If the motion or petition is filed more than 150 days after the last day of the disqualifying production period, then sales from the well are not eligible for the section 108 price from the last day of the disqualifying period until the day on which the motion or petition is actually filed.

Petitioner states that the gas purchaser, United Gas Pipeline Company (United), notified Petitioner by letter dated January 6, 1988, that the subject well produced natural gas at a rate exceeding 60 Mcf per production day for the 90-day production period comprising February, March and April, 1981, and that the well was therefore disqualified from NGPA section 108 pricing eligibility. According to United, Petitioner will be subject to a refund obligation of $385,529.18 plus interest of

$241,097.15 for the period February, 1981 through December, 1987.

Petitioner requests a waiver of the time-of-filing requirements of § 271.805(f)(1) on the grounds that it was unaware of the requirement to file for an enhanced recovery petition. Petitioner asserts that although it failed to meet the regulatory obligation of notice pursuant to § 271.805(d) of the regulations, had United timely met its regulatory responsibility pursuant to the same regulation instead of delaying its notice for six years, Petitioner would have timely filed an enhanced recovery petition. Petitioner states that upon being advised by United that there was a filing deficiency, it promptly filed the March 1, 1988 petition for enhanced recovery technique determination with the TRC. Petitioner assets that a special hardship exists because it will suffer an "out of pocket" loss of $142,610.17 for the period in question, which will jeopardize Petitioner's ability to continue in business.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's rules of practice and procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8733 Filed 4-20-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM88-1-8-000]

South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 18, 1988.

Take notice that South Georgia Natural Gas Company (South Georgia) on April 8, 1988, tendered for filing Eleventh Revised Sheet Nos. 76 and 106 to the First Revised Volume No. 2 of its FERC Gas Tariff. The proposed revised tariff sheets would flow through to South Georgia's two gas storage customers reduced storage transportation charges billed to South Georgia by Southern Natural Gas Company (Southern).

South Georgia states that the Commission's August 22, 1980 order in the captioned proceeding permits South Georgia to flow through to its two storage customers any changes in the amounts which the Commission authorizes Southern to charge South Georgia for storage transportation services. South Georgia further states that the Commission recently accepted for filing to be effective April 1, 1988, subject to refund revised tariff sheets filed by Southern which reduced Southern's storage transportation charges to South Georgia.

South Georgia requests waivers of § 154.51 of the Commission's Regulations and any other waivers necessary to make the revised tariff sheets effective as of April 1, 1988, the date of the decrease in Southern's charges to South Georgia.

Copies of this filing were served on the two jurisdictional customers affected by the filing, interested state commissions and all parties in the captioned proceeding.

Any person desiring to be heard or to protest said filing should file motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, DC 20426, in accordance with 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 April 25, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-8810 Filed 4-20-88; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

Coal Policy Committee of the National Coal Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Coal Policy Committee of the National Coal Council.

Date and Time: Thursday, May 19, 1988, 9:30 AM.

Place: Hyatt Regency Hotel, 2799 Jefferson Davis Hwy., Arlington, VA 22202.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE-1), Washington, DC 20585, Telephone: 202/586-4695.

Purpose of the Parent Council

To provide advice, information, and recommendations to the Secretary of Energy on matters relating to coal and coal industry issues.

Purpose of the Meeting

For the Committee to review a draft report of the study on "The Economic Impact of Substituting U.S. Coal for Imported Energy."

Tentative Agenda

—Call to order by Irving Leibson, Chairman.
—Discuss draft report on "Economic Impact of Substituting U.S. Coal for Imported Energy.
—Discuss any other business properly brought before the Committee.
—Public Comment—10-Minute Rule.
—Adjournment.

Public Participation

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 88-8715 Filed 4-20-88; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 88-269]

Regulatory Review Procedures

Date: April 11, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Federal Home Loan Bank Board ("Board" or "Bank Board") has adopted procedures for withdrawal under certain circumstances of

outstanding proposed regulations previously promulgated by the Board.

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Carol J. Rosa, Paralegal Specialist, (202) 377-7037, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: From time to time, the Board issues, and solicits comment on, proposed regulations on which it does not subsequently take any final action. It has come to the Board's attention that the existence of regulatory proposals that do not proceed to final rulemaking may create uncertainty among institutions subject to the Board's rules about the standards that govern them. This uncertainty may hamper institutions in their efforts to engage in orderly planning and to devise business strategies that comport with regulatory requirements.

In addition, the Board finds that it is an inefficient operating practice to allow rules to remain pending when no final action is contemplated. The Board has therefore adopted a Resolution, set forth in full below, providing that proposed rules are automatically withdrawn if: (1) The comment period has been closed for six months and (2) the Board has taken no action with respect to the proposal during that same six-month period. The Resolution permits the Board to extend the time for taking action on a proposal to a period longer than six months after the close of the comment period. When the Board extends the time for acting on a proposal, it intends to publish a notice to that effect in the **Federal Register**. The Board also intends to publish a confirming notice in the **Federal Register** when a proposal lapses by operation of the Board's policy and is therefore withdrawn. This policy applies to all proposals promulgated including those promulgated by the Board in its capacity as operating head of the Federal Savings and Loan Insurance Corporation. Finally, today's action represents a policy governing agency procedures and is therefore exempt from the Administrative Procedure Act. *See* 5 U.S.C. 553(b).

Accordingly, the Board hereby adopts the following Resolution:

Whereas, the Federal Home Loan Bank Board from time to time promulgates proposed rules pertaining to the regulation and operation of institutions chartered by the Bank Board and/or insured by the Federal Savings and Loan Insurance Corporation; and

Whereas, it is occasionally the case that the Bank Board has proposed a rule with a comment period extending for a time certain, that the comment period expires, but that the Bank Board takes no final action with respect to the proposal;

Whereas, the Bank Board finds that it contributes to uncertainty in the regulatory environment of the thrift industry, hampers orderly planning by the members of the industry, and constitutes an inefficient agency operating procedure for proposals to linger in the public arena for long periods of time when the Bank Board does not intend to take final action with respect to them;

Now, therefore, be it resolved that, effective immediately, all proposed regulations promulgated by the Bank Board for which the comment period has been closed for six months and on which the Bank Board has taken no action will be deemed automatically withdrawn unless the Bank Board extends the time for taking action; and

Resolved further, that the Bank Board will publish in the **Federal Register** a notice of withdrawal of such proposed regulations; and

Resolved further, that the Bank Board will publish in the **Federal Register** a notice extending the time for taking action on any proposed regulations on which it determines to make such an extension; and

Resolved further, that this action will become effective upon publication in the **Federal Register**.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88-8786 Filed 4-20-88; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 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.: 224-002869-004.

Title: San Francisco Terminal Agreement.

Parties:

San Francisco Port Commission

Fred F. Noonan Company, Inc. (Noonan)

Synopsis: The proposed agreement extends the term of the basic Agreement by five years and provides that Noonan will be reimbursed no more than $303,000 for certain relocation and capitol improvement expenses. Noonan will continue to pay Port tariff charges relating to the importing and exporting of automobiles and other cargoes.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: April 18, 1988.

[FR Doc. 88-8799 Filed 4-20-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Cardinal Bancshares, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 13, 1988.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Cardinal Bancshares, Inc.*, Lexington, Kentucky, and Cardinal Subsidiary Corporation, Lexington, Kentucky; to acquire 100 percent of the voting shares of Harco Bankshares, Harlan, Kentucky, and thereby indirectly acquire Harlan National Bank, Harlan, Kentucky, and Guaranty Deposit Bank, Cumberland, Kentucky. In connection with this application, Cardinal Subsidiary Corporation also proposes to become a bank holding company.

2. *Farmers National Bancorp of Cynthiana, Inc.*, Cynthiana, Kentucky; to acquire 100 percent of the voting shares of Deposit Bank of Carlisle, Carlisle, Kentucky.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Commercial Bancorp of Georgia, Inc.*, Atlanta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Commercial Bank of Georgia, Atlanta, Georgia, a *de novo* bank. Comments on this application must be received by May 12, 1988.

2. *FNB Financial Corporation*, Knoxville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Knoxville, Knoxville, Tennessee.

3. *South Alabama Hoding Co., Inc.*, McIntosh, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Washington County State Bank, McIntosh, Alabama. Comments on this application must be received by May 12, 1988.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Britt Bancshares, Inc.*, and Tripoli Bancshares, Inc., both of Saint Paul, Minnesota; to acquire 99 percent of the voting shares of First State Bank, Britt, Iowa. Comments on this application must be received by May 11, 1988.

2. *First Financial Corporation*, Terre Haute, Indiana; to acquire at least 24.9 percent of the voting shares of The Citizens of Paris, Inc., Paris, Illinois, and thereby indirectly acquire First Citizens National Bank of Paris, Paris, Illinois.

3. *Seaway Financial Corporation*,. St. Clair, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of The Commercial and Savings Bank of St. Clair County, St. Clair, Michigan, and the Algonac Savings Bank, Algonac, Michigan.

4. *Union Financial Corporation*, Lake Odessa, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Union Bank, Lake Odessa, Michigan.

D. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Centennial Bancshares Corporation*, Elsberry, Missouri; to become a bank holding company by acquiring at least 97.3 of the voting shares of Bank of Lincoln County, Elsberry, Missouri.

2. *Delta Bancshares Company*, St. Louis, Missouri; to acquire at least 80 percent of the voting shares of Glasgow Savings Bank, Glasgow, Missouri. Comments on this application must be received by May 12, 1988.

E. Burkburnett Bancshares, Inc., Burkburnett, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The Burkburnett Bank, Burkburnett, Texas.

Board of Governors of the Federal Reserve System, April 15, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-8712 Filed 4-20-88; 8:45 am]

BILLING CODE 6210-01-M

William Yale; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has 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 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 May 6, 1988.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *William Yale* Fair, Rockport Texas, to acquire 11.06; Wayne T. Nance, San Antonio, Texas, to acquire 9.05 percent; Jack Henry, Monett, Missouri, to acquire 9.05; Benjamin Franklin Pitman III, San Antonio, Texas, to acquire 5.03 percent; John S. Hicklin, Rockport, Texas, to acquire 2.01 percent; and Phillip Yeager, San Antonio, Texas, to acquire 2.01 percent of the voting shares of Kirby Bancshares, Inc., San Antonio, Texas, and thereby indirectly acquire Kirby State Bank.

Board of Governors of the Federal Reserve System, April 15, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-8714 Filed 4-20-88; 8:45 a.m.]

BILLING CODE 6210-01-M

The Long-Term Credit Bank of Japan, Tokyo, Japan; Application To Engage in Various Securities and Financial Advisory Activities

The Long-Term Credit Bank of Japan, Tokyo, Japan, 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)(2) and (3) of the Board's Regulation Y (12 CFR 225.23(a)(2) and (3)), to acquire Greenwich Capital Markets, Inc., Greenwich, Connecticut ("Company"), a primary dealer in U.S. government securities, and thereby engage in a number of activities, some of which have not been previously approved by the Board.

Previously Approved Activities

Applicant proposes to engage through Company in the following activities which *have* been previously approved:

(1) Underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks are authorized to underwrite and deal in under 12 U.S.C. 24 and 335 ("bank-eligible securities") pursuant to 12 CFR 225.25(b)(16) and engaging in activities incidental thereto, including repurchase and reverse repurchase transactions on such securities, collateralized borrowing and lending of such securities, clearing and settling bank-eligible securities transactions and providing custodial, accounting, record keeping and ancillary services, pursuant to 12 CFR 225.21(a)(2), 225.22(a)(1), 225.25(b)(3) and 225.25(b)(15);

(2) Engaging in futures, forward and options contracts on bank-eligible securities for hedging purposes in accordance with 12 CFR 225.142;

(3) Providing portfolio investment advice and research and furnishing general economic information and advice, general economic statistical forecasting services and industry studies on a nonfee basis in connection with and as an incident to the proposed

bank-eligible securities activities, pursuant to 12 CFR 225.25(b)(4)(iii) and (iv);

(4) Acting as a futures commission merchant ("FCM") for nonaffiliated persons in the execution and clearance on major commodity exchanges of futures contracts and options on futures contracts for bullion, foreign exchange, government securities, certificates of deposit, and other money market instruments that a bank may buy or sell in the cash market for its own account in accordance with 12 CFR 225.25(b)(18), except that Applicant has also proposed to provide such services to its affiliates as well (Applicant argues that providing FCM services to affiliates is permissible under § 225.25(b)(18) or, alternatively, permissible under sections 4(c)(1)(C) and 4(c)(8) of the BHC Act, 12 U.S.C. 1843(c)(1)(C));

(5) Providing investment advice as an FCM with respect to the purchase and sale of futures contracts and options on futures contracts, pursuant to 12 CFR 225.25(b)(19);

(6) Engaging through Company's subsidiary, Greenwich Capital Mortgage, Inc., Irving, Texas, in mortgage banking activities, consisting of acquiring residential mortgage assets and pooling such assets for the issuance, through such subsidiary or third party servicers, and sale of mortgage-related securities backed by the guarantees of GNMA, pursuant to 12 CFR 225.25(b)(1) and 225.25(b)(16);

(7) Providing through Company's subsidiary, Greenwich Asset Management, Incorporated, Greenwich, Connecticut, investment advice as a commodity trading adviser registered with the Commodity Futures Trading Commission with respect to the purchase and sale of futures contracts and options on futures contracts, pursuant to 12 CFR 225.25(b)(19);

(8) Providing through Greenwich Asset Management, Incorporated, portfolio investment advice and research and furnishing general economic information and advice, general economic statistical forecasting services and industry studies to affiliates and nonaffiliates, serving as investment adviser as defined in section 2(a)(20) of the Investment Company Act of 1940 to investment companies registered under that act and organizing, sponsoring and managing closed-end investment companies, pursuant to 12 CFR 225.25(b)(4);

(9) Trading for the account of Company in foreign exchange in accordance with *Standard and Chartered Banking Corporation*, 38 FR 27552 (1973);

(10) Trading for the account of Company in forward, futures, options and options on futures contracts for foreign exchanges for hedging purposes (Applicant contends that the permissibility of such trading is supported by 12 CFR 225.25(b)(18) and 225.142 as well as by section 4(c)(1)(C) of the BHC Act);

(11) Acting as an FCM and providing investment advice in connection with future contracts and options on futures contracts for broad-based stock indexes and municipal bond indexes (Applicant states that such activities are consistent with *J.P. Morgan & Co., Incorporated*, 71 Federal Reserve Bulletin 251 (1985); *Citicorp*, 73 Federal Reserve Bulletin 220 (1987); and *Bankers Trust New York Corporation*, 71 Federal Reserve Bulletin 111 (1985)).

Activities Not Previously Approved

Applicant has also applied to purchase and sell for Company's own account municipal bond index futures contracts and options on such contracts for The Long-Term Municipal Bond Index, based on the Bond Buyer Municipal Bond Index. Applicant submits that since national and state member banks are permitted to trade in municipal bond index futures contracts, such contracts would also appear to fall within the range of securities that bank holding companies are authorized to underwrite and deal in under 12 CFR 225.25(b)(16).

In addition, Applicant has proposed that Company act as an FCM and provide investment advice with respect to corporate bond index futures contracts, specifically the Moody's Investment-Grade Corporate Bond Index futures contracts and The Long-Term Corporate Bond Index. Applicant contends that the execution and clearance as an FCM of corporate bond index futures contracts are functionally and operationally similar to securities brokerage and FCM activities with respect to municipal bond and stock index futures contracts previously approved by the Board.

Applicant has also applied for approval to acquire indirectly through Company 1.01 percent of the voting shares of Liberty Brokerage, Inc., New York, New York, an inter-dealer blind broker of government securities.

Applicant contends that its proposed acquisition of Company will provide Company with access to a substantial source of capital and a worldwide customer base, resulting in gains in efficiency and convenience and in increased competition in the government securities market and will not result in adverse effects.

In publishing the proposal for comment, the Board does not take any position on issues raised by the proposal under the BHC Act. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than May 13, 1988. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement 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.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, April 15, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-8713 Filed 4-20-88; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Trade Regulation; Packaging and Labeling; Information Collection Requirement

AGENCY: Federal Trade Commission.

ACTION: Application to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501–3518, for renewal of an existing clearance (OMB No. 3084–0063) for the rules implementing the Fair Packaging and Labeling Act, 15 U.S.C. 1453–1455 (1982) (FPLA). These rules are 16 CFR Part 500.

SUMMARY: The FTC issues rules implementing the FPLA in 1968. The rules establish requirements for the manner and form of the labeling of consumer commodities (as defined in the FPLA) with: (1) The identity of the commodity; (2) the name and place of business of the manufacturer, packer, or distributor; (3) the net quantity of contents; and (4) the net quantity of servings represented to be present. The rules also require sellers that make "cents off", "introductory offer", or "economy size" claims to keep records

for one year showing compliance with the FPLA.

The FPLA rules closely parallel the requirements of the statute and provide detailed guidance on how to comply with those requirements. The FTC has enforcement and responsibility over package disclosures on "consumer commodities" as defined in the FPLA. The Food and Drug Administration and the U.S. Department of Agriculture have analogous responsibilities covering foods, drugs, devices, and cosmetics and meat and poultry products, respectively. This application pertains only to matters within the Commission's jurisdiction.

This Request is that the existing clearance for these rules be extended. The rules have not been modified since the original clearance was granted. Nor has the marketplace changed in a way that would affect the burden estimate. As in the original application, the burden estimate is premised on the assumption that about 1.2 million entities are affected by the rules and that their disclosure and recordkeeping requirements require, on average, less than 10 hours effort beyond what would be devoted to labeling matters in the ordinary course of business.

DATE: Comments on this application must be submitted on or before May 23, 1988.

ADDRESS: Send comments to Don Arbuckle, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503. Copies of this application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Christian S. White, Assistant General Counsel Federal Trade Commission, Washington, DC 20580, (202) 326–2476.

James E. McCarty,

Acting General Counsel.

[FR Doc. 88–8771 Filed 4–20–88; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreement With Predominantly Black Colleges and Universities; Availability of Funds for Fiscal Year 1988

Introduction

The Centers for Disease Control (CDC), announces that competitive applications are being accepted to assist predominently black colleges and universities in enhancing the quantitative and qualitative skills of black undergraduate students in public health-related fields. The Catalog of Federal Domestic Assistance number is 13.283.

Authority

This cooperative agreement is authorized under section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act, as amended.

Background

The Centers for Disease Control is responsible for the Nation's efforts to "prevent unnecessary illness and death and to enhance the health of the American people." Its programs include a number of research laboratories, disease surveillance systems, disease prevention programs, and training programs. The report of the Secretary's Task Force on Black and Minority Health documents significant progress in the health status of Americans but suggests a continuing disparity in the morbidity and mortality experienced by blacks as compared with our Nation's population as a whole. This report states that in 1983, life expectancy reached 75.2 years for whites and 69.6 years for blacks. The life expectancy of blacks today was reached by whites in the early 1950s, a lag of about 30 years. The report also suggests the infant mortality rate of blacks is twice that of whites.

Biostatistics and epidemiology are essential elements in the process of solving the health problems of Americans. These disciplines are the basis for understanding, managing, and preventing disease and establishing health policies in a modern society. The need for quantitative health sciences has increased tremendously in the past decade. Yet, less than 3 percent of Americans trained in these fields are black.

Programs are needed to expand opportunities and experiences for black students and to encourage them to enter fields of public health, especially in biostatistics and epidemiology.

Predominently black colleges and universities offer a variety of degree programs and encourage students to explore numerous career options. Among these programs are interdisciplinary science curricula that incorporate a variety of health and research programs, including teaching programs in biostatistics, epidemiology, and other biomedical programs.

Those colleges and universities provide the best qualified applicant pool of black undergraduate students. They are sensitive to the needs of these students and provide avenues for these students to excel in a variety of fields. They have played a major role in increasing the representation of blacks in health fields. Through health science programs, students matriculate in broad-based, interdisciplinary curricula that will prepare them for entry into graduate health profession schools.

A unique set of resources exists in these institutions and at CDC for teaching and research in community health, particularly as it relates to blacks. Increasing the number of health researchers and their skills is an important goal of the predominently black colleges and universities and is consistent with the mission of CDC. This cooperative agreement aims to increase the number of black students interested in public health careers, especially in biostatistics and epidemiology, and to increase the quality of their skills and knowledge in these fields. Participation in this cooperative agreement increases the potential of these students as health research professionals and as candidates for graduate programs in public health and professional training programs such as the Epidemic Intelligence Service.

Availability or Funds

Approximately $150,000 will be available in Fiscal Year 1988 to award *one* cooperative agreement. It is expected that the agreement will begin on or about May 30, 1988, and depending upon the availability of funds, will be funded in 12-month budget periods within a 5-year project period. Funding in the second and subsequent years is subject to the availability of funds and satisfactory progress of the applicant in meeting the objectives of the cooperative agreement.

Eligible Applicants

Eligible applicants are predominantly black colleges and universities with a black enrollment of at least 51 percent, which offer undergraduate courses in Biostatistics, Epidemiology, and Computer Science in their curriculum.

Type of Assistance

The award resulting from this announcement will be a cooperative agreement.

Objectives and Collaborative Activities

A. Objectives

1. Provide participation of students in an 11-week summer program of intensive reserach and data analysis.

2. Provide opportunities for students to participate in research experiences covering data processing, epidemiologic

methodologies, and biostatistical techniques through lectures, homestudy courses, and computer-based self-study.

3. Provide practical work experience in the processing, analysis, and presentation of data through the study of existing data sets from the components of CDC under the direction of a CDC preceptor.

4. Increase the skills and knowledge of students in quantitative and qualitative science through research techniques and practical work experiences.

B. Cooperative Activities

1. Recipient Activities

a. Select a Project Director from the recipient institution to be responsible for administrative oversight of the cooperative agreement.

b. Select a Coordinator to provide management and planning of activities necessary for successful operation of the summer program. This includes recruitment, program operations, and program and course scheduling.

c. Select a Computer/Statistical Consultant to provide assistance to summer participants in programming and statistical concepts relevant to their research. This Consultant will also assist the Coordinator during the summer program. The consultant is responsible for overseeing the computer experiences (including the Roscoe and SAS Computer-Based Self-Study, and SAS programming). The consultant will also assist in the statistical analyses of the research projects.

d. Ensure an appropriate pool of applicants by identifying candidate students who have successfully completed (receiving a grade of at least a "B") one semester of Biostatistics or Epidemiology and who express interest in pursuing careers in Biostatistics or Epidemiology.

e. Establish criteria for competitive selection of students, including academic performance, likelihood of pursuing a career in the health field, reserach experience, and personal interviews.

f. Select students to participate in the summer program on the basis of established criteria.

g. Select representatives from the recipient institution to serve on an advisory committee for the summer program. The purpose of the advisory committee members is to:

—Be the liaison between their institution and the summer program.
—Review applications and/or interview students for the summer program to provide input that may be used by recipient in the selection process.
—Review data sets submitted by CDC to be analyzed by students during the summer.
—Evaluate the summer program and make suggestions for improvement.

h. Offer health-related courses in the curriculum to expose students to a variety of public health areas. These courses must include at least one semester (or equivalent) of Biostatistics, Epidemiology, and Computer Science.

i. Incorporate a practicum into the science curriculum to give students hands-on experience in various public health fields.

j. Select and provide mechanism for supporting students participating in the summer program. Students will be expected to reside in the Atlanta area during the 11-week summer program period. Travel and living expenses necessary for summer participants should be determined by the recipient institution. No student will be paid a salary. Students should be available to participate in program activities by June 6, 1988. Starting dates for future years will be negotiated with CDC.

2. CDC Activities

a. Provide consultation and advice to the Program Director, Program Coordinator, and Computer/Statistical Consultant regarding administrative planning and program evaluation for program development in future years.

b. Provide computer access to the Computer/Statistical Consultant, as necessary.

c. Provide representatives from CDC to serve on the advisory committee of the summer program in collaboration with representatives from the recipient institution.

d. Provide access to data sets, CDC mainframe computer, word processor, research activities and other facilities that would be beneficial to program participants in enhancing their research skills. Provide preceptors to guide and instruct participants in the analysis of data sets.

e. Provide meeting space and office space to the summer participants, the Coordinator, and the Statistical/Computer Consultant for activities to be carried out at CDC.

f. Provide staff to give seminars to students who are potential program participants.

g. Provide CDC staff to give technical support to implementation of public health-related courses including Epidemiology, Human Ecology, Health Services Administration, and Environmental Health.

h. Collaborate in program planning and provide consultation to participants' research in the summer program.

Reporting Requirements

Annual progress reports and an annual financial status report shall be submitted in accordance with 45 CFR Part 74, Subparts I and J, respectively. The progress reports should show project planning and progress, and highlight problem areas.

All reports shall be submitted to: Grants Management Office, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, GA 30305, Telephone: (404) 842-6575.

Application

A. Copies—Place of Submission

The original and two copies of the application must be submitted on Form PHS 5161-1 by May 2, 1988 to: Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, GA 30305.

Application forms may be obtained from the above address.

B. Deadlines

The applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the review group. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

C. Late applications

Applications which do not meet the criteria in either paragraph 1 or 2 immediately above are considered late applications and will not be considered in the current competition and will be returned to the applicant.

D. Reviews

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Application Review and Evaluation Criteria

A. Initial Applications

The application will be reviewed and evaluated based upon the following factors:

1. Evidence of the applicant's understanding of the problem and the purpose of the cooperative agreement.

2. The consistency of the measurable objectives with the stated purpose and timetable.

3. The adequacy of the applicant's plan to carry out the activities proposed.

4. The adequacy of the applicant's plan to monitor progress toward meeting the objectives of the project.

5. The extent to which the budget is reasonable, adequately justified, and consistent with the intended use of the cooperative agreement funds.

6. The applicant's capability to provide staff and resources necessary to perform the project.

B. Continuation Applications

1. A continuation application within the project period will be made on the basis of the following criteria:

a. The accomplishment of the current budget period should show that the applicant is meeting its objectives.

b. The objectives for the new budget period are realistic, specific, and measurable.

c. The methods described will clearly lead to the achievement of these objectives.

d. The evaluation plan will allow management to monitor whether the methods are effective in achieving objectives.

e. The budget request is clearly explained, adequately justified, reasonable, and consistent with the intended use of the cooperative agreement funds.

Application Content

The application for cooperative agreement must include:

A. A narrative that:

1. Describes the background and need for the cooperative agreement.

2. Provides a summary of current activities and projects related to this agreement.

3. Specifies both long-term and short-term objectives that are measurable, realistic, and attainable.

4. Describes a method of operation for achieving the stated long-term and short-term objectives that includes:

a. The specific activities that will be undertaken and a timetable for their completion including how students will be selected for the summer program, i.e., plan for identifying and evaluating potential participants.

b. How the information obtained will be analyzed and summarized.

c. How the applicant plans to collaborate with CDC.

5. Describes a plan for evaluating progress made toward meeting the objectives of the cooperative agreement.

B. A budget with accompanying justification.

C. Any other information which will support the request for assistance.

Information

Information on application procedures, copies of application forms, and other material may be obtained from: Terry Maricle, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, GA 30305 (404) 842-6511 or FTS 236-6511.

Technical assistance may be obtained from: Laurie Elam, Project Officer, Office of the Director, Training and Laboratory Program Office, 1600 Clifton Road, NE, Room 173 (24 Executive Park), Atlanta, GA 30333 (404) 639-1939 or FTS 236-1939.

Dated: April 15, 1988.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 88-8735 Filed 4-20-88; 8:45 am]

BILLING CODE 4160-18-M

Centers for Disease Control and Agency for Toxic Substances and Disease Registry; Public Health Conference Support Grant Program Announcement and Availability of Funds for Fiscal Year 1988

Introduction

The Centers for Disease Control (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR), announce the availability of funds for Fiscal Year 1988 for competitive grant applications for the partial support of non-Federal conferences in the areas of health promotion, and disease prevention information/education projects.

Authority

This program is authorized under section 301 of the Public Health Service Act, and Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by Section 110 of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Applicable regulations are set forth in 42 CFR 52, Grants for Research Projects. The Catalog of Federal Domestic Assistance number is 13.283.

Eligible Applicants

Eligible applicants include non-profit and for-profit organizations. Thus, universities, colleges, research institutions and public and private organizations, including State and local governments, and small, minority and/or woman-owned businesses are eligible for these conference support grants.

Program Background

CDC and ATSDR Support local, State, academic, national and international health efforts to prevent unnecessary disease, disability and premature death and to improve the quality of life. This includes educational efforts to transfer research findings and public health methods. Conferences and meetings between individuals involved in public health research, education, and application are critical to the overall goal of implementing new, cost-effective intervention strategies.

Objectives

This program will provide partial support for non-Federal conferences in health promotion and disease prevention information/education projects. Applications are being solicited for ATSDR for conferences on: (1) Health effects of toxic substances; (2) disease and exposure registries; (3) hazardous substance removal and remediation; (4) emergency response to toxic and environment disasters; (5), risk communication; (6) disease surveillance; and (7) investigation and research. The CDC special emphasis areas are: (1) disease preventioni; (2) chronic disease; (3) infectious diseases; (4) environmental health; (5) occupational safety and health; (6) health education and promotion; (7) laboratory practices; and, (8) injury control.

Availability of Funds

Approximately $500,000 will be available in Fiscal Year 1988 to fund approximately one to 30 awards. The awards will range from approximately $10,000 to $150,000 with the average award being approximately $60,000. The award will be funded with a 12-month annual budget period and a 1 to 2 year project period. The funding estimate outlined above may vary and is subject to change.

Use of Funds

Funds may *not* be used for the purchase of equipment, payments for honoraria, alterations or renovations, indirect costs, organizational dues, entertainment/personal expenses, cost of travel and payment of a full-time Federal employee, or to pay per diem or expenses other than local mileage for local participants.

Applications

A. Pre-Applications

Submission of pre-applications by potential applicants is strongly encouraged but not required as a prelude to receipt of funding of any application submitted under this announcement. Pre-applicants should be submitted to the Grants Management Officer at least three months prior to the submission due date. Pre-applications should include:

1. Title: Should include the term "conference," "symposium," "workshop," or similar designation to assist in the identification of the request;
2. Location of conference;
3. Expected registration;
4. Inclusive date of conference;
5. Conference objectives, format and projected agenda, including list of principal areas of topics to be addressed;
6. Physical facilities required for the conduct of the meeting such as simultaneous translation facilities;
7. Justification of the conference, including the problems it intends to clarify and the developments it may stimulate;
8. Brief biographical sketches of individuals responsible for planning the conference;
9. Information about all related conferences held on this subject during the last 3 years (if known); and
10. Preliminary total conference budget, with amount to be requested from CDC, and proposed sources of non-Federal funds.

CDC and ATSDR will review the pre-application and provide comments to the potential applicant within 30 days of receipt. This review is only to advise the potential applicant as to the potential interest in the proposed application. It is no guarantee that the application will be funded. The acceptance or rejection of a pre-application will not affect the review to be performed by the official objective review committee of the formal application.

B. Formal Applications

When completing the formal application, items 1 through 10 listed under Pre-Applications, above, should be specifically mentioned within the appropriate format.

Formal applications must also include a narrative which details the following:

1. Demonstration of need and purpose for the conference.
2. The conference objectives, target population, proposed agenda, other sponsors, and location.
3. Objectives for planning, conducting, and evaluating the conference.
4. An operational plan for planning, coordinating, and conducting the conference.
5. A total conference budget setting forth the CDC and applicant share, and justification which is consistent with the purpose, objectives, and operational plan of the conference, and the source(s) of non-Federal share. Use the Form PHS–5161–1 for budget submission.
6. Any other information that will support the request for assistance in co-sponsoring this conference.

C. Application Review and Evaluation Criteria

Applications will be reviewed and evaluated based on the following criteria:

1. Public health importance and significance of the conference.
2. Likelihood of accomplishing conference objectives as they relate to disease prevention and health promotion goals.
3. Capability of the proposed staff in relationship to the type conference.
4. Feasibility of the project in terms of operational plan.
5. Method of evaluating the results of the conference.
6. Adequacy of applicant's resources available for the project.
7. The appropriateness of the budget request.

D. Review and Award Schedule—Place of Submission

The original and two copies of the final application shall be submitted on Form PHS–5161–1 in accordance with the following schedule. The schedule also sets forth dates for objective review and anticipated award dates:

Deadline date	Objective review	Award date	Start date
Feb. 1	Mar. 1	Apr. 1	May 1
June 1	July 1	Aug. 1	Sept. 1
Oct. 1	Nov. 1	Dec. 1	Jan. 1

Final applications must be submitted on or before the deadline date to: Mr. Henry S. Cassell III, Grants Management Officer, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Atlanta, Georgia 30305.

Application forms should be available in the institution business office or from the above address.

E. Deadlines

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or
2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should request a legibly-dated U.S. Postal Service postmark or obtain a legibly-dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

F. Late Applications

Applications which do not meet the criteria in paragraph E, immediately above, are considered late applications and will not be considered in the current competition but will be held for consideration in the next review cycle.

G. Other Reviews

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Reporting Requirements

An original and 2 copies of final financial status and performance reports are due 90 days after the end of the budget/project period. The performance report should include (1) grant number; (2) title of the conference; (3) name of principal investigator, program director, or coordinator, (4) name of organization that conducted the conference, and (5) a list of individuals who participated in the formally planned sessions of the meeting. With the approval of CDC/ATSDR, copies of proceedings or publications resulting from the conference may be substituted for the final performance report, provided that they contain the information requested in items (1) through (5), above, of this paragraph.

Where To Obtain Additional Information

Information on application procedures, copies of application forms, and other material may be obtained from Ms. Nealean K. Austin, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Road, NE., Room 300, Atlanta, Georgia 30305, or by calling (404) 842–6575 or FTS 236–6575.

Technical assistance may be obtained from:

Centers for Disease Control

Ms. Joan W. Edmondson,
Training and Laboratory Program Office,
Centers for Disease Control,
1600 Clifton Road, NE., Mail Stop F02,
Atlanta, Georgia 30333,
Telephone: (404) 639–3631 or FTS 236–3631

Agency for Toxic Substances and Disease Registry

Ms. Georgi A. Jones,
Agency for Toxic Substances and Disease Registry,
1600 Clifton Road, NE., Mail Stop F29,
Atlanta, Georgia 30333,
Telephone: (404) 488–4620 or FTS 236–4620

Dated: April 15, 1988.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 88–8736 Filed 4–20–88; 8:45 am]

BILLING CODE 4160–18–M

Project Grants—Health Programs for Refugees; Program Announcement and Availability of Funds for Fiscal Year 1988

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1988 for Project Grants for Health Programs for Refugees (HPR).

Authority

This grant program is authorized by section 412(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1522(b)(5)), as amended by the Refugee Assistance Amendments of 1982, Pub. L. 97–363; and the Refugee Asistance Extension Act of 1986, Pub. L. 99–605. The Catalog of Federal Domestic Assistance Number is 13.987.

Eligible Applicants

Eligible applicants are the official State health agencies, and, in certain situations, health agencies of political subdivisions of a State. Direct grants to health agencies of political subdivisions will be considered for funding only in special situations which are clearly justified and after consultation with appropriate staff of the official State health agency, the Health Program for Regugees of the CDC, and the Regional Health Administrator, Public Health Service, of the appropriate Department of Health and Human Services (HHS) Regional Office.

Purpose

The purpose of this project grant program is to augment State and local resources in providing public health and general health assessments and follow-up activities to refugees.

The National Program Goals are: (1) As a high priority, to prevent and control health problems of public health significance among refugees, and (2) as a lesser priority incidental to the provision of services under (1), to improve the general health status of the refugee population through health assessment and referral, emphasizing those health problems which may impede effective resettlement and prevent economic self-sufficiency.

Availability of Funds

Approximately $3,602,000 is available to fund up to 46 continuation grants. Although new applications will be considered, priority for funding will be given to continuation of existing programs. The average award is expected to be $78,000, with individual awards ranging from $2,200 to $1,000,000. Depending on the availability of funds, grants are funded in 12 month budget periods within a 1 to 2 year project period. Funding estimates outlined above may vary and are subject to change. There is no statutory cost participation formula.

Application Content

Application for grants must be made on the standard application form PHS–5161–1, "Application For Federal Assistance (Nonconstruction Programs)", which may be obtained from the appropriate HHS Regional Office. A complete program description is included in the application packet.

1. *Competing Applications:* The program narrative for competing applications, including the initial application for a new project period, must include: (1) The need for project grant support; (2) a description of the public health problems peculiar to the health of refugees, and how the funding will be targeted to that problem, and expected results; (3) descriptions of alternative funding available from State, local, and private sources; (4) provisions for quarterly reports on progress in improving refugee health services; (5) how refugees will be integrated into existing health services; (6) the prospective grantee match rate, if any; (7) long- and short-term objectives which are specific, measurable, time-phased, and consistent with the National Program Goals; (8) an extensive description of the activities that will be undertaken to accomplish the objectives (including the timing of such actions; (9) the methods which will be employed to evaluate program activities; (10) a budget request and accompanying justification; and, (11) any other information which will support the request for grant assistance.

2. *Noncompeting Continuation Applications:* Noncompeting continuation applications must include: (1) A progress report on activities performed during the prior budget period; (2) short-term objectives for the new budget period; (3) a description of any changes in the method of operation, long-term objectives, need for grant support, and/or evaluation procedures compared to information provided in previous applications; (4) a plan to address those national goals not currently being addressed by the project; (5) a description of alternative funding available from State, local, and private sources; (6) summaries of the previous quarterly reports; (7) progress made on integrating refugees into existing health services; (8) the prospective grantee match rate, if any; and, (9) a budget justification.

Evaluation Criteria

1. *Competing Applications:* The application for a new grant or project period will be reviewed and evaluated according to the following criteria:

A. (30 points) Need for support, including:

(1) The size of the refugee population, including secondary migrants.

(2) The extent and distribution of unique refugee health problems and the extent and distribution of general refugee health problems.

(3) The relationship of the project to existing services.

(4) The extent of unmet public health problems among refugees, and the need for general health assessments for refugees.

B. (20 points) The magnitude of the applicant's match rate in FY 1988, if any, and any projected match rate increase over the two-year project period.

C. (5 points) The extent to which project objectives are specific, measurable, time-phased, and related to the National Program Goals.

D. (5 points) The quality of the applicant's plan for conducting project activities described in the program description, including the extent to which the planned program is consistent with the State Refugee Resettlement Plan

E. (5 points) The extent to which methods for evaluating the project's effectiveness are reasonable and appropriate.

F. (5 points) The extent to which budget request and proposed use of project funds are appropriate and reasonable.

G. (10 points) The extent to which refugees will be integrated into existing health services.

2. *Noncompeting Continuation Applications:* These applications will be evaluated on the basis of the following criteria:

A. (35 points) Satisfactory documentation of progress toward previously established objectives or a satisfactory explanation when objectives were not met.

B. (25 points) The magnitude of the grantee's match rate, if any, and the extent to which the match rate increased during the preceding grant period and will increase during the prospective grant period

C. (10 points) The extent to which new or revised objectives are specific, measurable, realistic, and related to the National Program Goals.

D. (10 points) The extent to which new or revised methods of operation will lead to achievement of the objectives.

E. (5 points) the quality of the evaluation plan proposed to be used in monitoring whether the methods are effective.

F. (5 points) The extent to which the budget request and proposed use of project funds are appropriate and reasonable.

G. (10 points) The extent to which refugees were and will continue to be integrated into existing health services.

Other reviews

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs (60-day review for new and competing applications and 30-day review for non-competing applications). The State Refugee Resettlement Coordinator should have an opportunity to review and comment on the application prior to its submission to the HHS Regional Office

Where to obtain additional information

Application forms and other application information may be obtained from the appropriate HHS Regional Office as set forth below. Consultation and assistance in developing applications and program plans are available through the appropriate Regional Health Administrator or the Health Program for Refugees, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333.

Dated: April 14, 1988.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

Department of Health and Human Services (HHS), Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, Room 3337, New York, New York 10278, (212) 264–2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291

Regional Health Administrator, PHS, HHS Region VIII, 1185 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 844–6163

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810

Regional Health Administrator, PHS, HHS Region X, 2901 Third Avenue, M.S. 402, Seattle, Washington 98121, (206) 442–0430

[FR Doc. 88–8737 Filed 4–20–88; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 87D-0407]

Index to Compliance Policy Guides Manual; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a current Index to the agency's Compliance Policy Guides (CPG) Manual. The two-page Index lists all of the chapter titles in the manual. A table of contents for each chapter title is also available at the Freedom of Information Staff office.

ADDRESS: Written requests for copies of the Index and/or the table of contents for a chapter of the CPG Manual to the Freedom of Information Staff (HFI–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Persons requesting copies will be charged 10 cents per page, the current cost for duplication of materials in response to freedom of information requests. At this time, the cost of duplicating the complete Index and table of contents is $8.00. This cost is subject to change, if new pages are added or the duplication rate is changed.

FOR FURTHER INFORMATION CONTACT: Anne Smith, Division of Compliance Policy (HFC–230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1500.

SUPPLEMENTARY INFORMATION: FDA's CPG Manual contains regulatory action guidance information and memoranda of understanding and interagency agreements.

The Index identifies chapter titles in the CPG Manual. The table of contents for a chapter title identifies specific CPG's within the chapters and their dates of issuance. Chapter titles are, for the most part, based on broad commodity categories, e.g., "Chapter 1—Beverage," "Chapter 2—Baked Goods," "Chapter 32—Drugs: General," etc.

At the end of each quarter, the Office of the Federal Register publishes a Guide to Freedom of Information Indexes in the **Federal Register** Index. This guide lists all available FDA manuals, a brief description of their contents, and purchasing information. Current indexes to all of these manuals, including the CPG Manual, are available from the Freedom of Information Staff (address above).

The complete CPG Manual may be ordered from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. To order, the current accession numbers for the CPG Manual are: Manual PB88–915499, Price $104.95; an annual subscription (for CPG Manual updates), PB88–915400, Price $135.00.

Dated: April 13, 1988.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–8779 Filed 4–20–88; 8:45 am]

BILLING CODE 4160-01-M

Arthritis Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Arthritis Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92.463, 86 Stat. 770–776 (5 U.S.C. App. I)).

DATE: Authority for this committee will expire on April 5, 1990, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: April 15, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–8780 Filed 4–20–88; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88M–0066]

IOPTEX, Inc.; Premarket Approval of the Model 304–01 Ultra C-Loop Posterior Chamber Intraocular Lens; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the notice that announced the agency's approval of the application by IOPTEX, Inc., Azusa, CA, for premarket approval, under the Medical Device Amendments of 1976, of the Model 304–01 Ultra C-Loop Posterior Chamber Intraocular Lens (53 FR 9984; March 28, 1988). The docket number in the heading of the notice inadvertently read "88N–0066". This document corrects the docket number to read "88M–0066", as set forth in the heading of this notice.

FOR FURTHER INFORMATION CONTACT: T. Rada Proehl, Regulations Editorial Staff (HFC–222), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 88–6639, appearing on page 9984 in the **Federal Register** of Monday, March 28, 1988, in the first column, the docket number is corrected to read "88M–0066", as set forth in the heading of this document.

Dated: April 15, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–8781 Filed 4–20–88; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Arthritis Advisory Committee

Date, time, and place. May 16 and 17, 1988, 8:30 a.m., Conference Rms. D and E, Parklawn Bldg, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, May 16, 1988, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, May 16, 1988, 9:30 a.m. to 4:30 p.m.; open committee discussion, May 17, 1988, 8:30 a.m. to 3:30 p.m.; David F. Hersey, Center for Drug Evaluation and Research (Rm. 8B–45), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in arthritis and related diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The Committee will discuss: (1) The status of revised Guidelines for the Clinical Evaluation of Anti-Inflammatory Drugs, (2) Suprol (suprofen), NcNeil Laboratories followup program, (3) the gastrointestinal paragraph in nonsteroidal anti-inflammatory drug (NSAID) labeling, (4) gastrointestinal adverse drug reaction followup, (5) Clinoril (sulindac), Merck Sharp and Dohme, urinary and biliary stone formation, (6) sulindac hepatic adverse drug reactions, (7) Voltaren (diclofenac), Ciba-Geigy liver paragraph, and (8) recent NSAID approvals and discussion of "not for initial use" status for NSAID's.

Peripheral and Central Nervous System Drugs Advisory Committee

Date, time, and place. May 19, 1988, 9 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, May 19, 1988, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to conclusion; Frederick J. Abramek, Center for Drug Evaluation and Research (HFN–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4020.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drugs for use in the treatment of neurological disease.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss the safety and efficacy of pergolide, NDA 19–385, Permax®, Eli Lilly & Co., for the treatment of Parkinson's disease.

Board of Tea Experts

Date, time, and place. May 23 and 24, 1988, 10 a.m., Rm. 700, 850 Third Ave., Brooklyn, NY.

Type of meeting and contact person. Open public hearing, May 23, 1988, 10 a.m. to 11 a.m.; open committee discussion, 11 a.m. to 4:30 p.m.; open committee discussion, May 24, 1988, 10 a.m., to 4:30 p.m., Robert H. Dick, New York Regional Laboratory, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212–965–5739.

General function of the committee. The committee advises on establishment of uniform standards of purity, quality, and fitness for consumption of all teas imported into the United States under 21 U.S.C. 42.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss and select tea standards.

Obstetrics-Gynecology Devices Panel

Date, time, and place. May 25 and 26, 1988, 9 a.m., Rm. 703A–727A, Health and Human Services Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, May 25, 1988, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, May 26, 1988, 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Colin M. Pollard, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

General function of the committee. The committee reviews and evaluates

available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Persons desiring to make formal presentations should notify the committee contact person before May 13, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The panel will discuss premarket approval applications for a fetal acoustic stimulator, a contraceptive tubal occlusion device, and an at-home tocodynamomometer for detection of preterm labor.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: April 15, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–8782 Filed 4–20–88; 8:45 am]

BILLING CODE 4160–01–M

Office of Human Development Services

Developmental Disabilities; Request for Public Comment on Proposed Developmental Disabilities Priorities for Projects of National Significance for Fiscal Year 1989

AGENCY: Administration on Developmental Disabilities (ADD), Office of Human Development Services (HDS).

ACTION: Notice of request for public comment on proposed developmental disabilities priorities for projects of national significance for Fiscal Year 1989.

SUMMARY: The Administration on Developmental Disabilities, Office of Human Development Services, announces that public comments are being requested on proposed priorities for Fiscal Year 1989 projects of national significance.

In addition to public comments on these proposed priorities, comments and suggestions on other grant projects are invited. *No applications should be submitted at this time based on these priorities.*

DATE: Closing date for receipt of public comments is: June 20, 1988. Comments received after this date may not be considered.

ADDRESSES: Comments should be sent to: Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, 200 Independence Avenue SW., HHH Building, Room 351–D, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Raymond Sanchez, Director, Program Development Division, ADD (202) 245–1961.

SUPPLEMENTARY INFORMATION:

Part I. Background

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities, within the Office of Human Development Services, although different from the other HDS program administrations in the specific populations it serves, shares a common mission: to reduce dependency and increase self-sufficiency among our most vulnerable citizens. Emphasis on this mission, and progress toward it, will help more persons with developmental disabilities live productive and independent lives, integrated into communities.

Public resources are no longer being expended at a rapid pace without considerable forethought. We have left an era when the trend was to assign to the Federal government an ever-increasing responsibility for identifying the needs for social services and for designing programs to meet those needs. Public policy now articulates that public decisions are best made at the level of government closest to the target populations served—by elected State

and local officials, and by those who manage at the State and local levels, including government officials, private organizations, voluntary organizations, schools or religious organizations.

Therefore, specific ADD goals have been adopted which reflect the policy that social service needs are more effectively and efficiently defined and addressed at the State and local community level—to the end that individuals with a developmental disability and their families are helped to achieve self-sufficiency and independence. These goals are:

- To increase family and individual self-sufficiency and independence through social and economic development strategies;
- To target Federal assistance to the most severely disabled; and
- To improve the effectiveness and efficiency of State and locally administered human services.

B. Purpose of the Administration on Developmental Disabilities

The overall purpose of the Administration on Developmental Disabilities, as specified by the Developmental Disabilities Assistance and Bill of Rights Act (the Act), is to provide assistance to States and public and private nonprofit agencies and organizations to ensure that all persons with developmental disabilities can receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence, productivity and integration in the community. The statute emphasizes that persons with developmental disabilities include those with severe functional limitations attributable to physical impairments, mental impairments, and combinations of physical and mental impairments. In addition, ADD seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential as well as ensuring the protection of the legal and human rights of persons with developmental disabilities. Programs funded under the Act are:

- Basic State formula grants;
- System for protection and advocacy of individual rights;
- Grants to University Affiliated Programs for interdisciplinary training, exemplary services/technical assistance and information dissemination; and
- Grants for Projects of National Significance.

C. Description of Projects of National Significance

Under Part E of the Act, grants and contracts are awarded for projects of national significance to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities. These include projects to:

- Educate policymakers;
- Develop an ongoing data collection system;
- Determine the feasibility and desirability of developing a nationwide information and referral system; and
- Pursue Federal interagency initiatives and other projects of sufficient size and scope, and which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities (especially those who are multi-handicapped or disadvantaged, or minority groups, including Native Americans, Native Hawaiians, and other underserved groups).

In addition, funds are awarded for technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving the advocacy functions of the State Developmental Disabilities Planning Councils, the functions performed by University Affiliated Programs and Satellite Centers, and the Protection and Advocacy System relating to the State projects for the evaluation and assessment of the quality of services provided persons with developmental disabilities.

Section 162(c) of the Act requires that ADD publish in the **Federal Register**, not later than January 1 of each year, proposed priorities for grants and contracts to carry out Projects of National Significance in the upcoming fiscal year. The Act also requires a period of 60 days for public comment and suggestions. After analyzing and considering such comments, ADD must publish in the **Federal Register** the final priorities for such grants and contracts.

The following section presents the proposed priority areas for Fiscal Year 1989 Projects of National Significance. We welcome specific comments and suggestions. We would also like to receive suggestions on topics which are timely and relate to specific needs in the field of developmental disabilities.

Part II. Fiscal Year 1989 Proposed Priority Areas for Projects of National Significance

ADD is interested in comments and recommendations concerning research, demonstration, evaluation, training or technical assistance projects which address areas of existing or evolving national significance.

Recommendations are also solicited for project activities which will assist in bringing about systemic change to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities (especially those who are multi-handicapped or disadvantaged, or minority groups, including Native Americans, Native Hawaiians and other underserved groups).

The actual solicitation of FY 1989 applications will be published in the **Federal Register** as part of the HDS Fiscal Year 1989 Coordinated Discretionary Program announcement anticipated for publication later in 1988. *No proposals, concept papers or other forms of application should be submitted at this time.* Any such submission will be discarded.

No acknowledgments will be made of the comments in response to this notice, but all comments will be considered in preparing the priorities for developmental disabilities activities to be included in the Fiscal Year 1989 HDS Coordinated Discretionary Grants Program Announcement. A copy of this announcement will be sent to all persons who comment on the proposed priority areas for Fiscal Year 1989.

Comments should be addressed to: Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, HHH Building, Room 351–D, 200 Independence Avenue SW., Washington, DC 20201.

Proposed FY 1989 Priority Areas for Projects of National Significance

Proposed Fiscal Year 1989 Priority Area 1: Projects To Assist and Educate Policymakers

There is a need to provide information to policymakers on critical issues pertaining to developmental disabilities. We propose the following:

1.A. Prevention and Early Intervention

To develop tools and procedures to enable the analysis and assessment of the adequacy of existing State policies and practices on prevention of developmental disabilities; to develop models of interdisciplinary training and multi-organizational involvement (Head Start, University Affiliated Programs, and Maternal and Child Health centers) needed to effect measureable progress in ameliorating the effects of developmental disabilities.

1.B. Family Support Practices

To assist policymakers to resolve specific barriers to home-based care in insurance practices and home-health care standards, without disrupting the important involvement of informal, natural sources of family support; and to promote cost effectiveness and quality in the provision of family support service and activities.

Proposed Fiscal Year 1989 Priority Area 2: Technical Assistance Projects To Assist State Planning Councils, University Affiliated Programs, and the State Protection and Advocacy System

Section 162(a)(2) of the Act provides that the Secretary may make grants and enter into contracts with public or non-profit private agencies for technical assistance and demonstration projects which hold the promise of expanding or otherwise improving:

- The advocacy functions of the State Planning Council;
- The functions performed by University Affiliated Programs and Satellite Centers; and
- The protection and advocacy services relating to the State protection and advocacy system.

We propose the following:

2.A. Community Integration

Identify or develop community based models of successful social integration which have effected the acceptance of persons with developmental disabilities as neighbors and friends.

2.B. Personnel Shortages

Develop training material and/or curricula which addresses existing personnel shortages in community based programs. ADD is seeking projects which will promote entrance and retention of persons in careers and vocations working with persons who are developmentally disabled.

Proposed Fiscal Year 1989 Priority Area 3: Other Projects of National Significance

For the past seven years, the HDS Coordinated Discretionary Funds Program (CDP) has brought the major portion of the HDS research and demonstration funding efforts under one solicitation announcement.

Through the CDP, two or more Program Administrations within HDS have addressed an important issue or need in which each has program and discretionary interest. For example: several social service needs or issues relating to children with developmental disabilities may be of program/discretionary interest not only to ADD, but also to ACYF (special needs adoption and foster care) and ANA (Indian child welfare).

In FY 1989, ADD proposes to support projects in cooperation with other HDS Program Administrations in the following:

3.A. Integrated Child Development and Educational Environment

To identify causes of social isolation of children with developmental disabilities in preschool and school settings and to develop strategies for eliminating those identified barriers.

3.B. Children with HIV and Its Related Conditions

To investigate the emerging health and social service needs of infants and children with Acquired Immune Deficiency Syndrome (AIDS) or who test positive for Human Immunodeficiency Virus (HIV), including children to age 22, and to identify the emerging trends in integrated medical and social services to meet their needs and those of their families.

3.C. Early Intervention

In conjunction with the Department of Education, to identify those policies, best practices in interdisciplinary training, and cooperative efforts at the State and local levels that result in the early identification of and provision of services to handicapped children (Education of the Handicapped Act).

3.D. Substance Abuse

To identify policies, best practices, and cooperative efforts developed by University Affiliated Programs, Developmental Disabilities Councils and Protection and Advocacy agencies, and by States and local communities that result in training service providers for the early identification, prevention and treatment of substance abuse, including fetal alcohol syndrome.

(Federal Catalog of Domestic Assistance Number 13631 Developmental Disabilities-Special Projects)

Date: April 15, 1988.

Carolyn Doppelt Gray,

Commissioner, Administration on Developmental Disabilities.

Approved: April 15, 1988.

Sydney Olson,

Assistant Secretary for Human Development Services.

[FR Doc. 88-8749 Filed 4-20-88; 8:45 am]

BILLING CODE 4130-01-M

[Program Announcement No. 13631-88-3]

Developmental Disabilities; Availability of Financial Assistance for Projects of National Significance for Fiscal Year 1988

AGENCY: Administration on Developmental Disabilities (ADD), Office of Human Development Services (HDS).

ACTION: Annoucement of availability of financial assistance for projects of national significance in Fiscal Year 1988.

SUMMARY: The Administration on Developmental Disabilities, Office of Human Development Services, announces that applications are being accepted for funding of Fiscal Year 1988 projects of national significance.

This program annoucement consists of five parts. Part I, the Introduction, discusses the goals and objectives of HDS and ADD. Part II provides the necessary background information on ADD for applicants. Part III describes the priorities under which ADD solicits applications for Fiscal Year 1988 funding of projects. Part IV describes the application process and Part V describes in detail how to prepare and submit an application. All of the forms and instructions necessary to submit an appalication are published as part of this announcement following Part V.

No separate application kit is either necessary or available for submitting an application. If you have a copy of this announcement, you have all the information and forms required to submit an application.

Grants will be made under this program announcement subject to the availability of funds for support of these activities.

DATE: Closing date for receipt of applications is: June 20, 1988.

ADDRESSES: Applications should be sent to: Office of Human Development Services, Division of Grants and Contracts Management, 200 Independence Avenue SW., HHH Building, Room 349-F, Washington, DC 20201, Attention: HDS-88-3, Priority Area:_____.

FOR FURTHER INFORMATION CONTACT: Raymond Sanchez, Director, Program Development Division, ADD (202) 245-1961.

SUPPLEMENTARY INFORMATION:

Part I. Introduction

Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities, within HDS, although different from the other HDS program

administrations in the specific populations it serves, shares a common mission: to reduce dependency and increase self-sufficiency among our most vulnerable citizens. Emphasis on this mission, and progress toward it, will help more persons with developmental disabilities live productive and independent lives, integrated into communities.

Public resources are no longer being expended at a rapid pace without considerable forethought. We have left an era when the trend was to assign to the Federal government an ever-increasing responsibility for identifying the needs for social services and for designing programs to meet those needs. Public policy now articulates that public decisions are best made at the level of government closest to the target populations served—by elected State and local officials, and by those who manage at the State and local levels, including government officials, private organizations, voluntary organizations, schools or religious organizations.

Therefore, specific ADD goals have been adopted which reflect the policy that social service needs are more effectively and efficiently defined and addressed at the State and local community level—to the end that individuals with a developmental disability and their families are helped to achieve self-sufficiency and independence. These goals are:

- To increase family and individual self-sufficiency and independence through social and economic development strategies;
- To target Federal assistance to the most severely disabled; and
- to improve the effectiveness and efficiency of State and locally administered human services.

Part II. Background Information

A. Purpose of the Administration on Developmental Disabilities

The overall purpose of the Administration on Developmental Disabilities, as specified by the Developmental Disabilities Assistance and Bill of Rights Act (the Act), is to provide assistance to States and public and private nonprofit agencies and organizations to ensure that all persons with developmental disabilities can receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence, productivity and integration in the community. The statute emphasizes that persons with developmental disabilities include those with severe functional limitations attributable to physical impairments, mental impairments, and combinations of physical and mental impairments. In addition, ADD seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential as well as ensuring the protection of the legal and human rights of persons with developmental disabilities. Programs funded under the Act are:

- Basic State formula grants;
- System for protection and advocacy of individual rights;
- Grants to University Affiliated Programs (UAPs) for interdisciplinary training, exemplary services/technical assistance and information dissemination; and
- Grants for Projects of National Significance.

B. Description of Projects of national Significance

Under Part E of the Act, grants and contracts are awarded for projects of national significance to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities. These include projects to:

- Educate policymakers;
- Develop an ongoing data collection system;
- Determine the feasibility and desirability of developing a nationwide information and referral system; and
- Pursue Federal interagency initiatives and other projects of sufficient size and scope, and which hold promise of expanding or othewise improving opportunities for persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, or minority groups, including Native Americans, Native Hawaiians, and other underserved groups).

In addition, funds are awarded for technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving the advocacy functions of the State Developmental Disabilities Planning Councils, the functions performed by University Affiliated Programs and Satellite Centers, and Protection and Advocacy Agencies relating to the State projects for the evaluation and assessment of the quality of services provided persons with developmental disabilities.

On December 30, 1987 (as mandated by the Act), a notice soliciting comments on ADD's proposed priority areas for Fiscal Year 1988 Projects of national Signifcance was published in the **Federal Register.** A 60 day period was required to allow the public to comment on the proposed areas. After review and analysis of these comments, ADD was required to publish its final priorities.

ADD received 53 letters and a total of 129 comments from national organizations, advocacy groups, educators, representatives from State, county and local government offices, and private citizens. The comments we received were helpful in highlighting the concerns of the developmental disabilities field and have been extensively used in formulating these final priorities.

The following section presents the final priority areas for Fiscal Year 1988 Projects of National Significance and solicits the appropriate applications.

Part III. Fiscal Year 1988 Priority Areas for Projects of National Significance

Priority Area 1: Projects to Educate Policymakers

There is a need to provide information to policymakers on critical issues pertaining to developmental disabilities.

1.A. Family Support

Both the Education of the Handicapped Act and the Developmental Disabilities Assistance and Bill of Rights Act place emphasis on the role of the family in the lives of persons with developmental disabilities. Typically, the family has been perceived as meaning the parents or relatives of persons with developmental disabilities. However, as more and more persons with developmental disabilities take their place in communities and acquire greater independence, the family must also mean households headed by persons with developmental disabilities. Families in either context are likely to require supportive services in order to remain intact and functional, often coordinated among a variety of agencies.

Under this priority area, ADD is interested in a synthesis of evaluation projects and policies which have proven successful in making available to families essential services and other types of supportive mechanisms at the State, county or local level.

ADD expects to fund projects in this priority area for a maximum of $200,000 each year in Federal funds for a period of up to 24 months.

1.B. Integrated Employment of Persons with Developmental Disabilities

There has been a significant amount of time, personnel, and financial resources devoted to expanding employment opportunities for adults

with developmental disabilities. Innovative utilization of existing technologies and the development of new technologies have yielded a number of new approaches toward expanding transitional, supported and/or competitive employment to serve persons with severe disabilities. These approaches have opened new options to persons who previously were considered to be unemployable.

There is a need at this time to determine where we have been in order to guide the progress of future efforts. Therefore, ADD is interested in a survey of the best practices in the current movement toward integrated employment for persons with developmental disabilities.

ADD has funded a number of projects in the past that relate to employment transition, direct placement and training, information dissemination, intra-state collaboration, marketing techniques, training potential employees, and employee assistance programs. More information on specific projects may be obtained by contacting Raymond Sanchez at (202) 245–1961.

The purpose of the project will be to identify administrative designs, program activities, staffing patterns and economic factors characteristic of programs providing supported, transitional and competitive employment opportunities for adults with severe disabilities, both those operated directly by governmental units and those operated by non-governmental organizations.

The outcomes to be realized through this project will include the identification of current and exemplary practices in the area of supported, transitional and competitive employment. Specific results to be expected will include: an understanding of the impact of certain economic factors upon the best practices, and recommendation of strategies which will help Federal, State and local policymakers to assist facilities, agencies, and organizations serving persons with developmental disabilities to adopt elements of the best practices in the field toward even more widespread integrated employment efforts.

ADD expects to fund projects in this priority area for a maximum of $150,000 each year in Federal funds for a period of up to 24 months.

Priority Area 2: Projects to Develop an Ongoing Data Collection System

There is a need for an ongoing data collection system that will support the State Developmental Disabilities Planning Councils, Protection and Advocacy Agencies, and University Affiliated Programs (UAPs), in providing data to meet State and UAP reporting requirements as well as document progress made to improve the independence, productivity and integration into the community of persons with developmental disabilities.

While it is difficult to fully anticipate the range of demands that may be made of the ongoing data base, there are three primary questions which should be addressed by the applicants under this priority area:

(1) What data bases of national scope currently exist and would be available for building a national data base?

(2) What additional data bases must be developed to augment available national data bases?

(3) What collateral data, currently available but not in the form of organized data bases, would complement the national data base?

The development of an ongoing data collection system should build on the several existing national data sets currently maintained on residential services, expenditures, vocational services, and program impact. In addition, consideration should be given to the collection of data on the types of services being provided, demographics of persons receiving and not receiving services, and the impact of services on clients, especially underserved populations. The data generated by the system will be used to assist States to develop reports on the nation's ability to coordinate service delivery systems which meet the needs of persons with developmental disabilities.

ADD expects to fund projects in this priority area for a maximum of $200,000 each year in Federal funds for a period of up to 24 months.

Priority Area 3: Other Projects of National Significance

3.A. HIV/Human Immunodeficiency Virus and AIDS/Acquired Immune Deficiency Syndrome

Our educational, social services, health care and legal systems must be prepared to face a serious challenge during the coming decade. By the end of 1991, the Centers for Disease Control (CDC) have estimated 270,000 cases of the human immunodeficiency virus (HIV) and its related conditions (AIDS) will have occurred since the disease was first recognized. 145,000 persons with AIDS will need health and supportive services, and are very likely to rapidly inflate demand on the human services delivery system.

Current research has not specifically focused on the 25 million adolescents aged 13 to 19, relatively few have been identified as having AIDS or related conditions. However, many aspects of the lifestyles of young people place them directly in the path of the AIDS epidemic.

Infants and children who are HIV-positive are at extremely high risk of being or becoming developmentally disabled. CDC estimates that by 1991, there will be 10,000–20,000 HIV-infected infants and children. An estimated 78 to 93 percent of infants and children with HIV or related conditions will incur some degree of central nervous system dysfunction.

ADD is interested in projecs that address the impact of HIV/AIDS on the lives of children, adolescents, and adults with developmental disabilities. Of particular interest are projects which focus on the non-medical service needs of:

(a) Infants and children infected with HIV and/or AIDS.

(b) Adolescents and adults with developmental disabilities who are at risk of acquiring HIV and/or AIDS.

Projects should address the educational, social services, and legal rights concerns surfaced by AIDS. Such efforts should include the development of a DD network information exchange that will coordinate current efforts in the field; a study of the impact of HIV and related conditions on the service systems that serve persons with developmental disabilities; and the development of model guidelines and procedures to protect confidentiality covered by Section 504 and the Civil Rights Restoration Act.

ADD expects to fund projects in this priority area for a maximum of $200,000 each year in Federal funds for a period of up to 24 months.

3.B. Meeting the needs of persons with mental retardation and mental illness

Epidemiological data indicate that persons with mental retardation are more at risk for developing mental health problems due to the complex nature of their disability. The data indicate that approximately 20–35 percent of persons with mental retardation will develop significant mental health problems which meet the diagnostic and statistical manual criteria for mental illness. Although estimates vary, this compares with a rate in the non-mentally retarded population of 16–20 percent with mental illness.

National survey data indicate that each State has approximately 1,000–2,000 persons with mental retardation who have significant mental health

needs for which current services are incomplete or inadequate. In efforts to improve services, additional knowledge is greatly needed in addressing this population's unique needs. There is currently no organized national system specifically mandated to serve these individuals with concomitant needs and oftentimes neither the mental health system nor the mental retardation system are able to fully address these person's needs.

The purpose of this priority area is twofold. The first part of the priority area will focus on the need to provide information and referral services to families and consumers, training to professionals in both the mental health and mental retardation fields, and dissemination of state-of-the-art information to DD network agencies and other mental health and mental retardation agencies.

Examples of activities which can be undertaken by the applicant under the first part of this priority area include:

- Establish a national hotline whereby consumers, parents, agency personnel, and local, State or Federal programs could call to ask questions on how to best provide services to this special population. This includes establishing a psychopharmacological consultation service for physicians and medical staff who could call for the latest information regarding individual consumer needs vis-a-vis their pharmacological issues and management.
- Establish a nationwide training program which would provide regional training seminars for individual States in setting up an ongoing continuing education program which can best meet the needs of consumers. In addition, develop additional training materials (identified after surveying the field) which would result in "publications of significance" including books, monographs, videotapes, etc.
- Coordinate with model research programs in which research data collected can be pooled for comprehensive investigation of this population.

ADD expects to fund projects in this part of the priority area for a maximum of $200,000 each year in Federal funds for a period of up to 24 months.

The second part of this priority area will focus on the development of advocacy models to improve the provisions of services to persons with mental retardation and mental illness (MR/MI). Priority should be given to the development of advocacy methodologies to bring about enhanced collaboration of the mental health and mental retardation agencies in meeting the needs of persons with MR/MI.

Grants awarded under this part of the priority area may be jointly funded by the Administration on Developmental Disabilities and the National Institute on Mental Health. Agencies which provide protection and advocacy services for persons with mental retardation and mental illness are encouraged to apply.

ADD expects to fund projects in this part of the priority area for a maximum of $100,000 each year in Federal funds for a period of up to 24 months.

3.C. Best Practices for Minority Populations

Despite the phenomenal growth and development of the social services network and its capacity to diagnose, treat, and provide care, Blacks, Hispanics, Native Americans, and those of Asian/Pacific Islander heritage appear to have not benefited fully or equitably from these systems and services. Although tremendous strides have been made in improving the health and longevity of the American people, statistical trends show a persistent and distressing difference among underserved minorities who have a developmental disability in the utilization of the social services network.

Evidence suggests that underserved minority persons with a developmental disability cannot be treated as part of a single homogeneous group. While there are many programs that have the potential for significant impact on improving the status of minorities with disabilities, ADD is interested in projects that will respond to a collaborative and coordinated effort to address the longstanding disparity between the minority and nonminority population in their effort to fully utilize the social services and health systems.

This priority area has two parts. The first part should address strategies that are amenable to:

- Immediate improvement within the health and social services system,
- Identifying areas where greater public and private involvement in a common effort will eliminate areas of disparity
- Demonstrating best practices in outreach activities, and
- Identifying new strategies to ameliorate inequities in accessing services between disabled minorities and nonminorities.

ADD expects to fund projects in this part of the priority area for a maximum of $150,000 each year in Federal funds for a period of up to 24 months.

In addition, while there have been many programs designed specifically for minority students, recruitment and retainment were not the primary focuses. The second part of this priority area will, therefore, focus on the identification of exemplary methods and programs that have been successful in recruiting, retaining, and increasing the number of minority students in educational programs leading to careers involved with persons who are developmentally disabled. ADD will consider projects that:

- Examine best practices in the recruitment and retention of minority students in educational programs leading to careers involved with persons who are developmentally disabled; and
- Have shown successful working relationships between Historically Black Colleges and other institutions of higher education in developing curricula pertinent to the field of developmental disabilities.
- ADD expects to fund projects in this part of the priority area for a maximum of $150,000 each year in Federal funds for a period of up to 24 months.

3.D. Service Needs of Criminal Offenders Who Are Developmentally Disabled

There is a need to expand and share knowledge in the field with regard to the service needs and legal rights of criminal offenders with developmental disabilities. ADD is specifically interested in evaluating and synthesizing information from the many programs across the country which have attempted to address the issues and to provide corrective programming to criminal offenders with developmental disabilities.

ADD has funded two projects in this area during the past five years:

- "Dissemination of Nebraska's Model Response to Developmentally Disabled Offenders", a project implemented by the State Department of Health, Division of Developmental Disabilities, in 1984—1986; and
- "Monroe County Comprehensive Demonstration and Training Project for the Alleged DD Offender", supported in 1983—1985 at the University of Rochester School of Medicine, Department of Pediatrics.

Additional information about these two projects may be obtained by contacting Ray Sanchez, ADD, at (202) 245–1961.

The two projects above are among numerous other efforts at the local, State and national levels which have focused on this area of need. To address continuing concerns in this area, ADD proposes to fund an evaluation of programs which address both service

needs and legal issues, including a synthesis of the evaluation information which may be used to select model programs most appropriate for replication in a specific setting. The outcome of any project funded under this priority area should be a guide which can be used by policy makers and program developers to select successful models or components of models which would be appropriate for replication within their jurisdictions.

Agencies which provide protection and advocacy services for persons with developmental disabilities are encouraged to apply under this priority area.

ADD expects to fund projects for a maximum of $100,000 in Federal funds for a maximum period of 24 months.

3.E. Elderly Persons with Developmental Disabilities

The current number of older persons with developmental disabilities will dramatically increase by the year 2000. This change has stimulated a growing awareness for a better understanding of the needs of elderly persons with developmental disabilities. Only during the past decade has the attention of gerontology been significantly focused on elderly persons with developmental disabilities.

Special efforts will be required to stimulate the development and expansion of services that meet the specific needs of elderly persons with developmental disabilities and integrate elderly persons into existing service systems. Current data suggests that the service systems have not fully focused on the special needs of the older persons with developmental disabilities. There continues to exist a difference in the quantity and quality of services that address the needs of elderly persons with developmental disabilities.

ADD is interested in projects that will respond to a collaborative and coordinated effort of Area Agencies and State Agencies on Aging, and other public and private institutions in cooperation with Aging agencies in the development of:

- Educational materials and training programs that address health care, day programming, residential options/arrangements, and retirement options to redirect the pace and focus of activities for elderly persons with developmental disabilities consistent with individual interests and in community integrated settings;
- Replication of community-based health care delivery models for elderly persons with developmental disabilities which build upon, enhance and involve the generic care system for aging persons; and
- Collaborative technical assistance with State and local agencies/organizations in planning and public policy development to integrate or otherwise assist the older persons with developmental disabilities to obtain services.

ADD expects to fund projects in this priority area for a maximum of $125,000 each year in Federal funds for a period of up to 24 months.

Priority Area 4: Technical Assistance to State Developmental Disabilities Planning Councils, Protection and Advocacy Agencies, and University Affiliated Programs

Section 162(a)(2) of the Act requires that ADD conduct technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving the advocacy functions of the State Developmental Disabilities Planning Councils, protection and advocacy system of Protection and Advocacy Agencies, and functions performed by University Affiliated Programs and Satellite Centers.

Applications may include but not be limited to:

(1) Identification, dissemination and training on indicators for use by the developmental disabilities network to measure the quality of life of persons with developmental disabilities.

(2) Management training, continuing peer reviews, skill building, and legal training for Protection and Advocacy Agencies.

(3) Arrange for and coordinate the provision of technical assistance to State Developmental Disabilities Councils in the development of the policy analyses to be prepared by 1990:

(a) Develop methodologies to determine the policy implications of the results of consumer surveys and how to relate that data to analyses of national statistical data bases;

(b) Develop approaches to identifying State-determined eligibility criteria (versus federally established criteria) which affect access to services by persons with developmental disabilities.

(4) Assistance to University Affiliated Programs and Satellite Centers on planning and policy analysis across the DD network agencies and programs.

ADD expects to fund projects in this part of the priority area for a maximum of $100,000 each year in Federal funds for a period of up to 12 months.

Part IV. The Application Process

This part provides necessary background information for potential applicants. The specific information to be used is developing an application is contained in Part V.

A. Eligible Applications

In general, any State, public or private nonprofit organization, institution or agency may submit an application under this announcement. Individuals are not eligible to apply.

We encourage applications that are developed jointly by State, local and community-based social services agencies, or universities, since this helps to coordinate local resources. For these applications, a lead organization must be identified, and that organization must be an eligible applicant.

B. Available Funds

Depending on the availability of funds, ADD expects to award grant projects in FY 1988 for projects of national significance. Project period length is expected to range from 12 to 24 months for each grant award. ADD may also award a number of grants under this announcement in the first and second quarters of FY 1989.

C. Grantee Share of the Project

Under the Projects of National Significance Program, ADD does not make grant awards for the entire project cost (with the exceptions described below). The grantee share amounts to 25 percent of the entire project cost. That is, successful applicants must contribute $1 from non-Federal sources for every $3 received in Federal funding up to the limits specified in the priority area description in this announcement.

The first exception relates to applications originating from American Samoa, Guam, the Virgin Islands or the Northern Mariana Islands. Applicants from these territories are covered by Section 510(d) of Public Law 95–134, which requires the Department to waive "any requirement for local matching funds under $200,000" for these territories.

The second exception relates to research projects where the non-Federal share must comprise at least 5 percent of the total project cost.

The non-Federal share of total project costs for each budget period may be in the form of grantee-incurred costs and/or third party in-kind contributions. HDS strongly encourages applicants to propose a grantee share which is more than 25 percent of the project costs. HDS also encourages applications where the matching requirement will be met in

cash (as opposed to in-kind contributions) from non-Federal funding sources.

If the required non-Federal share is not met by a grantee for each budget period during the project period, HDS will disallow any unmatched Federal dollars. The amount of the non-Federal share required will be the amount proposed by the applicant. If the proposed share exceeds 25 percent, the applicant will be required to provide the additional cost-sharing or matching. Therefore, applicants should be sure of any amount proposed as match before including these funds in their budgets.

D. Application Consideration

Applications that conform to the requirements of this program announcement will be reviewed and scored competitively against the valuation criteria specified in Part IV.H.2 of this announcement by non-Federal experts in the field of developmental disabilities. In addition, applications will be evaluated by Federal officials and qualified persons from outside the Federal government. The results of this review are a primary factor used for making funding decisions about an application. Applications which do not meet the screening criteria listed in Part IV.H.1 will not be reviewed and will receive no further consideration for funding.

ADD also solicits comments from other Federal Departments, from Federal and Regional Office staff, from interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with such other factors as the geographic distribution of funding and the compatibility of applications with HDS priorities, will be considered by the Commissioner in consultation with the Assistant Secretary for Human Development Services in making funding decisions.

E. Consideration for Funding

Within the limits of available Federal funds, ADD makes financial assistance awards consistent with the purposes of the statutory authority governing the Projects of National Significance Program. In making these decisions, preference will be given to applications which focus on or feature: minority populations; a substantial innovation that has the potential to improve theory or practice in the field of human services; a model practice or set of procedures that hold the potential for dissemination to, and utilization by, organizations involved in the administration or delivery of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the possibility of a large degree of benefit for a small Federal investment; and a programmatic focus on those most in need.

To the extent possible, final decisions will reflect the equitable distribution of assistance among the States, geographical areas of the nation, rural and urban areas, and ethnic populations. ADD also takes into account the need to avoid wasteful duplication of effort in making funding decisions.

ADD reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant.

F. Funding Limitations on Indirect Costs

Applicants should be aware that for training projects to institutions of higher education, hospitals, and other nonprofit institutions, there is a limitation on Federal reimbursement of indirect costs to eight percent of the total allowable direct costs or, where a current agreement exists, the organization's negotiated indirect cost rate, whichever is lower. For all other applicants, indirect costs may be requested only if the applicant has a negotiated indirect cost rate with the Department's Division of Cost Allocation or with another Federal agency. Local government agencies (other than local education agencies) are not required to submit their indirect cost proposals unless requested by HDS. If an organization does not have a negotiated indirect cost rate, it may charge the indirect type costs as direct costs in the budget.

G. Budget Expressed in Total Project Costs (Federal Plus Non-Federal)

We will continue the practice begun last year of expressing the project budget as total costs (Federal plus non-Federal). Last year, applicants had trouble distinguishing between cash match where a cost to the grantee for the project is paid from non-Federal sources (either the grantee or a third party) and in-kind, by which is meant strictly a valuation with no cost to the grantee, e.g., volunteers, donated services, donated space.

Cash match is included in the direct and indirect cost budget included in Section III.B of the SF 424. In-kind contributions are listed separately but are part of the total budget. Total direct costs (Federal plus non-Federal) plus indirect costs (Federal plus non-Federal) plus in-kind contributions equal the total approved budget.

H. Criteria for Screening and Review

All applications that meet the deadline will be screened to determine completeness and conformity to the requirements of this announcement. Complete, conforming applications will then be reviewed and scored competitively. Nonconforming applications will *not* be reviewed, and the applicants will be so informed.

1. Screening Requirements

In order for an application to be complete and in conformance, it must meet the following requirements:

(a) Preparation of copies: An original signed application, with the original signature appearing on SF 424, Item #23, and two copies must be submitted. The application includes the required sections of the SF 424 and the narrative description of the proposed project. A copy of SF 424 may be found at the end of this announcement.

(b) Length: The narrative portion of the application must meet minimum and maximum length requirements. It must be at least six double-spaced pages (or three single-spaced pages) but *must not exceed twenty double-spaced pages* (or ten single-spaced pages) typewritten on one side of the paper. The capability statement must not exceed two double-spaced or one single-spaced typewritten page.

(c) Deadline: Applications must be postmarked by 12:00 midnight on (June 20, 1988) or if hand-delivered must be delivered to Room 349–F, HHH Building, 200 Independence Avenue SW by 5:30 p.m. See Part III.I for additional guidance on the application deadline.

(d) Priority Area: The priority area(s) under which the application is being submitted must be indicated at the top of the first page of the SF 424.

(e) Eligibility requirements: Applications must meet any eligibility requirements specific to the priority areas under which they are being submitted (e.g., eligible organization, funding limit, duration of project).

Applications which do not meet these screening requirements will not be referred to reviewers.

2. Evaluation Criteria

Applications which pass the screening will be reviewed by a panel of at least three individuals. These reviewers will be primarily experts from outside the Federal government. Reviewers will comment on and score the applications,

basing their comments and scoring decisions on the criteria below.

(a) *Need for the Project (Objectives) 20 points.* State the specific objectives and needs addressed by the project in terms of its national or regional significance, its theoretical importance and its applicability to practices and subordinate objectives of the project. Provide a detailed discussion of the "state-of-the-art" relative to the problem or area addressed by the proposal and indicate how the proposed effort will impact on it. For research projects, state the hypothesis(es) to be tested or the specific questions to be answered. For demonstration, training, technical assistance, and evaluation projects, state the goals or service objectives of the proposal. Provide supporting documentation or other testimonies from concerned interests other than the applicant. Summarize, evaluate and relate relevant data, based on planning or demonstration studies, to the proposed project.

Give a precise location of the project or area to be served by the proposed project.

(b) *Project Methodology (Project Implementation Plan): 30 points.*

Tasks to be performed. Describe in detail the tasks to be performed including the events, activities and expected products. Identify the key staff member that will be the lead person. Relate each task to each of the objectives. Provide a chart indicating the timetable for completing each task, the lead person and the time committed.

Approach. Explain, in detail, the approach to be used for accomplishing each task and how this approach will accomplish the project objectives as well as how these objectives will solve the problem(s). Also, fully describe the research methodology, demonstration plan, design of training program or other appropriate techniques to be used.

(c) *Expected Outcomes: 15 points.* Identify, in specific terms, the results and benefits—for target groups and human service programs—to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous research and/or demonstration efforts. Also describe in specific terms the anticipated contribution that this project will make to policy, practice, theory and/or future research.

Describe in detail evaluation plans and procedures which are capable of measuring the degree to which the project objectives have been accomplished. Provide an explanation on why these evaluation techniques will be used.

(d) *Dissemination and Utilization: 15 points.* Describe in detail the product(s) resulting from the proposed project that will be disseminated. Also describe the steps to be taken to disseminate and promote the utilization of these products and findings. State what resources will be used to disseminate these products and findings. Finally, explain why these steps are expected to be successful in disseminating the products and findings. The specific audiences to whom the products and findings will be disseminated must be specific as well as the reason why these audiences will benefit from these results. State in detail the steps to be taken to have the products and findings adopted by these audiences.

(e) *Level of Effort: 20 points.*

Staffing Pattern. Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and specifying the contributions to be made by key staff.

Competence of Staff. List the qualifications of the project team including any experiences working on similar projects. Also list the variety of skills to be used, relevant research experience, educational background and the demonstrated ability to produce final results that are readily comprehensible and usable.

Adequacy of Resources. Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project.

List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain how these organizations will participate in the day to day operations of the project. Also explain the available resources or commitments for the continuation of the project after the federal funding period terminates or the demonstration is concluded.

Budget. Relate the proposed budget to the level of effort required to attain project objectives and provide a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results.

Collaborative Efforts. Discuss in detail and provide documentation for any collaborative and coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how these will enhance the project. Letters of commitment must be included with the application. Also explain in detail the coordination efforts to bring community agencies to work together in support of the proposed project.

Authorship. The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

These evaluation criteria correspond to the outline for the narrative section of the application and the descriptions of the five criteria above should be used as headings in developing the program narrative.

I. Closing Date for Receipt of Applications

The closing date for submittal of applications under this program announcement is June 20, 1988. Applications must be mailed or hand-delivered to:

HDS/Division of Grants and Contracts Management, 200 Independence Avenue SW., HHH Building, Room 349–F, Washington, DC 20201, Attention HDS–88–3

Priority Area: _____

Hand-delivered applications are accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday.

An application will be considered as meeting the deadline if it is either:

1. Received on or before the deadline date at the above address; or

2. Sent on or before the deadline date and received in time to be considered during the competitive review and evaluation process. Applicants are encouraged to obtain a legibly dated receipt from a commercial carrier or from the U.S. Postal Service. Applicants will be asked to provide proof of mailing by the deadline date, if there is a question as to receipt of the application. Private metered postmarks are not acceptable as proof of timely mailing.

Applications which do not meet the above criteria are considered late applications. HDS will notify each late applicant that its application will not be considered in the current competition.

HDS may extend the deadline for all applicants because of acts of God, such as floods, hurricanes or earthquakes, when there is widespread disruption of the mail or when HDS determines an extension to be in the best interest of the government. However, if HDS does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant(s).

Part V. Instructions for Completing Applications

This part provides guidance on how to prepare and submit an application in response to this announcement.

A. Application Process.

1. Availability of Forms

All instructions and forms required for submittal of applications are provided at the end of this announcement. No additional forms are available or necessary. A copy of this announcement may be obtained by writing or telephoning:

HDS/Administration on Developmental Disabilities, 200 Independence Avenue SW., HHH Building, Room 351–D, Washington, DC 20201, Attention: HDS–88–3, Telephone: (202) 245–1961.

In order to assure 24-hour coverage, this number may be answered by an answering machine during some time periods.

2. Application Submission

One signed original and two copies of the application must be submitted to:

Department of Health and Human Services, HDS/Division of Grants and Contracts Management, 200 Independence Avenue SW., HHH Building, Room 349-F, Washington, DC 20201, Attention HDS–88–3
Priority Area: _____

3. Notification Under Executive Order 12372

This program is covered under Executive Order 12372 "Intergovernmental Review of Federal Programs" and 45 CFR Part 100 "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Idaho, Nebraska, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs).

Applicants from these five areas need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Applicants should contact their SPOCs as soon as possible to alert them to the prospective application and to receive any necessary instructions.

Applicants must submit any required material as early as possible so the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 22a. SPOCs will be notified of any applicant not indicating SPOC contact on the application, when SPOC contact is required. SPOCs have sixty (60) days starting from the application deadline to comment on applications for financial assistance under this program. Comments are, therefore, due no later than August 19, 1988.

SPOCs are encouraged to eliminate the submission of routine endorsement as official recommendations. Additionally, SPOCs are requested clearly to differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule. It is helpful in tracking SPOC comments if the SPOC will clearly indicate the applicant organization as it appears on the application SF 424.

When comments are submitted directly to HDS, they should be addressed to:

Department of Health and Human Services, HDS/Administration on Developmental Disabilities, 200 Independence Avenue SW., HHH Building, Room 351-D, Washington, DC 20201, Attention: HDS–88–3
Priority Area: _____

A list of the State Single Points of Contact is included at the end of this announcement.

4. Notification of State Developmental Disabilities Councils

A copy of the application must also be submitted to the State Developmental Disabilities Council for its review and comment when individuals with developmental disabilities who reside in that State are included as a target population of the proposed project. A list of the State Developmental Disabilities Councils is also included at the end of this announcement.

B. Application Package

In order to expedite the processing of applications, we request that you *adhere to the following instructions exactly.* Each application package must include:

1. A copy of the *Checklist of Application Requirements* (found in Part IV.E) with all the completed items checked.

2. An original and two copies of the application (see Part IV.D below). Each copy should be stapled securely (front and back if necessary) in the upper left corner. Pages of the narrative should be sequentially numbered beginning with "Need for Project" as page one. The original copy of the application must have an original signature in item 23 on page 1 of the SF 424. In order to facilitate handling, please do not use covers, binders or tabs. Do *not* include extraneous materials as attachments, such as: vitae, agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation. It is not feasible to use such items in the review process, and they will be discarded if included.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be automatically notified of receipt and of the three digit identification number assigned to their application. This number and the priority area must be referred to in *ALL* subsequent communication with HDS concerning the application. If acknowledgment is not received within eight weeks after the deadline date, please notify HDS by telephone at (202) 245–1961. After an identification number is assigned and the applicant has been notified of the number, applications are filed numerically by identification number to aid in quick retrieval. It will not be possible for HDS staff to provide a timely response to inquiries about a specific application unless the identification number and the priority area are given. Applicants should be advised that HDS staff cannot release pre-decisional information relative to an application other than that it has been received and that it is going through the review process. Unnecessary inquiries delay the award process. Once a decision is reached, the applicant will be notified as soon as possible of the acceptance or rejection of the application.

C. Content of Application

Each copy of the application must contain an SF 424, completed and assembled in accordance with the following instructions:

1. Page 1, the cover page of the application;

2. Part II, Project Approval Information;

3. Part III, Budget Information: Section A (Budget Summary); Section B (Budget Categories); and Section E (Budget Estimates of Federal Funds Needed for Balance of the Project);

4. Summary description with listing of key words;

5. Part IV, Program Narrative, which should be at least six double-spaced (or three single-spaced) pages but must not exceed twenty double-spaced (or ten single-spaced) pages, typewritten on one side of the paper. The narrative should be organized with sections addressing the following five areas: (a) need for the

project, (b) project methodology, (c) expected outcomes, (d) dissemination and utilization and (e) level of effort;

6. An organizational capability statement, no more than two double-spaced (or one single-spaced) typewritten pages;

7. Part IV, Assurances; and,

8. Letters which show collaboration or substantive commitment to the project by organizations other than the applicant organization are not part of the narrative and, therefore, are not counted against the twenty page limit for the narrative. However, they may not exceed a total of ten (10) additional pages. Include letters when other organizations are crucial to the project and will provide tangible resources such as staff, equipment, space or funds.

D. Preparing the Application

The SF 424 has been reprinted for your convenience. We suggest that you reproduce it and type your application on the copy. Prepare your application in accordance with the following instructions:

1. *SF 424, Page 1:* Complete only the items specified. Specific instructions are as follows:

Top of Page. Priority area numbers must be indicated for all applications. If the priority area(s) is not indicated, the application will not be reviewed.

Item 1. Preprinted on the form.

Item 2a. Applicant's own control number, if desired.

Item 2b. Date application is signed.

Item 3a. Enter the number assigned, if available, by the State Single Point of Contact (SPOC). Applications submitted to HDS must contain this identifier, if provided by the SPOC prior to application submittal. (Item 22 must also be completed).

Item 3b. Date identifier is assigned by SPOC.

Item 4a. Enter the name of applicant organization. Do not incude the name of an individual. Use abbreviations to limit the name to 30 characters, including spaces and punctuation.

Item 4b. Enter the unit within the organization that will actually carry out the project. If 4a and 4b are the same, leave 4b blank. Use abbreviations to limit this line to 30 characters, including spaces and punctuation.

Items 4c–4g. Enter the address that the organization actually uses to receive mail, as this is where all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

Item 4h. Enter the name and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given in 4c–4g.

Item 5. Enter the employer identification number of the applicant organization as assigned by the IRS. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number (PIN), enter the PIN in parenthesis () beside employer identification number.

Item 6a. Leave blank.

Item 6b. Leave blank

Item 7. The title should be no more than 200 characters long, including spaces and punctuation. It should be typed in not more than four lines of 50 characters each.

Summary Description. Item 7 also asks for a summary description of the project using Section IV. In place of Section IV, use a separate sheet of 8½ × 11 plain paper to provide this summary description of the project. Clearly mark this separate page with the applicant name as shown in item 4a and the priority area number as shown at the top of the page. The summary description should not exceed 1,200 characters, including spaces and punctuation.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project (such as software packages, materials, management procedures, data collection instruments, training packages or videos). This information in conjunction with the information on the SF 424, becomes the project's "abstract" and will be the major source of information about the proposed project; it is the first information that the reviewers read in evaluating the application. Applicant's which do not submit this summery description may jeopardize their chances of being funded.

Item 8. Self-explanatory with the exception of 8e, "City," which includes a town, township, or other municipality.

Item 9. Leave blank.

Item 10. Enter specific number of persons to be directly benefited or served during the life of the project. This number should be substantiated in the application's Program Narrative, Part IV.

Item 11. Preprinted on the form.

Items 12a–12f. Enter the budget for the total project period, if that period is 17 months or less; if the proposed project period exceeds 17 months, enter budget for the first 12 months.

Item 12a. Enter the amount of Federal funds requested. This amount should be no greater than the maximum amount specified in the priority area description.

Items 12b–12e. Enter the amount(s) of funds from non-Federal sources (including in-kind contribution) that will be contributed to the proposed project. These items (b-e) are considered cost-sharing or "matching funds." It is important that the dollar amounts entered here (the non-Federal share) total at least 25 percent of the total project cost (the requested Federal funds plus funds from non-Federal sources) for the project period if that period is 17 months or less or for the first 12 months if the project period exceeds 17 months.

The 25 percent "matching funds" are required for each budget period whether that period is less than 17 months or exceeds 17 months. The following are exceptions to the required 25 percent "matching funds": (1) non-Federal cost sharing is not required on applications originating from American Samoa, Guam or the Northern Mariana Islands; and (2) in the case of research projects where the non-Federal share must be at least 5 percent of the total project cost.

Item 12f. Enter the sum of items 12a–12e.

Item 13a. Enter the number of the Congressional district where the principal office is located.

Item 13b. Enter the number of the Congressional district(s) where the project will be located. If State-wide, a several state effort, or nationwide, enter "00."

Item 14. Preprinted on the form.

Item 15. Enter the desirable start date for the project, beginning on or after September 1, 1988. Most awards made from this program announcement will have start dates between September 1–30, 1988.

Item 16. Enter the estimated number of months to complete the project after Federal funds are available. Projects are generally for 12 months, 24 months or 36 months or for the duration specified in the priority area description. Ensure that this number does not exceed the limitation indicated in the priority area description.

Item 17. Leave blank.

Items 18 & 19. Preprinted on the form.

Item 20. Leave blank.

Item 21. Preprinted on the form.

Item 22a. Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate

SPOC from the attached listing. All applicants, except those in Alaska, Idaho, Nebraska, American Samoa and Palau must contact their SPOC. Review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application.

Item 22b. Check the appropriate box if not covered by E.O. 12372.

Item 23a. Enter the name and title of the Certifying Representative of legal applicant.

Item 23b. Signature of Certifying Representative entered in Item 23a.

Items 24–33. Leave blank.

2. SF 424, Part II, Project Approval Information:

Negative answers will not require an explanation unless HDS requests more information at a later date. All "yes" answers must be explained on a separate page in accordance with these instructions.

Item 1. Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2. Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that it will be obtained.

Item 3. Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4. Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5. Show the population residing or working on the Federal installation who will benefit from this project. Federally recognized Indian reservations are not "Federal installations."

Item 6. Show the percentage of the project work that will be conducted on Federally-owned land or leased land. Give the name of the Federal installation and its location.

Item 7. Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8. State the number of individuals, families, businesses or farms this project will displace.

Item 9. Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project where there is related previous, pending or anticipated assistance from another funding source.

3. SF 424, Part III—Budget Information:

Section A—Budget Summary

This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs in column (f). Enter total of (e) and (f) in column (g).

Section B—Budget Categories

This budget which includes the Federal as well as non-Federal funding for the proposed project covers (1) the total project period of 17 months or less or (2) the first year if the proposed project exceeds 17 months. It should relate to item 12f, total funding, on page one of the SF 424.

Under column (5), enter the total (Federal and non-Federal) funds, by object class category, for the total project period, if the project will be completed in 17 months or less; or for the first year, if the proposed project exceeds 17 months.

A budget justification should be included to explain fully and justify major items, as indicated below. The budget justification should not exceed three typed pages and should follow Part III—Budget Information.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Identify the principal investigator or project director, if known. Specify the percentage of time and titles of the organization's staff who will be working on the project as part of the budget justification. Do not include the costs of consultants, which should be included on line h, Other.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. "Equipment" is nonexpendable tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more per unit. An applicant may use its own definition, provided that it would at least include all non-expendable tangible personal property as defined in the preceding sentence.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on line 6d.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and, (2) contracts with secondary recipient organizations. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization, the purpose of the contract and the estimated dollar amount of the award. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide back-up documentation identifying the name of contractor, purpose of contract and major cost elements.

Construction—Line 6g. Leave blank since new construction is not allowable and ADD funds are rarely used for either renovation or repair.

Other—Line 6h. Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, medical and dental costs, noncontractual fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges—Line 6i. Show the totals of Lines 6a through 6h.

Indirect Charges—Line 6j. Enter the total amount of indirect costs. If no indirect costs are requested enter "none." This line should be used only when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human

Services or another Federal agency. Enclose a copy of this agreement. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements.

In the case of training grants to other than State or local governments (as defined in 45 CFR Part 74), the reimbursement of indirect costs will be limited to the lesser of the negotiated or actual indirect cost rate or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations. It should be noted that when indirect charges are included, these charges should not also be charged as direct charges to the grant.

Total—Line 6k. Enter the total amounts of Lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Describe the nature, source, and anticipated use of income in the Program Narrative.

In-Kind Contributions—Line 8. After program income, enter the value of in-kind contributions. In-kind contributions are defined in Title 45 of the Code of Federal Regulations, Part 74.51 as, "property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant." Include identification and valuation in the three-page budget justification.

Section E—Budget Estimate of Federal Funds Needed for Balance of the Project

This section should only be completed if the total project exceeds 17 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required *Federal* funds for the second budget period (months 13 through 24) under column (b) First. If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under (c) Second. Columns (d) and (e) will be blank since HDS limits funding under this announcement to a three year maximum.

4. *SF 424, Part IV, Program Narrative:* Describe the project proposed in response to this announcement addressing the specific concerns mentioned under the priority area description in Part II. The narrative should provide information on how that application meets the evaluation criteria in Part III, which are the same as the format below. This narrative should be no less than 6 double-spaced or 3 single-spaced pages and not more than 20 double-spaced or ten single-spaced pages. It should be typed on 8½" × 11" plain white bond with 1" margins on both sides and the pages numbered, with the first page of the narrative as page number 1.

Applicants are required to follow the format described below in preparing their applications, using the five headings for sections of the application. However, the number of pages for each section is given as a suggestion only.

(a) *Need for the Project—Objectives:* (four pages double-spaced). State the specific objectives and needs addressed by the project in terms of its national or regional significance, its theoretical importance and its applicability to practices and subordinate objectives of the project. Provide a detailed discussion of the "state-of-the-art" relative to the problem or area addressed by the proposal and indicate how the proposed effort will impact on it. For research projects, state the hypothesis(es) to be tested or the specific questions to be answered. For demonstration, training, technical assistance, and evaluation projects, state the goals or service objectives of the proposal. Provide supporting documentation or other testimonies from concerned interests other than the applicant. Summarize, evaluate and relate relevant data, based on planning or demonstration studies, to the proposed project.

Give a precise location of the project or area to be served by the proposed project.

(b) *Project Methodology—Project Implementation Plan:* (six pages double-spaced).

Tasks to be performed

Describe in detail the tasks to be performed including the events, activities and expected products. Identify the key staff member that will be the lead person. Relate each task to each of the objectives. Provide a chart indicating the timetable for completing each task, the lead person and the time committed.

Approach

Explain, in detail, the approach to be used for accomplishing each task and how this approach will accomplish the project objectives as well as how these objectives will solve the problem(s). Also, fully describe the research methodology, demonstration plan, design of training program or other appropriate techniques to be used.

(c) *Expected Outcomes:* (three pages double-spaced). Identify, in specific terms, the results and benefits—for target groups and human service programs—to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous research and/or demonstration efforts. Also describe in specific terms the anticipated contribution that this project will make to policy, practice, theory and/or future research.

Describe in detail evaluation plans and procedures which are capable of measuring the degree to which the project objectives have been acomplished. Provide an explanation on why these evaluation techniques will be used.

d. *Dissemination and Utilization:* (three pages double-spaced) Describe in detail the product(s) resulting from the proposed project that will be disseminated. Also describe the steps to be taken to disseminate and promote the utilization of these products and findings. State what resources will be used to disseminate these products and findings. Finally, explain why these steps are expected to be successful in disseminating the products and findings. The specific audiences to whom the products and findings will be disseminated must be specified as well as the reason why these audiences will benefit from these results. State in detail the steps to be taken to have the products and findings adopted by these audiences.

(e) *Level of Effort:* (four pages double-spaced).

Staffing Pattern

Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and specifying the contributions to be made by key staff.

Competence of Staff

List the qualifications of the project team including any experiences working on similar projects. Also list the variety of skills to be used, relevant research experience, educational background and the demonstrated ability to produce final results that are readily comprehensible and usable.

Adequacy of Resources

Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project.

List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain

how these organizations will participate in the day to day operations of the project. Also explain the available resources or commitments for the continuation of the project after the federal funding period terminates or the demonstration is concluded.

Budget

Relate the proposed budget to the level of effort required to attain project objectives and provide a cost/benefit analysis. Demonstrate that the peoject's costs are reasonable in view of the anticipated results.

Collaborative Efforts

Discuss in detail and provide documentation for any collaborative and coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how these will enhance the project. Letters of commitment must be included with the application. Also explain in detail the coordination efforts to bring community agencies to work together in support of the proposed project.

Authorship

The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

Organizational Capability Statement

A brief (maximum 2 pages double-spaced or one page single-spaced) background description of how the applicant agency (or the particular division of a larger agency which will have responsibility for this project) is organized and the types and quantity of services it provides or research capabilities it possesses. This description should cover capabilities not included in the program narrative under level of effort. It may include descriptions of any current or previous relevant experience or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable.

Part V, Assurances

Applicants are required to file Part V, Assurances, and the Assurance of Compliance with the DHHS Regulations under Title VI of the Civil Rights Act of 1964 and the Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, as amended. Copies of these assurances are reprinted at the end of this announcement.

For research projects in which human subjects may be at risk, an assurance may also be needed. If there is a question regarding the applicability of this assurance (located at the end of this announcement) contact the Office of Research Risks of the National Institutes of Health at (301) 496–7041.

Checklist of Application Requirements

The checklist below is to be typed on 8½" × 11" plain bond paper, completed and included in your application package.

Included in your application package are:

- ☐ Checklist;
- ☐ One original application plus two copies. The original and both copies of the application should include the following:
- ☐ SF 424, page 1 and Parts II and III;
- ☐ Summary description;
- ☐ SF 424, Part IV, Program Narrative (not less than 6 pages nor more than 20 pages, double-spaced) including Need for the Project, Project Methodology, Expected Outcomes, Dissemination and Utilization, and Level of Effort;
- ☐ Organizational Capability Statement (2 pages, double-spaced maximum);
- ☐ Part V, Assurances; and,
- ☐ Letters of Commitment (not more than 10 pages).
- ☐ SF 424 has been completed according to the instructions, signed in ink and dated by an authorized official (item 23), and the original has been included in the package to be mailed along with two copies.
- ☐ The original and two copies of the application have been stapled securely (no folders or binders) with the first page of the SF 424 as the first page of each copy of the application.

The Checklist, original application and two copies of the application should be packaged together so that they can be processed together. However, if more than one application set is to be submitted, each application set should be packaged separately and submitted under separate cover.

Remember, applications must be postmarked by midnight or hand delivered by 5:30 p.m. no later than June 20, 1988; HDS/Division of Grants and Contracts Management, 200 Independence Avenue SW., HHH Building, Room 348–F, Washington, DC 20201, Attention HDS–88–3, Priority Area _____

(Federal Catalog of Domestic Assistance Number 13631 Developmental Disabilities-Special Projects)

Date: April 15, 1988.

Carolyn Doppelt Gray,

Commissioner, Administration on Developmental Disabilities.

Approved: April 15, 1988.

Sydney Olson,

Assistant Secretary for Human Development Services.

BILLING CODE 4130-01-M

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE

SECTION I—APPLICANT/RECIPIENT DATA

1. TYPE OF SUBMISSION (Mark appropriate box)
☐ NOTICE OF INTENT (OPTIONAL)
☐ PREAPPLICATION
☐ APPLICATION

2. APPLICANT'S APPLICATION IDENTIFIER
a. NUMBER
b. DATE Year month day 19

3. STATE APPLICATION IDENTIFIER
NOTE TO BE ASSIGNED BY STATE
a. NUMBER
b. DATE ASSIGNED Year month day 19

Leave Blank

4. LEGAL APPLICANT/RECIPIENT
a. Applicant Name
b. Organization Unit
c. Street/P.O. Box
d. City
e. County
f. State
g. ZIP Code
h. Contact Person (Name & Telephone No.)

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM (From CFDA)
a. NUMBER
MULTIPLE ☐
b. TITLE

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State
B—Interstate
C—Substate Organization
D—County
E—City
F—School District
G—Special Purpose District
H—Community Action Agency
I—Higher Educational Institution
J—Indian Tribe
K—Other (Specify):
Enter appropriate letter ☐

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—Basic Grant
B—Supplemental Grant
C—Loan
D—Insurance
E—Other
Enter appropriate letter(s) ☐☐

12. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. Total	$	.00

13. CONGRESSIONAL DISTRICTS OF:
a. APPLICANT
b. PROJECT

15. PROJECT START DATE Year month day 19
16. PROJECT DURATION Months
18. DATE DUE TO FEDERAL AGENCY ► Year month day 19

14. TYPE OF APPLICATION
A—New
B—Renewal
C—Revision
D—Continuation
E—Augmentation
Enter appropriate letter ☐

17. TYPE OF CHANGE (For 14c or 14e)
A—Increase Dollars
B—Decrease Dollars
C—Increase Duration
D—Decrease Duration
E—Cancellation
F—Other (Specify):
Enter appropriate letter(s) ☐☐☐

19. FEDERAL AGENCY TO RECEIVE REQUEST
a. ORGANIZATIONAL UNIT (IF APPROPRIATE)
b. ADMINISTRATIVE CONTACT (IF KNOWN)
c. ADDRESS

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER

21. REMARKS ADDED
☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT►
To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____
b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐
OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE
a. TYPED NAME AND TITLE
b. SIGNATURE

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED Year month day 19
25. FEDERAL APPLICATION IDENTIFICATION NUMBER
26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
☐ a. AWARDED
☐ b. REJECTED
☐ c. RETURNED FOR AMENDMENT
☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
☐ e. DEFERRED
☐ f. WITHDRAWN

28. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

29. ACTION DATE► Year month day 19
30. STARTING DATE Year month date 19
31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)
32. ENDING DATE Year month date 19
33. REMARKS ADDED
☐ Yes ☐ No

NSN 7540-01-008-8162
PREVIOUS EDITION IS NOT USABLE

424-103

STANDARD FORM 424 PAGE 1 (Rev. 4-84)
Prescribed by OMB Circular A-102

OMB NO 0348 0006

PART II
PROJECT APPROVAL INFORMATION

Item 1
Does this assistance request require State, local regional, or other priority rating?
_____ Yes _____ No
Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No
Name of Agency or Board _____
(Attach Documentation)

Item 3
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No
Name of Approving Agency _____
Date _____

Item 4
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No
Check one: State ☐ Local ☐ Regional ☐
Location of Plan _____

Item 5
Will the assistance requested serve a Federal installation?
_____ Yes _____ No
Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 6.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No
Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 7.
Will the assistance requested have an impact or effect on the environment
_____ Yes _____ No
See instructions for additional information to be provided.

Item 8.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No
Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 9.
Is there other related assistance on this project previous, pending, or anticipated
_____ Yes _____ No
See instructions for additional information to be provided.

OMB NO. 0348-0006

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	$	$	$	$	$
7. Program Income	$	$	$	$	$

OMB NO 0348-0006

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION
(Attach Additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

PART V

ASSURANCES

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74 and OMB Circulars No. A-102, A-110 and applicable cost principles, (Circulars: A-21, "Educational Institutions"; A-87, "Cost Principles for State and Local Governments"; and A-122, "Nonprofit Organizations"), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of State and local government employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to employees of State and local governments who are not employed in integral operations in areas of traditional governmental functions.

   Head Start, Certification of Minimum Wage: It certifies that it has reviewed the salary structures and wages for all positions and certifies that persons employed in carrying out this program shall not receive compensation at a rate which is (a) in excess of the average rate of compensation paid in the area to persons providing substantially comparable services; or (b) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938. Documentation of the methods by which it established wage scales is available in their files for review by audit and HDS personnel.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.

9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

12 It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the grantee's activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13 Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94-135), which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.

15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

16. It will comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution).

17. It will comply with Pub. L. 93-348 as implemented by Part 46 of Title 45 (45 CFR 46, 42 U.S.C. 2891) regarding the protection of human subjects involved in research, development, and related activities supported by the grant.

18. It will comply with the equal opportunity clause prescribed by Executive Order 11246, as amended, and will require that its subrecipients include the clause in all construction contracts and subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000, in accordance with Department of Labor regulations at 41 CFR Part 60.

19. It will include, and will require that its subrecipients include, the provision set forth in 29 CFR 5.5(c) pertaining to overtime and unpaid wages in any nonexempt nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds $2,500.

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant")
(Name of Applicant)

HEREBY AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated_____ _____ _____
(Applicant)

By _____
(President, Chairman of Board, or comparable authorized official)

_____

_____
(Applicant's mailing address)

PLEASE RETURN ORIGINAL TO: Office of Civil Rights
Room 5627/B North Building
330 Independence Ave., N.W.
Washington, D.C. 20201

RETURN COPY TO: GRANTS MANAGEMENT OFFICE

HDS GRANTS MANAGEMENT

HHS-441 (10/82) Rev.

GPO 894-600

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) employs fewer than fifteen persons;

b. ( ) employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

_____
Name of Designee(s) — Type or Print

_____ _____
Name of Recipient — Type or Print Street Address

_____ _____
(IRS) Employer Identification Number City

_____ _____
Area Code — Telephone Number State Zip

I certify that the above information is complete and correct to the best of my knowledge.

_____ _____
Date Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

PLEASE RETURN ORIGINAL TO: Office for Civil Rights, Room 5627/B North Building, 330 Independence Avenue, N.W., Washington, D.C. 20201.

RETURN COPY TO: Grants Management Office

HHS-641 (7/84) REV.)
GPO 908-714

HDS GRANTS MANAGEMENT

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PROTECTION OF HUMAN SUBJECTS ASSURANCE/CERTIFICATION/DECLARATION

☐ ORIGINAL ☐ FOLLOWUP ☐ REVISION

☐ GRANT ☐ CONTRACT ☐ FELLOW ☐ OTHER

☐ NEW ☐ RENEWAL ☐ CONTINUATION

APPLICATION IDENTIFICATION NUMBER *(If known)*

STATEMENT OF POLICY: Safeguarding the rights and welfare of subjects at risk in activities supported under grants and contracts from DHHS is primarily the responsibility of the institution which receives or is accountable to DHHS for the funds awarded for the support of the activity. In order to provide for the adequate discharge of this institutional responsibility, it is the policy of DHHS that no activity involving human subjects to be supported by DHHS grants or contracts shall be undertaken unless the Institutional Review Board has reviewed and approved such activity, and the institution has submitted to DHHS a certification of such review and approval, in accordance with the requirements of Public Law 93-348, as implemented by Part 46 of Title 45 of the Code of Federal Regulations, as amended, (45 CFR 46). Administration of the DHHS policy and regulation is the responsibility of the Office for Protection from Research Risks, National Institutes of Health, Bethesda, MD 20205.

1. TITLE OF PROPOSAL OR ACTIVITY

2. PRINCIPAL INVESTIGATOR/ACTIVITY DIRECTOR/FELLOW

3. DECLARATION THAT HUMAN SUBJECTS EITHER WOULD OR WOULD NOT BE INVOLVED

☐ A. NO INDIVIDUALS WHO MIGHT BE CONSIDERED HUMAN SUBJECTS, INCLUDING THOSE FROM WHOM ORGANS, TISSUES, FLUIDS, OR OTHER MATERIALS WOULD BE DERIVED, OR WHO COULD BE IDENTIFIED BY PERSONAL DATA, WOULD BE INVOLVED IN THE PROPOSED ACTIVITY. (IF NO HUMAN SUBJECTS WOULD BE INVOLVED, CHECK THIS BOX AND PROCEED TO ITEM 7. PROPOSALS DETERMINED BY THE AGENCY TO INVOLVE HUMAN SUBJECTS WILL BE RETURNED.)

☐ B. HUMAN SUBJECTS WOULD BE INVOLVED IN THE PROPOSED ACTIVITY AS EITHER: ☐ NONE OF THE FOLLOWING, OR INCLUDING: ☐ MINORS, ☐ FETUSES, ☐ ABORTUSES, ☐ PREGNANT WOMEN, ☐ PRISONERS, ☐ MENTALLY RETARDED, ☐ MENTALLY DISABLED. UNDER SECTION 6. COOPERATING INSTITUTIONS, ON REVERSE OF THIS FORM, GIVE NAME OF INSTITUTION AND NAME AND ADDRESS OF OFFICIAL(S) AUTHORIZING ACCESS TO ANY SUBJECTS IN FACILITIES NOT UNDER DIRECT CONTROL OF THE APPLICANT OR OFFERING INSTITUTION.

4. DECLARATION OF ASSURANCE STATUS/CERTIFICATION OF REVIEW

☐ A. THIS INSTITUTION HAS NOT PREVIOUSLY FILED AN ASSURANCE AND ASSURANCE IMPLEMENTING PROCEDURES FOR THE PROTECTION OF HUMAN SUBJECTS WITH THE DHHS THAT APPLIES TO THIS APPLICATION OR ACTIVITY. ASSURANCE IS HEREBY GIVEN THAT THIS INSTITUTION WILL COMPLY WITH REQUIREMENTS OF *DHHS Regulation 45 CFR 46*, THAT IT HAS ESTABLISHED AN INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS AND, WHEN REQUESTED, WILL SUBMIT TO DHHS DOCUMENTATION AND CERTIFICATION OF SUCH REVIEWS AND PROCEDURES AS MAY BE REQUIRED FOR IMPLEMENTATION OF THIS ASSURANCE FOR THE PROPOSED PROJECT OR ACTIVITY.

☐ B. THIS INSTITUTION HAS AN APPROVED GENERAL ASSURANCE (DHHS ASSURANCE NUMBER _____) OR AN ACTIVE SPECIAL ASSURANCE FOR THIS ONGOING ACTIVITY, ON FILE WITH DHHS. THE SIGNER CERTIFIES THAT ALL ACTIVITIES IN THIS APPLICATION PROPOSING TO INVOLVE HUMAN SUBJECTS HAVE BEEN REVIEWED AND APPROVED BY THIS INSTITUTION'S INSTITUTIONAL REVIEW BOARD IN A CONVENED MEETING ON THE DATE OF_____ IN ACCORDANCE WITH THE REQUIREMENTS OF THE *Code of Federal Regulations on Protection of Human Subjects (45 CFR 46)*. THIS CERTIFICATION INCLUDES, WHEN APPLICABLE, REQUIREMENTS FOR CERTIFYING FDA STATUS FOR EACH INVESTIGATIONAL NEW DRUG TO BE USED (SEE REVERSE SIDE OF THIS FORM).

THE INSTITUTIONAL REVIEW BOARD HAS DETERMINED, AND THE INSTITUTIONAL OFFICIAL SIGNING BELOW CONCURS THAT:

EITHER ☐ HUMAN SUBJECTS WILL NOT BE AT RISK; OR ☐ HUMAN SUBJECTS WILL BE AT RISK.

5. AND 6. SEE REVERSE SIDE

7. NAME AND ADDRESS OF INSTITUTION

8. TITLE OF INSTITUTIONAL OFFICIAL	TELEPHONE NUMBER
SIGNATURE OF INSTITUTIONAL OFFICIAL	DATE

HHS-596 (Rev. 5-80)

ENCLOSE THIS FORM WITH THE PROPOSAL OR RETURN IT TO REQUESTING AGENCY.

5. INVESTIGATIONAL NEW DRUGS - ADDITIONAL CERTIFICATION REQUIREMENT

SECTION 46.17 OF TITLE 45 OF THE Code of Federal Regulations states, "Where an organization is required to prepare or to submit a certification . . . and the proposal involves an investigational new drug within the meaning of The Food, Drug, and Cosmetic Act, the drug shall be identified in the certification together with a statement that the 30-day delay required by 21 CFR 130.3(a)(2) has elapsed and the Food and Drug Administration has not, prior to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects, or that the Food and Drug Administration has waived the 30-day delay requirement; provided, however, that in those cases in which the 30-day delay interval has neither expired nor been waived, a statement shall be forwarded to DHHS upon such expiration or upon receipt of a waiver. No certification shall be considered acceptable until such statement has been received."

INVESTIGATIONAL NEW DRUG CERTIFICATION

TO CERTIFY COMPLIANCE WITH FDA REQUIREMENTS FOR PROPOSED USE OF INVESTIGATIONAL NEW DRUGS IN ADDITION TO CERTIFICATION OF INSTITUTIONAL REVIEW BOARD APPROVAL, THE FOLLOWING REPORT FORMAT SHOULD BE USED FOR EACH IND: (ATTACH ADDITIONAL IND CERTIFICATIONS AS NECESSARY).

— IND FORMS FILED: ☐ FDA 1571, ☐ FDA 1572, ☐ FDA 1573

— NAME OF IND AND SPONSOR _____

— DATE OF 30-DAY EXPIRATION OR FDA WAIVER
(FUTURE DATE REQUIRES FOLLOWUP REPORT TO AGENCY) _____

— FDA RESTRICTION _____

— SIGNATURE OF INVESTIGATOR _____ DATE _____

6. COOPERATING INSTITUTIONS - ADDITIONAL REPORTING REQUIREMENT

SECTION 46.16 OF TITLE 45 OF THE *Code of Federal Regulations* IMPOSES SPECIAL REQUIREMENTS ON THE CONDUCT OF STUDIES OR ACTIVITIES IN WHICH THE GRANTEE OR PRIME CONTRACTOR OBTAINS ACCESS TO ALL OR SOME OF THE SUBJECTS THROUGH COOPERATING INSTITUTIONS NOT UNDER ITS CONTROL. IN ORDER THAT THE DHHS BE FULLY INFORMED, THE FOLLOWING REPORT IS REQUESTED WHEN APPLICABLE.

USE FOLLOWING REPORT FORMAT FOR EACH INSTITUTION OTHER THAN GRANTEE OR CONTRACTING INSTITUTION WITH RESPONSIBILITY FOR HUMAN SUBJECTS PARTICIPATING IN THIS ACTIVITY: (ATTACH ADDITIONAL REPORT SHEETS AS NECESSARY).

INSTITUTIONAL AUTHORIZATION FOR ACCESS TO SUBJECTS

— SUBJECTS: STATUS (WARDS, RESIDENTS, EMPLOYEES, PATIENTS, ETC.) _____

NUMBER _____ AGE RANGE _____

NAME OF OFFICIAL (PLEASE PRINT) _____

TITLE _____ TELEPHONE _____

NAME AND ADDRESS OF COOPERATING INSTITUTION _____

— OFFICIAL SIGNATURE _____

NOTES: *(e.g., report of modification in proposal as submitted to agency affecting human subjects involvement)*

HHS-596 (Rev. 5-80) (Back)

BILLING CODE 4130-01-C

Executive Order 12372—State Single Points of Contact

ALABAMA

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939. Tel. (205) 284–8905.

ALASKA

None.

ARIZONA

Department of Commerce, State of Arizona.

Note: Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Janice Dunn, ATTN: Arizona State Clearinghouse, 1700 West Washington, Fourth Floor, Phoenix, Arizona 85007. Tel. (602) 255–5004.

ARKANSAS

Joe Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203. Tel. (501) 371–1074.

CALIFORNIA

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814. Tel. (916) 323–7480.

COLORADO

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203. Tel. (303) 866–2156.

CONNECTICUT

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459.

Note: Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459. Tel. (203) 566–3410.

DELAWARE

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Francine Booth. Tel. (302) 736–4204.

FLORIDA

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301.

GEORGIA

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW—Rm. 608, Atlanta, Georgia 30334. Tel. (404) 656–3855.

HAWAII

Roger A. Ulveling, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804, For Information Contact: Hawaii State Clearinghouse. Tel. (808) 548–3016 or 548–3085.

IDAHO

None.

ILLINOIS

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706. Tel. (217) 782–8639.

INDIANA

Ms. Peggy Boehm, Deputy Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204. Tel. (317) 232–5604.

IOWA

A. Thomas Wallace, Iowa Dept. of Economic Development, Division of Community Progress, 200 East Grand Avenue, Des Moines, Iowa 50309. Tel. (515) 281–3864.

KANSAS

Martin Kennedy, Intergovernmental Liaison, Department of Administration, Division of Budget, Rm. 152–E, State Capitol Bldg., Topeka, Kansas 66612. Tel. (913) 296–2436.

KENTUCKY

Bob Leonard, Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601. Tel. (502) 564–2382.

LOUISIANA

Colby S. La Place, Assistant Secretary, Dept. of Urban & Community Affairs, Office of State Clearinghouse, P.O. Box 94455, Capitol Station, Baton Rouge, Louisiana 70804. Tel. (504) 342–9790.

MAINE

State Planning Office, Attn: Intergovernmental Review Process/Hal Kimbal, State House Station #38, Augusta, Maine 04333. Tel. (207) 289–3154.

MARYLAND

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365. Tel. (301) 225–4490.

MASSACHUSETTS

Executive Office of Communities and Development, Attn: Beverly Boyle, 100 Cambridge Street, Rm. 904, Boston, Massachusetts 02202. Tel. (617) 727–3253.

MICHIGAN

Michelyn Pasteur, Director, Local Development Services, Department of Commerce, P.O. Box 30225, Lansing, Michigan 48909, Tel. (517) 373–3530, Staff Contact: Don Bailey. Tel. (517) 334–6190.

MINNESOTA

Maurice D. Chandler, Intergovernmental Review, Minnesota State Planning Agency, Room 101, Capitol Square Building, St. Paul, Minnesota 55101. Tel. (612) 296–2571.

MISSISSIPPI

Office of Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202.

For Information Contact:

Mr. Marlan Baucum, Department of Planning and Policy. Tel. (601) 359–3150.

MISSOURI

Lois Pohl, Coordinator, Missouri Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 760 Truman Building, Jefferson City, Missouri 65102. Tel. (314) 751–4834.

MONTANA

Sue Heath, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620. Tel. (406) 444–5522.

NEBRASKA

None.

NEVADA

Ms. Jean Ford, Director, Nevada Office of Community Services, Capitol Complex, Carson City, Nevada 89710. Tel. (702) 885–4420.

Note: Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420.

NEW HAMPSHIRE

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301. Tel. (603) 271–2155.

NEW JERSEY

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625–0803. Tel. (609) 292–6613.

Note: Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625–0803. Tel. (609) 292–9025.

NEW MEXICO

Dean Olson, Director, Management and Program Analysis Div., Department of Finance and Administration, Management and Contracts Review Div., Clearinghouse Bureau, Room 424, State Capitol, Santa Fe, New Mexico 87503. Tel. (505) 827–3885.

NEW YORK

Director of the Budget, New York State.

Note: Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Harold W. Juhre, Jr., New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224. Tel. (518) 474–1605.

NORTH CAROLINA

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611. Tel. (919) 733–4131.

NORTH DAKOTA

Bill Robinson, Office of Intergovernmental Assistance, Office of Management and

Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505. Tel. (701) 224–2094.

OHIO

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215.

For Information Contact:

Mr. Leonard E. Roberts, Deputy Director. Tel. (614) 466–0699.

OKLAHOMA

Don Strain, Oklahoma Dept. of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116. Tel. (405) 843–9770.

OREGON

Intergovernmental Relations Division, State Clearinghouse, Attn: Delores Streeter, Executive Building, 155 Cottage Street NE., Salem, Oregon 97310. Tel. (503) 373–1998.

PENNSYLVANIA

Laine A. Heltebridle, Special Assistant, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108. Tel. (717) 783–3700.

RHODE ISLAND

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907. Tel. (401) 277–2656.

Note: Questions & correspondence concerning this State's review process should be directed to:

Mr. Michael T. Marfeo, Review Coordinator.

SOUTH CAROLINA

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201. Tel. (803) 734–0435.

SOUTH DAKOTA

Sue Korte, State Clearinghouse Coordinator, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501. Tel. (605) 773–3661.

TENNESSEE

Charles Brown, Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219. Tel. (615) 741–1676.

TEXAS

Leon Willhite, State Planning Director, Office of the Governor, P.O. Box 13561, Capitol Station, Austin, Texas 78711.

Note: Questions concerning this State's review process should be directed to: Intergovernmental Relations Division. Tel. (512) 463–1814.

UTAH

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533–5245.

VERMONT

State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326.

VIRGINIA

Nancy Miller, Intergovernmental Affairs Review Officer, Department of Housing and Community Development, 205 North 4th Street, Richmond, Virginia 23219, Tel. (804) 786–4474.

WASHINGTON

Washington Department of Community Development, ATTN: Washington Intergovernmental Review process, Dori Goodrich, Coordinator, Ninth and Columbia Building, Olympia, Washington 98504–4151, Tel. (206) 586–1240.

WEST VIRGINIA

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348–4010.

WISCONSIN

Secretary James R. Krauser, Wisconsin Department of Administration, 101 South Webster—GEF 2, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–1741.

Note: Correspondence and questions concerning this State's E.O. 12372 process should be directed to: Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–8349.

WYOMING

Ann Redman, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574.

DISTRICT OF COLUMBIA

Lovetta Davis, DC State Single Point of Contact for E.O. 12372, Executive Office of the Mayor, Office of Intergovernmental Relations, Rm. 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Tel. (202) 727–9111.

VIRGIN ISLANDS

Toya Andrew, Federal Program Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774–6517.

PUERTO RICO

Ms. Patricia G. Custodio, P.E., Chairman and Isael Soto Marrero, Director, Federal Proposal Review Office, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Tel. (809) 727–4444.

NORTHERN MARIANA ISLANDS

Planning and Budget Office, Office of the Governor, Saipan, CM 96950.

AMERICAN SAMOA

None.

GUAM

Guam State Clearinghouse, Office of the Lieutenant Governor, P.O. Box 2950, Agana, Guam 96910.

State Developmental Disabilities Councils

ALABAMA

Joan B. Hannah, Ed.D., Staff Director, Alabama DD Planning Council, 200 InterState Park Dr., P.O. Box 3710, Montgomery, AL 36193–5001, Tel. (205) 271–9278.

ALASKA

Dorothy J. Truran, Executive Director, Developmental Disabilities Planning Council, 600 University Avenue, Suite C, Fairbanks, AK 99701, Tel. (907) 479–6507.

AMERICAN SAMOA

Penei Sewell, Executive Director, Office of Vocational Rehabilitation, American Samoa Government, P.O. Box 3492, Pago Pago, American Samoa 96799, Tel. (684) 633–1805.

ARIZONA

Jon C. Hinz, Executive Director, Governor's Council on DD, 1717 West Jefferson Street, MS 074Z, Phoenix, AZ 85007, Tel. (602) 255–4040.

ARKANSAS

Cindy Hartsfield, Executive Director, Governor's DD Planning Council, Arkansas Health Planning and Development Agency, 4815 West Markham Street, Little Rock, AR 72201, Tel. (501) 661–2589.

CALIFORNIA

James F. Bellotti, Acting Director, State Council on Developmental Disabilities, 1507 21st Street, Room 320, Sacramento, CA 95814, Tel. (916) 322–8481.

COLORADO

William Gorman, Executive Director, Colorado DD Council, 777 Grant, Sutie 410, Denver, CO 80203, Tel. (303) 894–2345.

COMMONWEALTH OF NORTHERN MARIANA

Margaret de la Cruz, Director, Developmental Disabilities Council, c/o Dept. of Education, Office of the Superintendent, Commonwealth of Northern Mariana Islands, Saipan, CNMI 95950.

CONNECTICUT

Edward T. Preneta, Director, Planning Council on DD, Department Mental Retardation, 90 Pitkin Street, East Hartford, CT 06108, Tel. (203) 725–3829.

DELAWARE

James F. Linehan, Administrator, DD Planning Council, Dept. of Community Affairs, Box 1401, Priscilla Building, 156 South State Street, Dover, DE 19901, Tel. (302) 736–4456.

DISTRICT OF COLUMBIA

Phyllis A. Bolden, Executive Director, DD State Planning Council, 605 G Street NW., Rm. 1108, Washington, DC 20001, Tel. (202) 727–0904.

FLORIDA

K. Joseph Krieger, Executive Director, Florida DD Planning Council, 1317 Winewood Blvd., Bldg. 1, Rm. 309, Tallahassee, FL 32301, Tel. (904) 488–4180.

GEORGIA

Zebe Schmitt, Executive Director, Georgia Council on DD, 878 Peachtree St. NE., Room 620, Atlanta, GA 30308, Tel. (404) 894–5790.

GUAM

Mrs. Rosanne S. Ada, Administrator, The State Planning Council for DD, c/o Life Skills

Center, 284 East Hospital Loop, Tamuning, Guam 96911, Tel. (671) 646–8691.

HAWAII

Diana Tizard, Executive Secretary, State Planning Council for DD, P.O. Box 3378, Honolulu, HI 96801, Tel. (808) 548–5994.

IDAHO

John D. Watts, Executive Director, Idaho State Planning Council on DD, 450 West State Street, Boise, ID 83720, Tel. (208) 334–5509, FTS 8–554–4408.

ILLINOIS

Carl Suter, Director, Illinois DD Planning Council, 840 South Spring Street, Springfield, IL 62706, Tel. (217) 782–9696.

INDIANA

Suellen Jackson-Boner, Director, Governor's Planning Council on DD, 117 E. Washington Street, Indianapolis, IN 46204, Tel. (317) 232–7820.

IOWA

Ms. Karon Perlowski, Council Coordinator, Governor's Planning Council for DD, Dept. of Human Services, Hoover State Office Bldg., 5th Floor, Des Moines, IA 50319, Tel. (515) 281–5646.

KANSAS

John Kelly, Executive Director, Kansas Planning Council on DD Services, Dept. of Social and Rehabilitation Services, State Office Bldg., 5th Fl North, Topeka, KS 66612, Tel. (913) 296–2608.

KENTUCKY

Richard Eversman, Executive Director, Kentucky DD Planning Council, Dept. for Mental Health/Mental Retardation Services, 275 East Main Street, Frankfort, KY 40621, Tel. (502) 564–7841.

LOUISIANA

Anne E. Farber, Ph.D., Executive Officer, Louisiana State Planning Council on DD, 721 Government Street, Room 202, Baton Rouge, LA 70802, Tel. (504) 342–6804.

MAINE

Peter Stowell, Exec. Director, Maine Developmental Disabilities Council Nash Building, Capitol and State Streets, Station #139, Augusta, ME 04333, Tel. (207) 289–4213.

MARYLAND

Catherine Raggio, Executive Director, Maryland State Planning Council on DD, One Market Center, Box 10, 300 Lexington Street, Baltimore, MD 21201, Tel. (301) 333–3688.

MASSACHUSETTS

Jody Shaw, Executive Director, Massachusetts DD Council, 600 Washington Street, Rm. 670, Boston, MA 02111, Tel. (617) 727–6374.

MICHIGAN

Elizabeth J. Ferguson, Exec. Director, Michigan Developmental Disabilities Council, Lewis-Cass Bldg., 6th Floor, Lansing, MI 48926, Tel. (517) 373–0341, 373–0342.

MINNESOTA

Colleen Wieck, Ph. D., Executive Director, Minnesota Developmental Disabilities Planning Council, Room 300, 658 Cedar Street, St. Paul, MN 55101, Tel. (612) 296–4018.

MISSISSIPPI

Ed C. Bell, DD Staff Director, Mississippi DD Planning Council, 1307 Woolfolk Building, Jackson, MS 39201, Tel. (601) 359–1290.

MISSOURI

Kay Conklin, Coordinator, Missouri Planning Council for DD, Division of Mental Health & MR/DD, Dept. of Mental Health, P.O. Box 687, 1915 Southridge Drive, Jefferson City, MO 65102, Tel. (314) 751–4054.

MONTANA

Clyde Muirheid, Staff Director, DD Planning Council, P.O. Box 4210, Helena, MT 59601, Tel. (406) 449–8325, FTS 8 585–5011.

NEBRASKA

Mary Gordon, Director, Governor's Planning Council on DD, P.O. Box 95007, Lincoln, NE 685980–5007, Tel (402) 471–2337.

NEVADA

Michael A. Becker, Planning Specialist, Nevada Planning Council for DD, Rehabilitation Division, Dept. of Human Resources, 505 E. King St., Room 502, Carson City, NV 89710, Tel (702) 885–4440, FTS 598–6011.

NEW HAMPSHIRE

Stephen Knapp, Acting Director, New Hampshire Council for DD, 9 South Spring Street, Suite 204, Concord, NH 03301, Tel. (603) 271–3236.

NEW JERSEY

Catherine Rowan, Executive Director, DD Council, State of New Jersey, 108–110 North Broad Street, CN 700, Trenton, NJ 08625, Tel. (609) 292–3745.

NEW MEXICO

Eloisa Lobato, Acting Director, New Mexico DD Planning Council, P.O. Box 968, Santa Fe, New Mexico 87504, Tel. (505) 827–2698.

NEW YORK

Mr. Andrew D. Virgilio, Executive Director, New York State DD Planning Council, One Empire State Plaza, 10th Floor, Albany, NY 12223, Tel. (518) 474–3655.

NORTH CAROLINA

James W. Keene, Exec. Director, North Carolina Council on DD, 325 North Salisbury Street, Albermarle Bldg., Room 615, Raleigh, NC 27611, Tel. (919) 733–6566.

NORTH DAKOTA

Tom Wallner, Director, DD Council, Dept. of Human Services, State Capitol, Bismarck, ND 58505, Tel. (701) 224–2970.

NORTHERN MARIANA ISLANDS

Vacant, Office of the Superintendent, Department of Education, Sapoan, CMNI 96956, Tel. (9) 011–670–9956.

OHIO

Ken Campbell, Developmental Disabilities Program, Ohio DD Planning Council/Dept. of MR/DD, State Office Building, 30 East Broad Street, Room 1280, Columbus, OH 43215, Tel. (614) 466–7203.

OKLAHOMA

William Hilton, DDPC Director, Attention Ray Ashworth, Council Coordinator, Department of Human Resources, P.O. Box 25325, Oklahoma City, OK 73125, Tel. (405) 521–2989.

OREGON

Russ Gurley, Executive Director, Oregon DD Planning Council, MR/DD Program Office, Mental Health Division, 2575 Bittern Street NE., Salem, OR 97310, Tel. (503) 378–2429.

PENNSYLVANIA

David Schwartz, Executive Director, DD Planning Council, Room 569 Forum Building, Commonwealth Ave., Harrisburg, PA 17120, Tel. (717) 787–6057.

PUERTO RICO

Maria Louisa Mendia, Staff Director, Puerto Rico DD Council, P.O. Box 9543, Santurece, PR 00908, Tel. (809) 722–0595.

RHODE ISLAND

Dr. Michael Slachek, Executive Director, Rhode Island DD Council, 600 New London Avenue, Cranston, RI 02920, Tel. (401) 464–3191.

SOUTH CAROLINA

LaNelle C. DuRant, Executive Director, S.C. DD Planning Council, Edgar Brown Building, Room 372, 1205 Pendleton Street, Columbia, SC 29201, Tel. (803) 758–8016.

SOUTH DAKOTA

Thomas E. Scheinost, Program Administrator, Department of Social Services, Office of Program Management, Developmental Disabilities & Mental Health, Richard F. Kneip Bldg., 700 North Illinois Street, Perre, SD 57501, Tel. (605) 773–3438.

TENNESSEE

Wanda Willis, Director, DD Planning Council, Dept. of MH & MR, 706 Church Street, 3rd Floor, Doctor's Building, Nashville, TN 37219, Tel. (615) 741–3807.

TEXAS

Roger A. Webb, Executive Director, Texas Planning Council for DD, 118 East Riverside Drive, Austin, TX 78704, Tel. (512) 445–8867.

UTAH

Frances Morse, Ph.D., Executive Director, Utah Council for Hanidcapped and DD Persons, P.O. Box 11356, Salt Lake City, UT 84147, Tel. (801) 533–6770.

VERMONT

Thomas Pombar, Executive Secretary, Vermont DD Council, Waterbury Office Complex, 103 South Main Street, Waterbury VT 05676, Tel. (802) 241–2612.

VIRGINIA

James Rothrock, Executive Director, Board of Rights of the Disabled, James Madison Building, 101 N. 14th Street, 17th Floor, Richmond, VA 23219, Tel. (804) 225–2042.

VIRGIN ISLANDS

Mark Vinzant, Director, VI DD Council, P.O. Box 2671 Kingshill, St. Croix, U.S. Virgin Islands 00850, Tel. (809) 772–2133.

WASHINGTON

Developmental Disabilities Planning Council, Sharon Hansen, Executive Director,

Ninth & Columbia Bldg. MS–GH–52, Olympia, WA 98504–4151. Tel. (206) 753–3908.

WEST VIRGINIA

Richard Kelly, Director, DD Planning Council, c/o Dept. of Health, 1800 Washington Street, E., Charleston, WV 25305. Tel. (304) 348–2276.

WISCONSIN

Jayn Wittenmyer, Executive Director, Council on DD, State of Wisconsin, P.O. Box 7851, Room 344, Madison, WI 53707–7851. Tel. (608) 266–7826.

WYOMING

Sharron C. Kelsey, Executive Director, Council on DD, Barrett Building, Room 408, Cheyenne, WY 82002. Tel. (307) 777–7230.

[FR Doc. 88– 8748 Filed 4–20–88; 8:45 am]

BILLING CODE 4130–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision of Notice of System of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise a notice describing a system of records maintained by the Minerals Management Service (MMS). The title of the system notice, which describes records on individuals who have contracts with MMS, is being changed from "Procurement Management Information System" to "Procurement Network System—Interior, MMS–10." No other changes are being made to the notice which is published in its entirety below. The notice was previously published in the **Federal Register** on December 9, 1985 (50 FR 50236).

Since this change does not involve any new or intended use of the information in the system of records, the notice shall be effective on April 21, 1988. Additional information regarding this revision may be obtained from the Department Privacy Act Officer, Office of the Secretary (PMA), Room 2242, Main Interior Building, U.S. Department of the Interior, Washington, DC 20240.

Dated: April 13, 1988.

Oscar W. Mueller, Jr.,

Director, Office of Management Analysis.

INTERIOR/MMS–10

SYSTEM NAME:

Procurement Network System—Interior, MMS–10

SYSTEM LOCATION:

Department of the Interior, Minerals Management Service, Office of Administration, Procurement and General Services Division, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contracts with the Minerals Management Service. The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorship. The system also contains records concerning corporations and other business entities that are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of contract information, from inception of requirement, through contract award, contract administration, and completion of the contract. Also included are copies of contractor and technical and cost proposals, documentation pertaining to the award, contract, miscellaneous correspondence, and information on debts owed by a contractor as a result of overpayment, default, disallowed costs, or other contractual obligation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 481.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is in awarding and administering contracts through their completion. Disclosures outside the Department of the Interior may be made: (1) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were complied; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; (3) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; (5) to Federal, State, or local Agencies where necessary to obtain information relevant or necessary to the hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; (6) to the Department of Commerce for publication in the Commerce Business Daily; (7) to the General Services Administration for entry into the Federal Procurement Data System.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1986 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual and computerized form.

RETRIEVABILITY:

By name of individual contractor and by contract number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

Retained and disposed of according to General Records Schedule No. 3, Item No. 4.

SYSTEM MANAGER AND ADDRESS:

Chief, Procurement and General Services Division, Mail Stop 635, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of a record should be addressed to the System Manager. A written signed request stating that the individual seeks information concerning his/her records is required. (43 CFR 2.60)

RECORD ACCESS PROCEDURES:

Requests for access shall be addressed to the System Manager, signed by the requester and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information comes from the individual contractors.

[FR Doc. 88-8722 Filed 4-20-88; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Land Management

[MT-921-08-4121-11; M 76694]

Invitation to Participate; Exploration of Coal; Montana

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of invitation; Coal Exploration License Application M 76694.

Members of the public are hereby invited to participate with Meridian Minerals Company in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Yellowstone and Musselshell Counties, Montana:

Principal Meridian, Montana

T. 6 N., R. 27 E.,
Sec. 20, all.
Sec. 28, all.
Sec. 34, all.

640.00 acres Musselshell County, 1280.00 acres Yellowstone County. Total acres: 1920.00.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107; and Meridian Minerals Company, 5613 DTC Parkway, Englewood, Colorado 80111. Such written notice must refer to serial number M 76694 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of the Notice in the Roundup Record-Tribune, whichever is later. This Notice will be published once a week for 2 consecutive weeks.

The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. Copies of the exploration plan as submitted by Meridian Minerals Company may be examined during normal business hours at the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

John A. Kwiatkowski,

Acting State Director.

April 14, 1988.

[FR Doc. 88-8755 Filed 4-20-88; 8:45 am]

BILLING CODE 4310-DN-M

[MT-921-08-4121-10]

Cancellation; Fort Union Federal Coal Production Region and Opening of Regions to Lease Coal in North Dakota and Montana

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice cancelling the Fort Union Federal Coal Production Region, and opening 36 counties in North Dakota and Montana to lease-by-application.

SUMMARY: On November 9, 1979, in a **Federal Register** notice, the Bureau of Land Management (BLM) established the Fort Union Federal Coal Production Region for management of federally owned coal (44 FR 65196-65197). Recent assessments by the Fort Union Regional Coal Team (RCT) indicate that existing market conditions do not justify the federally initiated coal lease sale program procedures of 43 CFR Subpart 3420. In accordance with 43 CFR 3400.5, this notice decertifies the Fort Union Federal Coal Production Region, allowing the region to lease coal under the lease by application process described at 43 CFR Subpart 3425 (Leasing on Application).

EFFECTIVE DATE: May 23, 1988.

FOR FURTHER INFORMATION CONTACT: William J. Frey, Telephone (406) 657-6841 or FTS 585-6841, Montana State Office, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107.

SUPPLEMENTARY INFORMATION: The Fort Union Federal Coal Production Region was established by the BLM on November 9, 1979, together with a number of other regions, to implement competitive coal leasing under regulations contained in 43 CFR Subpart 3420. The Fort Union Coal Region includes the following counties:

Montana

Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley, and Wibaux.

North Dakota

Adams, Billings, Bowman, Burke, Burleigh, Divide, Dunn, Golden Valley, Grant, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Renville, Sheridan, Slope, Stark, Ward, and Williams.

At the November 5, 1987, Fort Union Regional Coal Team meeting, the RCT considered current and projected market conditions, potential for emergency leasing, level of industry interest, and administrative efficiencies. The RCT concluded that regional activity planning, as described under 43 CFR Subpart 3420, is no longer warranted under current market conditions. Accordingly, the RCT recommended that lease by application procedures should be used in lieu of the regional activity planning process.

A **Federal Register** notice of December 24, 1987, and a public mailing solicited comments on the RCT's recommendation to operate in a lease by application mode. Six letters of comment were received from the solicitation. None of the comments were in opposition to the RCT's recommendation to operate using the lease by application procedures.

The expected benefits of operating in the lease-by-application mode are a substantial savings in administrative costs to both the Federal Government and the States of Montana and North Dakota, while retaining a responsive leasing process for the coal industry. No additional social, economic, or environmental impacts are anticipated as a result of this change in the method of leasing. The Fort Union Regional Coal Team will participate in coal lease consideration in the lease-by-application mode. If the demand for Federal coal increases significantly, regional coal activity planning procedures can be reactivated through recertification of the Fort Union Federal Coal Production Region.

In accordance with 43 CFR 3400.5, this notice is to advise the public that the Fort Union Federal Coal Production Region is decertified, thereby declaring that the Federal coal reserves in those counties of Montana and North Dakota listed above will be leased under 43 CFR Subpart 3425 (Lease-by-Application), rather than under 43 CFR 3420.3-3420.6 (Activity planning—The leasing process).

Coal lease applications under 43 CFR Subpart 3425 will be accepted by the BLM for the 36 counties named above. Three copies of an application for a Federal coal lease must be filed in the Montana State Office, Bureau of Land Management, P.O.B. 36800, Billings, Montana 59107.

Robert F. Burford,

Director, Bureau of Land Management.

Date: April 15, 1988.

[FR Doc. 88-8777 Filed 4-20-88; 8:45 am]

BILLING CODE 4314-DN-M

[CO-920-08-4121-10]

Cancellation; Green River-Hams Fork Federal Coal Production Region and Opening of Leasing in Colorado and Wyoming

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice cancelling the Green River-Hams Fork Federal Coal Production Region and opening the 11 counties in Colorado and Wyoming to lease-by-application.

SUMMARY: On November 29, 1979, the Bureau of Land Management (BLM) established the Green River-Hams Fork Coal Production Region for the Management of federally owned coal (44 FR 65197). Subsequent assessments indicate that industry interest, based on market conditions and existing potential production capacities, does not justify the federally initiated coal lease sale program procedures of 43 CFR 3420.3 through 3420.6. In accordance with 43 CFR 3400.5, this notice decertifies the Green River-Hams Fork Federal Coal Production Region. Further, this notice designates Federal coal reserves in the 11 county area of Colorado and Wyoming as open to lease-by-application in accordance with 43 CFR Subpart 3425.

EFFECTIVE DATE: May 23, 1988.

FOR FURTHER INFORMATION CONTACT: Betsy Daniel, (303) 236–1778, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

SUPPLEMENTARY INFORMATION: The Green River-Hams Fork Federal Coal Production Region was established by the Bureau of Land Management (BLM) on November 9, 1979, together with a number of other regions to implement competitive coal leasing under regulations contained in 43 CFR Subpart 3420. The Green River-Hams Fork Region includes the following counties: In Colorado-Jackson, Grand, Routt, Moffatt, and Rio Blanco; in Wyoming-Lincoln, Sweetwater, Uinta, Sublette, Albany, and Carbon. The coal production region was estimated to contain sufficient Federal coal deposits to justify offering coal leases through the competitive leasing process set out in 43 CFR 3420.3 through 3420.6.

During its October 9, 1987 meeting in Denver, Colorado, the regional coal team discussed the proposal to operate in a lease-by-application mode. As a result of that meeting, the regional coal team decided to offer an additional opportunity for public comment and the comments received be considered and responded to before a final decision on the subject was made by the Director of BLM.

On December 28, 1987, a decision document on lease-by-application along with a request for public comments was published in the **Federal Register** (Volume 52, No. 248, page 48881). As a result of that notice, two comments were received. Both comments supported leasing-by-application in the Green River-Hams Fork Region.

Therefore, a a result of limited industry interest in additional tracts of Federal coal in this region, coal leasing in the counties listed above will be handled on a lease-by-application basis under 43 CFR 3425.

Although the region is being decertified, the regional coal team will continue to be involved in the lease-by-application process as described in section 6c of its charter.

The Governors of the States of Colorado and Wyoming concur in the recommendation.

The expected benefits are a substantial savings in administrative costs to both the Federal Government and the States of Colorado and Wyoming, while retaining a responsive leasing process for the coal industry. No additional social, economic, or environmental impacts are anticipated as a result of this change in the method of leasing.

In accordance with 43 CFR 3400.5, this notice is to advise the public that the Green River-Hams Fork Federal Coal Production Region is decertified, thereby declaring that the Federal coal reserves in those counties in Colorado and Wyoming listed above will be leased under 43 CFR Subpart 3425 (lease-by-application) rather than under 43 CFR 3420.3 through 3420.6.

Applications under 43 CFR 3425.1–5 shall be accepted by the BLM to lease Federal coal in the 11 counties named above. Three copies of the application shall be filed in the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215; or the Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003.

Date: April 15, 1988.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 88–8776 Filed 4–20–88; 8:45 am]

BILLING CODE 4310-JB-M

[ID-020-08-4212-13]

Proposed Amendment to the Malad Management Framework Plan To Allow the Exchange of Public and Private Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Amend the Malad Management Framework Plan to allow the exchange of public and private lands.

SUMMARY: Notice is hereby given in accordance with 43 U.S.C. 1711–1712 and 43 CFR 1610.2(c) that the Burley District is proposing to amend the Malad Management Framework Plan to allow the exchange of the following described public and private lands:

Offered Lands (Private Land) 39.92 Acres

T.15S., R.30E., Boise Meridian,
Sec. 34: Lot 6 (SE¼NW¼).

Selected Lands (Public Land) 40 Acres

T.16S., R.32E., Boise Meridian,
Sec. 20: NW¼NW¼.

The general location of the selected land is three miles northwest of Stone, Idaho. The location of the offered land is six miles south of the Juniper Exit on I–84.

A land use plan amendment document and a land report will be prepared for the subject lands. The land report and the amendment will be reviewed by BLM interdisciplinary resource specialists. Public participation will involve the publication of this notice in the **Federal Register** and local newspapers. The adjoining landowners, grazing permittees, county commissioners, the Burley District Grazing Advisory Board and Advisory Council, and the Idaho Fish and Game Department will be asked for comments. As public controversy is expected to be low for the proposed exchange, no public meetings, hearings, or conferences are planned.

The main issue that is anticipated for the exchange proposal is whether it is in the public interest to exchange 40 acres of public land to Oneida County to be used for a community landfill in return for 39.92 acres of private land that will be acquired by BLM and managed for livestock grazing and wildlife habitat.

The existing Malad Management Framework Plan and maps are available for review at the Deep Creek Resource Area Office, 138 South Main Street, Malad, Idaho, 83252.

The public may obtain additional information about this exchange proposal by contacting the Bureau of Land Management, ATTN: John R. Christensen, 138 South Main Street,

Malad, Idaho, 83252, telephone (208) 766–4766.

Date: April 15, 1988.

Marvin R. Bagley,

Associate District Manager.

[FR Doc. 88–8756 Filed 4–20–88; 8:45 am]

BILLING CODE 4310-GG-M

[(WY-920-08-4121-11); W-109154]

Invitation for Coal Exploration License; Wyoming

ACTION: Invitation for Coal Exploration License Antelope Coal Company.

SUMMARY: Antelope Coal Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Converse County, Wyoming:

T. 40 N., R. 71 W., 6th P. M., WY
Sec. 13: Lot 8;
T. 41 N., R. 71 W., 6th P. M., WY
Sec. 26: Lots 14, 15;
Sec. 34: Lots 1, 8, 9, 16;
Sec. 35: Lots 8, 9, 10.
Containing 401.91 acres.

All of the coal in the above land consists of unleased Federal coal, within the Power River Basin known coal leasing area. The purpose of the exploration is to define outcropping of coal seams within the area.

ADDRESSES: A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–109154): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82003; and Bureau of Land Management, 1701 East 'E' Street, Casper, Wyoming 82601.

SUPPLEMENTARY INFORMATION: This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of April 25, 1987, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Antelope Coal Company no later than 30 days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Antelope Coal Company, Attn: Christopher Casson, P.O. Box 66989, St. Louis, Missouri 63166, and the Bureau of Land Management, Wyoming State Office, Branch of Mining Law and Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82003.

The foregoing is published in the **Federal Register** pursuant to Title 43 Code of Federal Regulations, § 3410.2–1(c)(1).

Gilbert J. Lucero,

Acting State Director.

[FR Doc. 88–8738 Filed 4–20–88; 8:45 am]

BILLING CODE 4310-22-M

[NV-040-08-4322-12]

Ely District Advisory Council Meeting; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In the **Federal Register** Vol. 53, No. 52 published on Thursday, March 17, 1988, on page 8807 after the first line of the third paragraph, the following sentences should be inserted: "A public comment period is scheduled between 6:15 and 6:45 p.m. for anyone wishing to submit oral or written comments. Depending on the number of individuals wishing to make comments, a time limit for each person may have to be set to stay within the established schedule."

Date: April 11, 1988.

Kenneth G. Walker,

District Manager.

[FR Doc. 88–8752 Filed 4–20–88; 8:45 am]

BILLING CODE 4310-HC-M

[AK-919-08-4213-02]

Joint Meeting of the Northern and Southern Alaska Advisory Councils

A joint meeting of the Northern and Southern Alaska Advisory Councils, open to the public, will be held from 9:30 a.m. to 5 p.m. on Tuesday, May 10 and from 9 a.m. to 12 p.m. on Wednesday, May 11, 1988, at BLM's Fairbanks Support Center, 1541 Gaffney Road, Fairbanks (on Fort Wainwright), Alaska.

Briefings will be given to the Council on: surface management issues related to placer mining in Alaska, state selection of lands in the Utility Corridor and other areas of Alaska, progress of BLM-Alaska reorganization, review of Advisory Council structure and relationships, the mineral-potential assessment inventory of the Steese National Conservation Area and the White Mountains National Recreation Area, BLM-Alaska activity priorities, and updates of on-going BLM projects.

Public comments on agenda items will be received by the Council from 9 to 10 a.m. on Wednesday, May 11. Oral comments may be limited by time and it is recommended that public comments be submitted in writing at the meeting.

For further information contact the Public Affairs Office, Bureau of Land Management, 1541 Gaffney Road, Fairbanks, Alaska 88703, telephone (907) 356–2345.

Donald E. Runberg,

Designated District Manager, Northern Alaska/Steese-White Mountains District.

April 15, 1988.

[FR Doc. 88–8739 Filed 4–20–88; 8:45 am]

BILLING CODE 4310-84-JA-M

[WY-040-08-4322-02]

Rock Springs District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs District Advisory Council.

DATE: The meeting is scheduled for Thursday, May 26, 1988, at 9:30 a.m.

ADDRESS: Rock Springs District Office, Bureau of Land Management, Highway 191 North, Rock Springs, Wyoming 82901.

FOR FURTHER INFORMATION CONTACT: Donald Sweep, District Manager, Rock Springs District Office, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82902–1869, (307) 382–5350.

SUPPLEMENTARY INFORMATION: The Rock Springs District Advisory Council will meet on Thursday, May 26, 1988, at 9:30 a.m. in the Rock Springs District Office building. The agenda will include general briefings and the realty and access program.

The meeting is open to the public.

Donald H. Sweep,

District Manager.

[FR Doc. 88–8723 Filed 4–20–88; 8:45 am]

BILLING CODE 4310-22-M

[OR-100-84-6310-02; GP8-046]

Roseburg District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The District Advisory Council for the Bureau of Land Management, Roseburg District will meet May 27, 1988, beginning at 9:00 a.m. in the Roseburg District Office Auditorium. The agenda will include discussion of State Director Guidance on resource management plans for the 1990s; update on the timber management program, North Umpqua Trail Project, and other district activities; and recognition of volunteer achievements.

ADDRESS: Bureau of Land Management, Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, OR 97470.

FOR FURTHER INFORMATION CONTACT: Mel Ingeroi, Public Affairs Specialist, Roseburg District, (503) 672–4491. Ext. 245.

SUPPLEMENTARY INFORMATION: An opportunity for interested persons to make oral statements before the Council will be provided at 11:00 a.m. Written statements for the Council can be mailed to the District Manager prior to the meeting or presented to the Council during the meeting. Within 30 days after the meeting, summary minutes will be prepared for distribution and be available for public inspection at the District Office.

M.D. Berg,

District Manager.

Date: April 15, 1988.

[FR Doc. 88–8746 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–33–M

[WY–010–08–4410–08]

Worland District Advisory Council, Wyoming; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the Worland District (Wyoming) Advisory Council.

SUMMARY: This notice lists the schedule and agenda of a meeting of the Worland District Advisory Council.

DATES: May 11, 1988, 8:00 a.m. until 6:00 p.m. and May 12, 1988, 8:30 a.m. until 4:00 p.m.

ADDRESS: The first day of the meeting (May 11) will be a tour of portions of the Cody Resource Area. The business meeting to be held May 12, will be at the Holiday Inn, 1701 Sheridan Avenue, Cody, Wyoming.

FOR FURTHER INFORMATION CONTACT: David Stout, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401, telephone (307) 347–9871.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

May 11: Tour portions of the Cody Resource Area.

The tour will meet at 8:00 a.m. in Meeteetse, Wyoming, at the U.S. Forest Service Greybull Ranger District Office, 2044 State Street. Members of the public who plan to accompany the tour must provide their own transportation and should bring a sack lunch for the noon meal. The tour will end at the BLM office in Cody at approximately 6:00 p.m.

May 12: Business meeting.

a. Opening remarks, introductions.

b. Review of minutes from the March 10, 1987 meeting.

c. Update on the Washakie Resource Management Plan.

d. Update on the Grass Creek Management Framework Plan.

e. Briefing on the Washakie Forest Management Plan.

f. Briefing on the Grass Creek ORV designations.

g. Update on Grass Creek Resource Area grazing management.

h. Briefing on the Cody Resource Management Plan.

i. Statements from the public, if any.

Darrell C. Barner,

District Manager.

Date: April 14, 1988

[FR Doc. 88–8747 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–22–M

[WY–010–08–4322–10]

Worland District Grazing Advisory Board, Wyoming; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Worland District Grazing Advisory Board.

SUMMARY: Pursuant to the Taylor Grazing Act of 1934, the Public Rangelands Improvement Act of 1978, the Federal Land Policy and Management Act of 1976, and the Executive Order 12548 of February 14, 1986, notice is hereby given of a meeting of the Worland District Grazing Advisory Board to be held at 10:00 a.m., May 25, 1988, in the conference room at the BLM District Office, 101 South 23rd Street, Worland, Wyoming.

DATE: May 25, 1988, 10:00 a.m.

ADDRESSES: Bureau of Land Management, 101 South 23rd Street, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Darrell C. Barnes, District Manager, Worland District Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401, (307) 347–9871.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Update on range project planning.

2. Review of FY 1988 range improvement projects.

3. Discussion and Recommendations for proposed FY 1989 range improvement projects.

4. Review of current Allotment Management Plan Development.

5. Range Program Update: Grazing Agreements, Grazing Decisions, and Rangeland Monitoring.

6. Opportunity for the public to present information or make comments.

The meeting will be open to the public, interested persons may make oral statements to the Board during the public comment period, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager in writing by May 18, 1988.

Summary minutes of this meeting will be on file in the District Office and available for a public inspection (during regular business hours) within 30 days of the meeting.

Darrell C. Barnes,

District Manager.

[FR Doc. 88–8757 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–22–M

[AK–070–08–4213–23; F–85976]

Realty Action; Anderson, AK

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: This notice of realty action proposes twenty-year leases on public lands along the Parks Highway near Anderson, Alaska. The leases are to authorize nine unauthorized occupancies, some since 1962, resulting from an unsuccessful Trade and Manufacturing Site by Sheldon Klinke.

DATE: Comments and applications must be received by June 6, 1988.

ADDRESS: Comments and applications must be submitted to the Kobuk District Manager, 1541 Gaffney Road, Fairbanks, Alaska 99703.

FOR FURTHER INFORMATION CONTACT: Boyce Bush, (907) 356–5380.

SUPPLEMENTARY INFORMATION: Lands are suitable for leasing under the provisions of section 302 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1732, 1740, and 43 CFR Part 2920. Lands are selected by the State of Alaska, who desires the unauthorized occupants be granted leases prior to the lands being patented to the State.

Subject lands are approximately 48 acres located in Lots 1 and 2, W½ NE¼, Sec. 36, T. 6 S., R. 8 W., Kateel River Meridian.

Descriptions of each of the nine lots will be provided separately to each occupant.

Applications will be accepted only from persons owning improvements on

the subject land. Evidence of ownership of improvements must be submitted with each application. Pursuant to 43 CFR 2808.3–1(a), a Category 1 processing fee of $125 must be submitted with each application. Specific terms and conditions of the leases shall be consistent with residential use. Annual rental shall be fair market value, to be determined by appraisal.

Roger Bolstad,

Kobuk District Manager.

[FR Doc. 88–8753 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–84–JA–M

[AK–070–08–4213–23; F–578]

Realty Action; Fairbanks, AK

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: This notice of realty action proposes a twenty year lease for Tolovana Hot Springs located on public lands 45 miles northwest of Fairbanks, Alaska. The proposed lease is a renewal of a lease recently assigned to Tom Delong.

DATE: Comments and application must be received by June 6, 1988.

ADDRESS: Comments and application must be submitted to the Kobuk District Manager, 1541 Gaffney Road, Fairbanks, Alaska, 99703.

FOR FURTHER INFORMATION CONTACT: Boyce Bush, (907) 356–5380.

SUPPLEMENTARY INFORMATION: Lands are suitable for leasing under the provisions of section 302 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1732, 1740, and 43 CFR Part 2920.

Subject lands are approximately 160 acres located in Lots 1 and 2, U.S. Survey No. 5610 A, located in T. 5 N., R. 6 W., Fairbanks Meridian. The exact acreage to be leased will be determined during evaluation of the proposal submitted.

Tom Delong managed the hot springs for the prior lessee the last year of the lease. He made substantial improvements to the facility, and greatly increased public use of the hot springs. Prior lessees assigned their interest to Mr. Delong, and the assignment was approved with a preference right of renewal.

Tom Delong is designated bidder for a renewal and only his application will be accepted. Pursuant to 43 CFR 2808.3–1(a), a Category 2 processing fee of $300 must be submitted with the application. Specific terms and conditions of the lease shall be consistent with promoting public use of a hot springs. Annual rental shall be fair market value, to be determined by appraisal.

Roger Bolstad,

Kobuk District Manager.

[FR Doc. 88–8754 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–84–JA–M

[CO–050–4212–21; COC–47716]

Realty Action; Proposed Leasing of Public Land; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed leasing of public land in Chaffee County, Colorado.

SUMMARY: A parcel of land is being considered for lease under section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762; 43 U.S.C. 1732). Leasing of the land will authorize construction and operation of a commercial go-cart track, and will allow the government to collect fair market rental. The land and prospective lessee are as follows:

Sixth Principal Meridian, CO

T. 14S., R. 78W.,
Sec. 23, SW¼ SW¼.

The proposed go-cart track would cover a parcel of land containing about 10 acres located in an abandoned gravel pit along Chaffee County Road No. 302. Prospective lessees: Thomas Drake and Rick Rucker. The parcel would be offered noncompetitively to the applicants under a 10 year renewable lease at no less than fair market rental. The general terms and conditions for leases are found in 43 CFR 2920.7.

The lessee would be required to reimburse the United States for reasonable costs incurred in processing and monitoring the lease, in accordance with 43 CFR 2920.6.

DATE: For a period up to and including May 23, 1988, interested parties may submit comments to the District Manager, Bureau of Land Management, 3170 East Main Street, Canon City, Colorado 81212.

FOR FURTHER INFORMATION CONTACT: Mark Pyle, Royal Gorge Area Realty Specialist, at 719–275–0631.

Donnie Sparks,

District Manager.

[FR Doc. 88–8724 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–JB–M

[MT–930–08–4220–10; MTM–067221]

Partial Termination of Proposed Withdrawal and Reservation of Lands; Opening Order for Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Publication of this notice terminates the segregative effect of a proposed withdrawal application requested by the Department of Agriculture on 183.61 acres of national forest lands. This action will open the described lands to location and entry under the mining laws. It has been and will remain open to mineral leasing.

EFFECTIVE DATE: May 23, 1988.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–657–6082.

SUPPLEMENTARY INFORMATION: Segregation of these lands took effect on September 10, 1964, when withdrawal application MTM–067221 was noted to the public land records. On September 29, 1964, a notice of proposed withdrawal of these and other national forest system lands was published in the **Federal Register** at 29 FR 13434, and republished on June 9, 1977, at 42 FR 29567. The purpose of the proposed withdrawal was to protect developed and proposed campgrounds and picnic areas. The protection is no longer needed.

1. The segregative effect is hereby terminated as to the following described lands:

Principal Meridian Kootenai National Forest

Rock Lake Recreation Area

T. 35 N., R. 26 W.,
Sec. 6, lot 6, E½SE¼NW¼, W½SW¼ NE¼ lying west and north of Rock Lake.
Containing 78.61 acres.

Camp 32 Recreation Area

T. 36 N., R. 28 W.,
Sec. 35, S½NW¼SW¼, N½NE¼SW¼ SW¼.
Containing 25.00 acres.

Paul Bunyan Recreation Area

T. 29 N., R. 30 W.,
Sec. 30, W½W½SW¼SE¼, E½SE¼ SW¼, E½SW¼SE¼SW¼, SE¼NE¼ SW¼.
Containing 45.00 acres.

Timberlane Recreation Area

T. 32 N., R. 31 W.,
Sec. 35, W½SW¼NW¼SE¼, SE¼NE¼ SW¼, NE¼SE¼SW¼, E½NW¼ SE¼SW¼, E½SW¼NE¼SW¼.
Containing 35.00 acres.

The areas described aggregate 183.61 acres in Lincoln County.

2. At 9 a.m. on May 23, 1988, the lands will be opened to location and entry under the United States mining laws. Appropriation of any of the lands described in this order 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. section 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.

John A. Kwiatkowski,

Deputy State Director, Divison of Lands and Renewable Resources.

April 12, 1988.

[FR Doc. 88-8758 Filed 4-20-88; 8:45 am]

BILLING CODE 4310-DN-M

Fish and Wildlife Service

Intent To Prepare an Amendment to the Environmental Impact Statement for the Wilderness Review of the Alaska Peninsula National Wildlife Refuge; Correction

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability; Correction.

SUMMARY: This document corrects a notice of availability that appeared on page 10298 in the **Federal Register** of Wednesday, March 30, 1988. This action is necessary to correct the date when a public hearing on the Wilderness Review Amendment will be held.

FOR FURTHER INFORMATION CONTACT: William Knauer, Resource Support, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3399.

Text

The following correction is made in **Federal Register** Doc. 88-6896 appearing on page 10298:

On page 10298, column two, the second paragraph, under "Date," is corrected to read "A public hearing regarding the amendment to the Environmental Impact Statement on Wilderness Review will be held in the large conference room, U.S. Fish and Wildlife Service Regional Office, 1011 E. Tudor Road, Anchorage, Alaska, 7:00 p.m., May 3, 1988."

Walter O. Stieglitz,

Regional Director.

[FR Doc. 88-8750 Filed 4-20-88; 8:45 am]

BILLING CODE 4310-55-M

Intent To Prepare an Amendment to the Environmental Impact Statement for the Wilderness Review of the Becharof National Wildlife Refuge; Correction

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability; Correction.

SUMMARY: This document corrects a notice of availability that appeared on page 10298 in the **Federal Register** of Wednesday, March 30, 1988. This action is necessary to correct the date when a public hearing on the Wilderness Review Amendment will be held.

FOR FURTHER INFORMATION CONTACT: William Knauer, Resource Support, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3399.

The following correction is made in **Federal Register** Doc. 88-6896 appearing on page 10298:

On page 10298, column three, the second paragraph under "Dates," is corrected to read "A public hearing regarding the amendment to the Environmental Impact Statement on Wilderness Review will be held in the large conference room, U.S. Fish and Wildlife Service Regional Office, 1011 E. Tudor Road, Anchorage, Alaska, 7:00 p.m., May 2, 1988."

Walter O. Stieglitz,

Regional Director.

[FR Doc. 88-8751 Filed 4-20-88; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 86-96]

Jefferson Pharmacy, Inc.; Revocation of Registration

On November 28, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Jefferson Pharmacy, Inc. (Respondent), of 12620 East Jefferson, Detroit, Michigan, seeking to revoke DEA Certificate of Registration AJ7865465, and to deny any pending applications for renewal of said registration. The statutory basis for the issuance of the Order to Show Cause was that Respondent's continued registration is inconsistent with the public interest, as the term is used in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4).

On December 18, 1986, Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause. Pursuant to Respondent's request for a hearing, on December 29, 1986, Administrative Law Judge Francis L. Young issued an order for prehearing statements. The order directed counsel for Respondent and the Government to file prehearing statements on or before February 9, 1987, identifying issues to be addressed, witnesses to be called, and documents to be offered at a hearing. The order also contained the following precautionary statement:

> Respondent is cautioned that failure timely to file a prehearing statement as directed [in the order for prehearing statements] * * * may be considered a waiver of hearing and an implied revocation of a request for a hearing.

On February 4, 1987, after concluding that Respondent's continued registration during the pendency of proceedings on the Order to Show Cause would constitute an imminent danger to the public health and safety, the Administrator of the Drug Enforcement Administration issued a subsequent Order to Show Cause and Immediate Suspension of Registration to Respondent. The second Order to Show Cause and Immediate Suspension of Registration were personally served on Mildres R. Hall, R.Ph., the owner and registered pharmacist of Respondent pharmacy, on February 6, 1987.

With respect to the initial Order to Show Cause, Respondent failed to file a prehearing statement, as ordered by the Administrative Law Judge. Based upon Respondent's failure to file a prehearing statement with respect to the initial Order to Show Cause, on March 27, 1987, the Administrative Law Judge determined that Respondent waived its opportunity for a hearing, and subsequently terminated the proceedings before him. In addition, Respondent did not file a request for a hearing on the issues raised in the second Order to Show Cause and Immediate Suspension of Registration.

Since Respondent failed to file a prehearing statement pursuant to its request for a hearing on the issues raised in the initial Order to Show Cause, which caused the Administrative Law Judge to terminate the proceedings in that matter, and Respondent failed to file a request for a hearing on the issues raised in the subsequent Order to Show Cause and Immediate Suspension of

Registration, the Administrator concludes that Respondent has waived its opportunity for a hearing in both matters, and enters this final order based upon the information contained in the investigative file and record of this proceeding as it now appears, pursuant to 21 CFR 1301.54(c), 1301.54(d), and 1301.54(e).

The Administrator finds that on March 13, 1985, in the Recorder's Court for the City of Detroit, Mildres R. Hall, the registered pharmacist and owner of Respondent pharmacy, was indicted on one count of possession with intent to unlawfully deliver a controlled substance, to wit: Methaqualone, a Schedule I controlled substance; one count of possession with intent to unlawfully deliver a controlled substance, to wit: Phenmetrazine, a Schedule II controlled substance; two counts of possession with intent to unlawfully deliver a controlled substance, to wit: codeine, a Schedule II controlled substance; and one count of possession with intent to unlawfully deliver a controlled substance, to wit: Pentazocine, a Schedule IV controlled substance. All offenses are in violation of M.C.L.A. section 333.7401(2)(b), and constitute felony offenses relating to controlled substances, as the term is used in 21 U.S.C. 824(a)(2).

This indictment resulted from an investigation initiated by the DEA Detroit Field Division and local police into the controlled substance handling activities of Mr. Hall. The investigation was initiated based upon information received from a reliable source who claimed that Mr. Hall was selling large quantities of cocaine and other controlled substances out of his residence. Based upon this information, the Wayne County Federal Task Force and the Drug Enforcement Administration conducted surveillance of Mr. Hall's residence. During this surveillance, the officers observed several persons entering Mr. Hall's residence and remaining only for very short periods of time. In addition, the officers searched trash from Mr. Hall's residence which was found to contain used syringes and two containers of a white powder residue which tested positive for the presence of cocaine. Shortly thereafter, officers obtained a warrant to search Mr. Hall's residence. During the search which took place on March 13, 1985, officers and Special Agents seized more than 35,000 dosage units of controlled substances which were strewn about the residence, including methaqualone, cocaine, hydrocodone, methylprylon, diethylproprion, flurazepam and phenmetrazine. Also found in the search were a .44 magnum handgun, a .357 magnum handgun, and three video cameras, all of which were determined to be stolen property.

Following the search of Mr. Hall's residence, the DEA Detroit Field Division obtained an administrative inspection warrant to inspect Respondent pharmacy. The administrative inspection warrant was executed at Respondent pharmacy on March 16, 1985. Controlled substance receiving and dispensing records were obtained pursuant to the warrant, and a controlled substance accountability audit was performed for the period from May 31, 1983, through March 16, 1985. A second accountability audit was simultaneously performed using the additional records and controlled substances obtained from Mr. Hall's residence. The combined results of the audits revealed significant shortages of all controlled substances audited, including shortages of 22,423 dosage units of A.P.C. #3; 31,448 dosage units of APC #4; 337,750 dosage units of Talwin; 473,914 dosage units of Ambenyl; 29,660 dosage units of Bromanyl; 26,431 dosage units of Tylenol #3; 25,585 dosage units of Tylenol #4; 606 dosage units of Empirin #3; 774 dosage units of Empirin #4; and 100 dosage units of Dolophine. The audit also revealed an unexplained overage of 4,024 dosage units of Talacen.

On January 22, 1987, subsequent to Mr. Hall's arrest and the issuance of the initial Order to Show Cause, DEA Detroit Field Division Diversion Investigators conducted a follow-up controlled substance audit of Respondent Pharmacy for the period from March 17, 1985, to January 22, 1987. The audit revealed that: (a) Following his arrest, Mr. Hall continued to order excessive quantities of various controlled substances, several Schedule III codeine-based controlled substances and Schedule V codeine-based cough preparations; (b) the pharmacy did not maintain invoices or receiving records for all controlled substances received; and (c) there was a shortage of 206,500 dosage units of the pharmacy's stock of Talwin, totalling a 100% shortage during the audit period. In fact, the pharmacy had no prescriptions to account for any of the Talwin dispensed during the audit period.

On September 1, 1987, Mildres Hall was convicted of possession of 50 grams of methaqualone, in violation of M.C.L.A. section 333.7401(2)(b), a felony conviction relating to controlled substances. As a result of this conviction, Mr. Hall was fined and placed on probation for a period of two years.

A registrant's felony conviction relating to controlled substances constitutes a sufficient ground to revoke the registrant's DEA Certificate of Registration. See 21 U.S.C. 824(a)(2). In addition, the Administrator has consistently held that the registration of a corporate registrant may be revoked upon a finding that a natural person who is an owner, officer, or key employee, who has some responsibility for the operation of the registrant's business, has been convicted of a felony offense relating to controlled substances. See *Ozie T. Faison d/b/a Smith Discount Drugs*, Docket No. 85-37, 51 FR 16403 (1986); *Diodo Leduc d/b/a Farmacia Leduc*, Docket No. 85-5, 51 FR 12751 (1986); *Spoon's Pharmacy*, Docket No. 84-41, 50 FR 46529 (1985); *Daniel Levine, t/a Gladstone Pharmacy*, Docket No. 84-20, 50 FR 32651 (1985); *Coolidge Drugs, Inc., d/b/a The Apothecary*, 50 FR 31785 (1985); *Medicine Shoppe*, 50 FR 30533 (1985); *B. Ruppe Drugstore, Inc.*, Docket No. 84-16, 50 FR 23203 (1985); and *K & B Successors, Inc.*, Docket No. 82-15, 49 FR 34588 (1984).

In addition to Mr. Hall's felony conviction relating to controlled substances, which in itself is sufficient to support the revocation of Respondent's registration, the Administrator finds that the additional violations by Mr. Hall, both individually and as the owner of Respondent pharmacy, constitute more than sufficient evidence to conclude that Respondent's continued registration would be inconsistent with the public interest. In fact, based upon evidence which revealed that Mr. Hall was illegally distributing large quantities of controlled substances, could not explain huge shortages of controlled substances in the pharmacy, and failed to maintain proper controlled substance records, the Administrator finds that Mr. Hall repeatedly has displayed a total disregard for controlled substances laws and regulations. Thus, the Administrator finds that he can no longer be entrusted with a DEA Certificate of Registration. Therefore, the Administrator concludes that Respondent pharmacy's registration must be revoked, and any pending applications for renewal must be denied.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AJ7865465, be and it hereby is, revoked; it is further ordered that any pending applications

for renewal of said registration be, and they hereby are, denied.

This order is effective April 21, 1988.

Date: April 15, 1988.

John C. Lawn,

Administrator.

[FR Doc. 88-8726 Filed 4-20-88; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-66]

Medical Center Pharmacy; Revocation of Registration

On August 12, 1987, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Medical Center Pharmacy (Respondent) of 7421 Michigan Avenue, Detroit, Michigan 40210, proposing to revoke the pharmacy's DEA Certificate of Registration AB3045146 and to deny any pending applications for the renewal of such registration as a retail pharmacy under 21 U.S.C. 823(f). The statutory predicate for the proposed action was the controlled substance-related felony conviction of John A. Brzozowski, the co-owner of the pharmacy.

John A. Brzozowski requested a hearing on behalf of Respondent on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. On September 23, 1987, Judge Young issued an order directing both sides to file a prehearing statement on or before October 23, 1987. In the Order for Prehearing Statements, Judge Young specifically stated that, "Respondent is cautioned that failure timely to file a prehearing statement as directed above may be considered a waiver of hearing and an implied revocation of a request for hearing." Government counsel timely filed its prehearing statement, however Respondent never submitted such a filing. The Administrative Law Judge issued a Memorandum and Order Terminating Proceedings on December 7, 1987, which stated that due to Respondent's failure to file a prehearing statement, Respondent is deemed to have waived its opportunity for a hearing. Accordingly, Judge Young terminated the proceedings before him. The Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that on January 26, 1984, an agent of the Federal Bureau of Investigation had occasion to interview an individual who was being held at the Detroit Police Department. The individual stated that on January 26, 1984, he presented six prescriptions for various Schedule II controlled substances to John A. Brzozowski, the co-owner and then pharmacist of Respondent. Mr. Brzozowski then filled all of these prescriptions for the individual. The individual further stated that Mr. Brzozowski routinely filled multiple prescriptions for Schedule II controlled substances for the individual.

The agent then interviewed Mr. Brzozowski on or about August 24, 1984. During the course of the interview, Mr. Brzozowski admitted that he filled the six prescriptions for controlled substances for the individual on January 26, 1984, in exchange for $450.00. He further stated that he had similar dealings with the individual on approximately six different occasions. In addition, Mr. Brzozowski admitted that he dispensed Dilaudid, Percodan and other Schedule II controlled substances knowing that the drugs would be resold on the street.

On or about January 2, 1986, a one count information was filed in the United States District Court for the Eastern District of Michigan charging John A. Brzozowski with the unlawful distribution of a Schedule II narcotic controlled substance in violation of 21 U.S.C. 841(a)(1). On or about January 24, 1986, Mr. Brzozowski was convicted, following his guilty plea, of the charge alleged in the information. This is a felony offense relating to controlled substances.

The Administrator of DEA has consistently held that the registration of a pharmacy may be revoked, suspended or denied as a result of the controlled substance handling practices of the pharmacy's owner, majority shareholder, officers, managing pharmacist or other key employee. See, *White's Best Buy Drugs*, Docket No. 87-41, 53 Fed. Reg. 7251 (1988); *Unarex of Plymouth Road, d.b.a. Motor City Prescription and Unarex of Dearborn, d.b.a. Motor City Prescription Center*, Docket Nos. 84-1 and 84-2, 50 Fed. Reg. 6077 (1985); *Bourne Pharmacy, Inc.*, Docket No. 83-32, 49 FR 32816 (1984); and cases cited therein. In the instant case, Respondent's co-owner was convicted of a controlled substance-related felony. Therefore, lawful grounds exist for the revocation of Respondent's DEA registration. 21 U.S.C. 824(a)(2). No evidence of explanation or mitigating circumstances has been offered on behalf of the registrant. Therefore, the Administrator concludes that the registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AB3045146, previously issued to Medical Center Pharmacy, be, and it hereby is, revoked, and any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective May 23, 1988.

Date: April 15, 1988.

John C. Lawn,

Administrator.

[FR Doc. 88-8727 Filed 4-20-88; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-75]

Holme Drug Store, Philadelphia, PA; Hearing

Notice is hereby given that on October 28, 1987, the Drug Enforcement Administration, Department of Justice, issued to Daniel H. Stein, d/b/a/ Holme Drug Store, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration AH2343438 and deny any pending applications for registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Wednesday, April 27, 1988, commencing at 10:00 a.m., at the U.S. Claims Court, Courtroom 10, Room 309, 717 Madison Place, NW., Washington, DC.

Dated: April 15, 1988.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 88-8728 Filed 4-20-88; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 88-38]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); 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, National Aeronautics and Space Administration

announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Ad Hoc Review Team on Lunar and Planetary Mission Propulsion.

DATE AND TIME: May 12, 1988, 8:30 a.m. to 4 p.m.

ADDRESS: Princeton University, Eisenhart Conference Room, Energy Research Lab, Engineering Quadrangle, Princeton, NJ 08544.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Stocky, Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91109.

SUPPLEMENTARY INFORMATION: The NAC Space Systems and Technology Advisory Committee (SSTAC) was established to provide overall guidance to the Office of Aeronautics and Space Technology (OAST) on space systems and technology programs. Special ad hoc review teams are formed to address specific topics. The Ad Hoc Review Team on Lunar and Planetary Mission Propulsion, chaired by Dr. Robert Jahn, is comprised of 9 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the team members and other participants).

Type of Meeting: Open.

Agenda:

May 12, 1988

8:30 a.m.—Presentations on Team Final Report.

1 p.m.—General Discussion and Recommendations for Final Report.

4 p.m.—Adjourn.

April 13, 1988.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 88-8704 Filed 4-20-88; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cell Biology; Meeting

Name: Advisory Panel for Cell Biology.

Date and Time: Monday, Tuesday, and Wednesday, May 16, 17, and 18, 1988, from 9:00 am to 5:00 pm.

Place: Room 1242, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. M.V. Parthasarathy, Program Director, Cell Biology Program, Room 321. Telephone: 202-357-7474.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

April 12, 1988.

[FR Doc. 88-8759 Filed 4-20-88; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Critical Engineering Systems Division; Meeting

Name: Advisory Committee for Critical Engineering Systems Division.

Date and Time:

May 12

9:00 a.m.-5:00 p.m.

May 13

9:00 a.m.-4:00 p.m.

Place: State Plaza Hotel, 2117 E Street NW., Washington, DC 20037.

Type: Open.

Contact: Dr. Michael P. Gaus, Acting Division Director, Critical Engineering Systems, National Science Foundation, 1800 G Street NW.—Room 1132, Washington, DC 20550, Phone: 202-357-9545.

Minutes: "May be obtained from contact person listed above."

Purpose of Meeting: To provide advice and recommendations concerning fundamental research for critical engineering systems.

Agenda: Review of research content of the following research programs: Earthquake Hazard Mitigation, Environmental Engineering, Systems Engineering for Large Structures along with plans for the future.

April 18, 1988.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88-8760 Filed 4-20-88; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Development Biology; Meeting

The National Science Foundation announces the following meeting.

Name: Advisory Panel for Developmental Biology.

Date and Time: May 11, 12, 13, 1988, starting at 9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street NW., Conference Room, 643.

Type of Meeting: Closed.

Contact Persons: Dr. Ralph Hecht, Program Director or Dr. Judith Plesset, Assistant Program Director for Developmental Biology, Room 321, Telephone number: 202/357-7989.

Purpose of Advisory Panel: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature including technical information; financial data, such as salaries, and the personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

April 18, 1988.

[FR Doc. 88-8761 Filed 4-20-88; 8:45 am]

BILLING CODE 7555-01-M

DOE/NSF Nuclear Science Advisory Committee; Meeting

The National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date and Time: May 11, 1988; 9:00 am-12:00 noon; 1:30 pm-5:00 pm.

Place: Kolker Room 26-414, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139.

Type of Meeting: Open.

Contact Person: Karl A. Erb, Program Director for Nuclear Physics, National Science Foundation, Washington, DC 20550, (202) 357-7993.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To advise the National Science Foundation and the Department of Energy on scientific priorities within the field of basic nuclear science research.

Agenda:

9:00 am-12:00 noon

—Report on NSF Budgets and Programs

—Report on DOE Budgets and Programs

—Discussion of Theory Subcommittee Report

1:30 pm-5:00 pm

—Report on Activities of 1988 NSAC Instrumentation Subcommittee

—Discussion of NSAC Activities Concerning KAON

—Discussion of Conference Coordination

—General Discussion and Comment.

M. Rebecca Winkler,

Committee Management Officer.

April 18, 1988.

[FR Doc. 88-8762 Filed 4-20-88; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Electrical, Communications, and Systems Engineering; Meeting

National Science Foundation announces the following meeting:

Name: Advisory Committee for Electrical, Communications, and Systems Engineering.
Date: May 16 and 17, 1988.
Time: May 16—10:00 am to 5:30 pm; May 17—9:00 am to 12:30 pm.
Place: National Science Foundation, Conference Room 643, Washington, DC.
Type of Meeting: Open.
Contact Person: Dr. Allen R. Stubberud, Division Director, Division of Electrical, Communications and Systems Engineering, Room 1151, National Science Foundation, Washington, DC., Telephone: 202–357–9618.
Purpose of Committee: To discuss research trends and opportunities and to advise on priorities in resource management.
Agenda:

—Presentations by individual ECSE Program Directors
—Management of resources
—Issues and priorities
—Trends and opportunities in electrical engineering research
—Relation to other NSF activities and new initiatives.

April 18, 1988.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88–8763 Filed 4–20–88; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for the Prokaryotic Genetics Program; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for the Prokaryotic Genetics Program.
Date and Time: May 16, 17, and 18, 1988 from 9:00 a.m. to 5:00 p.m. each day and completed by noon on Wednesday.
Place: National Science Foundation, 1800 G Street NW., Room 540, Washington, DC 20550
Type of Meeting: Closed.
Contact Person: Dr. Marcus Rhoades, Director Prokaryotic Genetics, Room 325, Phone: (202) 357–9687.
Summary Minutes: May be obtained from the Contact Person at the above address.
Purpose of Meeting: To provide advice and recommendations concerning support for research.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552 b (c), Government in the Sunshine Act.

Rebecca Winkler,

Committee Management Officer.

April 18, 1988.

[FR Doc. 88–8764 Filed 4–20–88; 8:45 am]

BILLING CODE 7555–01–M

United States Antarctic Program Safety Review Panel; Meeting

The National Science Foundation announces the following meeting:

Name: United States Antarctic Program (USAP) Safety Review Panel.
Date: May 16 and 17, 1988.
Time: 8:30 a.m. to 5:00 p.m., both days.
Place: Omni Georgetown Hotel (Smithsonian Room) 2121 P Street NW.; Washington, DC.
Type of Meeting: Open.
Contact Person: Mr. Russell L. Schweickart, Chairman, USAP Safety Review Panel, Room H–217, National Science Foundation, Washington, DC 20550, Telephone (202) 634–4892.
Minutes: May be obtained from contact person listed above.
Purpose of Meeting: Review safety issues as they relate to the U.S. presence in Antarctica.
Agenda: Continue Panel's work on its report.

M. Rebecca Winkler,

Committee Management Officer.

April 18, 1988.

[FR Doc. 88–8765 Filed 4–20–88; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to the Florida Power and Light Company (the licensee) for the Turkey Point Plant, Unit Nos. 3 and 4, located in Dade County, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed amendments would delete the remaining Turkey Point Plant Environmental Technical Specifications (ETS) Sections 1.0 and 5.0 and replace the ETS with an Environmental Protection Plan, which would be incorporated by reference in the licenses. The requirements of Sections 1.0 and 5.0 of the ETS which are still applicable would be included in the Environmental Protection Plan.

The Need for the Proposed Action

The staff has previously issued amendments which deleted the nonradiological and radiological environmental monitoring programs and requirements from the ETS, Appendix B to Operating License Nos. DPR–31 and DPR–41. Amendments 93/87, issued March 11, 1983, deleted the nonradiological water quality-related requirements. Amendments 100/94, issued January 4, 1984, deleted the nonradiological monitoring programs related to terrestrial, biological, and physical monitoring. Amendments 105/99, issued August 24, 1984, deleted the groundwater monitoring requirements and other environmental protection limits. These nonradiological monitoring requirements are now regulated by the Environmental Protection Agency (EPA) and other Federal, State and Local Ervironmental Agencies. Amendments 103/97, issued April 23, 1984, transferred the radiological monitoring requirements from Appendix B to Appendix A of the Technical Specifications. Hence, the radiological monitoring requirements continue to be regulated by the NRC.

Due to the above-mentioned changes, what remains of the ETS, Sections 1.0 and 5.0, are definitions and administrative procedures. For this reason, the licensee has proposed deleting the ETS and replacing it with an Environmental Protection Plan which incorporates these administrative procedures.

Environmental Impacts of the Proposed Action

The proposed amendments would only replace administrative requirements currently contained in Appendix B with similar requirements in the Environmental Protection Plan. The proposed amendments do not relate to radiological monitoring requirements and accordingly, the Commission concludes that this proposed action would not result in any radiological environmental impact.

With regard to potential nonradiological impacts, the proposed change to the TS 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 amendments.

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with

equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendments. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for Turkey Point Units 3 and 4.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for amendments dated April 16, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Rockville, Maryland, this 14th day of April 1988.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-8767 Filed 4-20-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Pilgrim Nuclear Power Station

Exemption

I.

The Boston Edison Company (BECo), the licensee, is the holder of Operating License No. DPR-35 which authorizes operation of Pilgrim Nuclear Power Station. The license provides, among other things, that the Pilgrim Nuclear Power Station is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

The plant is a boiling water reactor at the licensee's site located in Plymouth County, Massachusetts.

II.

On November 19, 1980, the Commission published a revised Section 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised Section 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these subsections, III.G.1.(a), is the subject of the licensee's exemption request.

Section III.G.1.(a) of Appendix R to 10 CFR Part 50, requires that fire protection features be provided for structures, systems, and components important to safe shutdown. The features are required by regulation to be capable of limiting fire damage such that at least one train of each system necessary to achieve and maintain hot shutdown from either the Control Room or emergency control station(s) is free of fire damage without the need for operator actions classified as repairs.

III.

By letter dated October 2, 1987, BECo, requested exemptions from 10 CFR Part 50, Appendix R, Item III.G.1.(a) requirement, for performing repairs for maintaining plant hot shutdown following a fire in any one of certain plant areas. Specifically, the licensee proposes replacing fuses in the control circuits for RHR valves in the torus cooling mode of RHR operation which may get blown due to a fire in Fire Area (FA) 3.1 (Control Room), 3.2 (Cable Spreading Room) or 1.9 (Reactor Building, Elevation 23', East side). Additionally, the licensee proposes installing a jumper wire in the control circuit for a required cooling fan that may get disabled due to a fire in FA 1.9.

The licensee indicated that for a fire in FA 3.1 or 3.2, the Reactor Core Isolation Cooling (RCIC) and Residual Heat Removal (RHR) in the torus cooling mode will be used to achieve and maintain safe shutdown. The licensee also indicated that for a fire in FA 1.9, the RHR in the torus cooling mode can be used with other applicable systems to achieve and maintain safe shutdown. The licensee, however, identified an electrical isolation deficiency associated with the torus cooling mode of RHR operation which could compromise the capability to maintain hot shutdown following certain fire events. Specifically, the licensee's analysis of postulated fires in plant areas indicated that a fire in any one of 3 fire areas (FA 3.1, 3.2 or 1.9) can cause damage to the remote control circuits for the 5 valves required for torus cooling. This damage could result in blowing the associated control power fuses that are common to both the remote and local control circuits for these valves and consequently compromise the local control capability for these valves. Since this event could blow fuses in both divisions, this would not conform to Appendix R, III.G.1.

The transferring of the control of the needed valves from the control room to a local control station (i.e., alternate shutdown panel) will not be sufficient to ensure local control of these valves. Control would be lost if their common fuses are blown prior to such transfer. To ensure local control of the 5 valves, the licensee proposes to replace the blown control power fuses for the affected valves in a timely manner after effecting the transfer of the 5 valves to local control. Specifically, for a fire in any one of the above 3 areas, the licensee proposes to transfer control of the needed valves from the control room to an alternate shutdown panel (ASP) located in a fire area different from the affected fire area using the respective transfer switches for the valves on the panel and replace the blown fuses at the MCC located adjacent to the ASP. One of two sets (i.e., each set containing one ASP and one adjacent MCC) associated with the valves of the corresponding train of two RHR trains will be utilized depending upon the fire location. One of these sets is located in FA 1.9 and the other is located in FA 1.10 (Reactor Building Elevation 23', West side). For a fire in FA 3.1 or 3.2, the licensee will use either of these sets; for a fire in FA 1.9, the set located in FA 1.10 will be used. At any one time, no more than 5 fuses will need to be replaced and the need for replacement will be identified by the absence of indicating lights above the respective control switches for the valves.

The licensee has indicated that sufficient time will be available for replacing the blown fuses since they have confirmed that a single operator can replace 5 fuses within 20 minutes. General Electric Company (GE) has determined that at least 2 hours are available to perform these replacements before torus cooling will be required. The fuses are correctly sized and clearly marked for use and all necessary tools and additional spare fuses will be maintained nearby. Adequate lighting has been provided for the MCC cubicles containing the fuses to facilitate fuse replacement. In this context, the staff notes that the fuse replacement will not

result in undue operator hazard since it involves only control power fuses.

The licensee indicated that a fire in FA 1.9 can additionally disable control of a fan which, in turn, will disrupt the cooling of the area in the Reactor Building housing various needed hot shutdown components. The licensee has calculated that 8 hours after loss of area cooling, the area temperature can rise to 209 °F, the value established for environmental qualification for the equipment in the area. The licensee proposes to install a jumper wire (hot shutdown repair) in the fan control circuit at the applicable MCC (located in FA 1.10) which is outside the affected fire area. Sufficient time will be available for the jumper wire installation since the task can be completed in less than one hour. The licensee further indicated that the properly sized jumper will be kept in one of the alternate shutdown tool boxes (located in switch gear rooms).

The licensee has committed to implement the above procedures prior to plant startup from the current refueling outage (RFO) No. 7. The procedures for plant shutdown outside the control room (at the ASP) include all actions to be taken for fuse replacement, when they are to be taken, and identify the MCC and the breaker number for each component whose fuse may require replacement. Supplemental procedures on post-fire shutdown in specific areas including the Reactor Building are being developed (to be completed and implemented prior to plant startup from RFO No. 71). These will give instructions to the operators as to when and how to install the jumper wire. The licensee committed to train the operators in the above procedures prior to startup.

The manual actions including the hot shutdown fuse replacement, meet the intent and purpose of IE Information Notice No. 85–09, "Isolation Transfer Switches and Post-Fire Shutdown Capability," dated January 31, 1985. The staff has further determined that the other proposed hot shutdown repair requiring jumper wire installation to facilitate performance of a support function (cooling an area to maintain hot shutdown) can be completed in a timely manner so as not to compromise maintaining hot shutdown.

Based on the above evaluation, the staff concludes that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of Appendix R to 10 CFR Part 50. The licensee's existing fire protection configuration, including the proposed manual actions, provides an equivalent level of protection to that achieved by compliance with Section III.G.1(2) of Appendix R.

Therefore, the licensee's request for an exemption to the requirements of Section III.G.1.(a) of Appendix R in relation to the need of manual actions including the above hot shutdown repairs should be granted.

IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that (1) the exemption as described in Section III is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security and (2) in this case, special circumstances are present in that application of the regulation is not necessary to achieve the underlying purpose of Appendix R to 10 CFR Part 50. Therefore, the Commission hereby grants the exemption from the requirements of Section III.G.1.(a) of Appendix R to 10 CFR Part 50 regarding the ability to achieve and maintain hot shutdown from either the Control Room or emergency control station(s) without the need of operator actions classified as repairs.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant environmental impact (53 FR 12484). A copy of the licensee's request for exemption dated October 2, 1987 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360. Copies may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

This Exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of April 1988.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Acting Director, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–8768 Filed 4–20–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–369 and 50–370]

Duke Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. NPF–9 and NPF–17 issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The amendments would revise Technical Specification (TS) 3/4.7.13 "Groundwater Level" and referenced Table 3.7–7 "Groundwater Level Monitors." TS 3.7.13 presently requires that groundwater level be maintained at specified levels as determined from eleven interior and exterior groundwater level monitors situated in or near the Reactor Buildings, the Auxiliary Building and the Diesel Generator Buildings. The proposed change would delete the groundwater monitors for the Reactor Buildings and the Diesel Generator Buildings, leaving only the five monitors for the Auxiliary Building. The change would introduce a revised groundwater level control strategy based upon a single alarm level (731 feet MSL) for the Auxiliary Building monitors, and would change the unit shutdown requirement from one alarmed monitor to three alarmed monitors out of a total of five for the Auxiliary Building. The license states that Duke Design Engineering has performed analyses which show that the Reactor Buildings and Diesel Generator Buildings can withstand a groundwater elevation corresponding to plant grade, 760 feet MSL (which is also the full pond level for Lake Norman) and that, therefore, it is not necessary to continue monitoring the groundwater levels at lower elevations for these buildings. Elevation 737 feet MSL was calculated to be the maximum level that groundwater could rise before overturning due to buoyancy would begin for the Auxiliary Building. To avoid reaching this level, the proposed TS would require that if groundwater level exceeds elevation 731 feet MSL as indicated by 3 of 5 monitor alarms, and cannot be reduced in one hour, the McGuire Station (both units) must be in at least hot standby within 6 hours, and hot shutdown within the next 6 hours, and cold shutdown within the following 30 hours. The associated surveillance requirements would be changed to require that (1) the groundwater level be demonstrated each shift to be below elevation 731 feet MSL and (2) the groundwater level monitor instrument/loop for the specified locations be demonstrated operable annually by loop calibration or operational test.

This notice supersedes the related previous notice in 50 FR 38914 dated September 25, 1985.

By May 23, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility 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 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.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is required 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 Lawrence P. Crocker, Acting Director, Project Directorate II–3; (petitioner's name and telephone number); (date Petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 27, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Rockville, Maryland, this 15th day of April 1988.

For the Nuclear Regulatory Commission.

Lawrence P. Crocker,

Acting Project Director, Project Directorate II–3, Division of Reactor Projects—I/II.

[FR Doc. 88–8769 Filed 4–20–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–443–OL and 50–444–OL (ASLBP No. 82–471–02–OL; (Offsite Emergency Planning))]

Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2); Hearing

April 15, 1988.

Atomic Safety and Licensing Board, Before Administrative Judges: Ivan W. Smith, Chairman, Gustave A. Linenberger, Jr., Dr. Jerry Harbour.

The evidentiary hearing on the offsite emergency planning aspects of this proceeding will resume at 1:00 p.m., on May 2, 1988 in Room 310, Legislative Office Building, Concord, New Hampshire. The hearing will relate to the issue of sheltering the beach population during a radiological emergency at the Seabrook Station.

For the Atomic Safety and Licensing Board.

Ivan W. Smith,

Chairman, Administrative Law Judge.

Bethesda, Maryland, April 15, 1988.

[FR Doc. 88–8798 Filed 4–20–88; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Adjustment of Quotas; Tungsten From China

SUMMARY: Pursuant to authority delegated by the President in Proclamation No. 5718 of October 2, 1987, the United States Trade Representative (the USTR) hereby adjusts the quotas specified in the Annex to Proclamation 5718 in accordance with subparagraph (d) of Headnote 11 of Subpart A, Part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202).

EFFECTIVE DATE: April 21, 1988.

FOR FURTHER INFORMATION CONTACT: Bernard Ascher, (202) 395–4510; John Kingery, (202) 395–6800.

SUPPLEMENTARY INFORMATION: On October 2, 1987, the President proclaimed under sections 203, 406 and 604 of the Trade Act of 1974, certain measures to implement an Agreement for Orderly Trade in Ammonium Paratungstate and Tungstic Acid Between the Governments of the United States and the People's Republic of China. The Proclamation also states that "the USTR is authorized to make any changes to part 2 of the appendix to the TSUS that may be necessary to carry out the agreement * * *"

Subparagraph (d) of new Headnote 11 to Subpart A, Part 2 of the Appendix to the Tariff Schedules of the United States, as provided by the Annex to Proclamation 5718, states: "To the extent that imports of the tungsten articles provided for herein exceed 1.7 million pounds tungsten content for calendar year 1987, the specified limits for subsequent periods will be reduced according to the following schedule: the 1988 calendar year specified limit shall be reduced by 50 percent of the excess; the specified limit for the 1989 calendar year period shall be reduced by 30 percent of the excess; and the specified limit of 1990 shall be reduced by 20 percent of the excess."

Pursuant to a **Federal Register** notice of December 29, 1987 (52 FR 49127), the U.S. Trade Representative adjusted the quota limits in accordance with Proclamation 5718. It was noted that a subsequent notice would be published reflecting new quota limits adjusted for statistical variations present in the first notice. After correcting for such statistical variations as well as a quota overfill amount, it was determined that imports of the tungsten articles subject to the Agreement and Proclamation consisted of 3,596,634 pounds tungsten content. Thus the amount in excess of 1.7 million pounds tungsten content is 1,896,634 pounds. Accordingly, the Tariff Schedules of the United States are modified to reflect the necessary adjustments as set forth in the Annex hereto.

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

Clayton Yeutter,

United States Trade Representative.

Annex

Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) is modified by deleting the quantities from the column entitled "Specified Limit (in pounds tungsten content)", and by inserting in lieu thereof the quantities set forth below opposite the enumerated TSUS item numbers:

926.30	425,000
926.31	861,682
926.32	1,371,010
926.33	1,670,673
926.34	1,500,000

[FR Doc. 88-8732 Filed 4-20-88; 8:45 am]

BILLING CODE 3190-01-M

PRESIDENTIAL COMMISSION THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC

Notice of Change To a Meeting

Notice is hereby given pursuant to Pub. L. 92-463 that the Presidential Commission on the Human Immunodeficiency Virus Epidemic will not hold a meeting on Thursday, April 28, 1988. The witnesses scheduled to appear on Thursday, April 28, 1988 will now testify on Wednesday, April 27, 1988. The meeting on Wednesday, April 27, 1988 will be from 8:00 A.M. to 7:00 P.M. There are no other changes.

Polly L. Gault,

Executive Director

[FR Doc. 88-8913 Filed 4-20-88; 9:53 am]

BILLING CODE 4160-15-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-16368; 812-6871]

Bank of New England; Application

April 15, 1988

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Bank of England ("BNE" or "Applicant") and any presently issued or subsequently issued unit investment trusts registered pursuant to the Act for which BNE serves as trustee, and any sub-custodian thereof.

Relevant 1940 Act Sections. Exemption requested under section 6(c) from the provisions of section 26(a)(2)(D) of the 1940 Act.

Summary of Application: Applicant seeks an order under section 6(c) of the 1940 Act to permit it to deposit, or to cause or permit the deposit of, securities and other assets of any current and future trusts for which Applicant serves as trustee with the Euro-Clear System ("Euro-clear") or Central de Livraison Valeurs Mobilieres, S.A. ("CEDEL" collectively with Euro-clear the "Transnational Agencies").

Filing date: The application was filed on September 15, 1987 and amended on March 28, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on May 9, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

Addresses: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o Mari Wilson, Esq., Goodwin, Procter & Hoar, Exchange Place, Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT: Cecilia C. Kalish, Staff Attorney (202) 272-3037, or Curtis R. Hilliard, Special Counsel (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. BNE is a national banking association which meets the qualifications of section 26(a)(1) of the 1940 Act for the trustee or custodian of a unit investment trust. BNE serves as trustee of unit investment trusts sponsored or cosponsored by Merrill Lynch, Pierce, Fenner & smith Incorporated, Shearson Lehman Hutton Inc., PaineWebber Incorporated, Kidder, Peabody & Co. Incorporated, Prudential-Bache Securities Inc., Dean Witter Reynolds Inc., Dain, Bosworth Incorporated, Smith Barney, Harris Upham & Co., Incorporated, and Moseley Securities Corporation, and may in the future act as trustee of unit investment trusts sponsored or co sponsored by these and additional sponsors. BNE serves as trustee pursuant to a trust indenture (the "Indenture") among the sponsor of the trust and BNE as trustee ("Trustee"), including trusts which invest in a fixed portfolio of securities denominated in

foreign currencies and non-United States securities.

2. Euro-clear and CEDEL are two of the largest clearance and custody systems of internationally traded securities. They were organized principally to provide a simple, economic and automated means of settling secondary market transactions in internationally traded securities regardless of the geographical location of the parties to the transaction. The branch of Morgan Guaranty in Brussels, Belgium operates Euro-clear, and is subject to regulation by the New York and federal banking authorities and the Belgian Banking Commission. Belgian law also governs Morgan Guaranty's liability as custodian and operator of Euro-clear under the Terms and Conditions Governing the Euro-clear System, which constitutes the contract between Euro-clear and each participating entity that has an account with Morgan Guaranty Brussels. CEDEL was founded as a limited company under the laws of the Grand Duchy of Luxembourg. CEDEL is headquartered in Luxembourg and has representative offices in London and New York. CEDEL operates under the supervision of the Institute Monetaire Luxembourgeois, the Luxembourg Monetary Authority, which is also the banking control authority.

3. Pursuant to the proposed custody arrangements described in the Application, permission is sought to use the Transnational Agencies to hold certain non-United States securities of current or future unit investment trusts for which Applicant serves as trustee.

4. Under the proposed arrangement, BNE as Trustee would provide to a trust custody services which would permit the foreign securities of the trust to be held abroad in the custody of a Transnational Agency. Such services would be offered by BNE pursuant to arrangements which would be the same as with those applicable to registered management investment companies as contemplated by Rule 17f–5 under the 1940 Act, except: (i) Certain duties and responsibilities of the board of directors of such companies would, in the case of a trust, be performed by BNE; (ii) BNE would provide indemnification as summarized below; and, (iii) pending further action by the Securities and Exchange Commission, only the Transnational Agencies would qualify as eligible foreign custodians for the trusts.

5. BNE as Trustee will undertake itself, with respect to foreign custody services offered to the trusts, to fulfill substantially all of the supervisory and monitoring roles currently assigned by Rule 17f–5 to the board of directors of a management investment company. In particular, prior to the holding of foreign securities of any trust in a Transnational Agency, BNE as Trustee for such trust will be required to:

(i) Make a determination that maintaining the trust's assets in the particular country or countries is consistent with the best interests of the trust and its unitholders;

(ii) Make a determination that maintaining the trust's assets with the particular Transnational Agency is consistent with the best interests of the trust and its unitholders;

(iii) Enter into a written contract which is consistent with the best interests of the trusts and its unitholders and which will govern the manner in which such Transnational Agency will maintain the trust's assets and which provides that:

(A) The trust will be adequately indemnified and its assets adequately insured in the event of loss (without regard to the indemnity provided by the Trustee under its trust agreement);

(B) The trust's assets will not be subject to any right, charge, security interest, lien or claim of any kind in favor of the Transnational Agency or its creditors except a claim of payment for their safe custody or administration;

(C) Beneficial ownership for the trust's assets will be freely transferable without the payment of money or value other than for the safe custody or administration;

(D) Adequate records will be maintained identifying the assets as belonging to the trust;

(E) The trust's independent public accountants will be given access to records identifying assets of the Fund or confirmation of the content of those records; and

(F) The Trustee will receive periodic reports with respect to safekeeping of the trust's assets including, but not necessarily limited to, notification of any transfer to or from the Trustee's account;

(iv) Establish a system to monitor the foreign custody arrangements in order to ensure compliance with the proposed trust provisions and the representations and conditions of this application; and

(v) Review and approve, at least annually, the continuing maintenance of trust assets in a particular country or countries with a particular Transnational Agency as being consistent with the best interests of the trust and unitholders.

BNE as Trustee, in making such determinations, will consider various factors, such as the comparative operational efficiencies of custody, clearance and settlement and the costs thereof and the political and other risks, attendant to the holding of foreign securities in the particular Transnational Agency, all as more specificially set forth in the Application. BNE shall consider the extent of the trust's exposure to loss because of the use of a particular Transnational Agency. The potential effect of such exposure upon unitholders shall be disclosed, if material, by the Sponsors in the prospectus relating to the the trust. In addition, before entering into any custodial contract with the Transnational Agency, BNE as Trustee shall specifically consider whether, under the terms of the contract and without regard to the indemnity provided by the Trustee, the trust will be adequately indemnified and its assets adequately insured in the event of loss. BNE as Trustee shall select with the exercise of reasonable care the particular Transnational Agency which may have custody of the foreign securities.

BNE will undertake to assure that any sponsor of a unit investment trust to which the proposed exemption from section 26(a)(2)(D) would apply, agrees to specific disclosure requirements relating to the trust's exposure to loss because of the use of a Transnational Agency. In particular, the sponsor will agree that the potential affect of such exposure upon unitholders shall be disclosed, if material, by the sponsor in the prospectus relating to the trust.

6. BNE as Trustee shall maintain, and keep current, written records regarding the basis for the choice or continued use of a particular Transnational Agency, and such records shall be available for inspection by unitholders and the Securities and Exchange Commission at the Trustee's offices at all reasonable times during its usual business hours. In addition, where the Trustee has determined that a Transnational Agency may no longer be considered eligible under the terms of the trust agreement or that continuance of the arrangement would not be consistent with the best interests of the trust and the unitholders, the trust must withdraw its assets from the care of such Transnational Agency as soon as reasonably practicable, and in any event within 180 days of the date when the Trustee made the determination.

7. Apart from the written contract governing the manner in which the Transnational Agencies will maintain trust assets, under the proposed trust provisions BNE as Trustee will indemnify and hold the trust whose foreign securities are held harmless from and against any loss which shall occur

as the result of the failure of the Transnational Agency holding such foreign securities to exercise reasonable care with respect to the safekeeping of such foreign securities to the same extent the Trustee would be required to indemnify and hold the trust harmless if the Trustee itself were holding such foreign securities in the United States' jurisdiction whose laws govern the indenture. Such provisions would provide, however, that the Trustee will not have liability for loss except by reason of the gross negligence, bad faith or willful misconduct of the Trustee or the Transnational Agency.

Applicant's Legal Conclusions

1. Applicant believes that securities deposited in Euro-clear or CEDEL are at least as effectively protected as the same securities would be if directly deposited with a foreign branch of a U.S. bank, or shipped to the U.S. for custody, for several reasons, including:

(i) The insurance coverage for Euro-clear and CEDEL depositaries and their outstanding loss record;

(ii) The expertise and experience of the banks holding securities for Euro-clear or CEDEL;

(iii) The efficiencies resulting from handling large quantities of the same issue;

(iv) The excellent track records of Euro-clear and CEDEL;

(v) The close scrutiny of Euro-clear and CEDEL services resulting from the market's dependence upon (and hence concern for) these services and the oversight of the depositaries; and

(vi) The depositary agreements pursuant to which securities are held by Euro-clear and CEDEL depositaries, which impose high standards of care on the depositaries.

2. Applicant further believes that the exposure to certain custodial risks is reduced when securities are held through Euro-clear or CEDEL rather than directly by a U.S. bank branch since securities held in Euro-clear or CEDEL do not have to be transported for deposit outside these systems or to effect sale. Furthermore, holding foreign securities outside of Euro-clear and CEDEL would give rise to substantially higher costs for holding and transferring securities and for settling transactions.

Applicant's Conditions

Applicant agrees that any order of the Commission pursuant to this application will be conditioned upon the representations in paragraphs 5, 6 and 7 above.

For the Commission, by the Division of Investment Management, under delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-8770 Filed 4-20-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25594; File No. 600-20]

Self-Regulatory Organizations; Amendments to Application for Registration as a Clearing Agency

On August 1, 1986, the International Securities Clearing Corporation ("ISCC") [1] filed with the Commission an application for registration as a clearing agency under section 17A of the Securities Exchange Act of 1934, 15 U.S.C. 78q-1, (the "Act") and Rule 17Ab2-1(c)(1) thereunder. On August 14, 1986, the Commission published notice of the application in the **Federal Register** to solicit comments from interested persons.[2] ISCC filed amendments to its application on October 8, 1987, February 22, 1988, and February 26, 1988. Those amendments include: revised rules, proposed fees, and ISCC's custodial service member's agreement and agency services agreement.

Pursuant to Rule 17Ab2-1(c)(1), the Commission may grant ISCC registration as a clearing agency and exempt it from one or more of the requirements of section 17A(b)(3)(A)-(I) of the Act. Generally, registration pursuant to Rule 17Ab2-1(c)(1) is not effective for more than eighteen months from the date on which registration is made effective by the Commission.[3] Before the expiration of that 18 month period, the Commission will either: (i) Grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination under section 17A(b)(3)(A)-(I) of the Act; or (ii) institute proceedings to determine whether registration should be denied at the expiration of eighteen months.

You are invited to submit written data, views, and arguments concerning the foregoing application within thirty days of the date of publication of this notice in the **Federal Register**. Such written data, views an arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Rule 17Ab-2-1(c)(2). Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the application, the amendments, and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 15, 1988

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-8816 Filed 4-20-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25593; File No. SR-NASD-87-42]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD") submitted on October 14, 1987, copies of a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend Article V, Part A of the NASD's Code of Procedure, which sets forth the procedures the NASD must follow in order to impose remedial limitations, pursuant to Article III, section 38 of the NASD's Rules of Fair Practice, on the operations of members who are in or are approaching, financial or operational difficulty.

The proposed rule change:

(1) Provides that the committees empowered to impose business limitations—the District Surveillance Committees ("DSCs")—shall be composed of at least five members. (The former rule provided for DSCs of exactly five members.);

(2) Changes the composition of the DSCs, to draw upon an expanded pool of qualified industry personnel, and provides that each member of a DSC be appointed for a term not to exceed three years;

(3) Grants members a right to notice and an opportunity for a hearing, on the record, to determine whether the DSC may properly impose sanctions on members for the members' failure to adhere to business limitations previously imposed by the DSC;

---

[1] ISCC is a wholly owned subsidiary of the National Securities Clearing Corporation ("NSCC"), incorporated under the laws of the State of New York.

[2] Securites Exchange Act Release No. 23514 (August 8, 1986), 51 FR 29184.

[3] The Commission, by order, may provide a longer period.

(4) Empowers the DSCs to empanel subcommittees composed of at least two DSC members, to hear proceedings: (1) To determine the appropriateness of proposed business limitations, and (2) to determine whether to sanction members for failing to adhere to limitations previously imposed by the DSC or by a subcommittee of the DSC;

(5) Expands the time frame within which the DSC must hold a hearing on the appropriateness of imposing business limitations on a member; and

(6) Provides that the NASD's Board of Governors hearing panels, which hear business limitation proceedings on appeal, be composed of *at least* two members of the Board of Governors Surveillance Committee ("BGSC"). (The former rule provided for exactly two BGSC members.)

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 25378, February 22, 1988), and by publication in the **Federal Register** (53 FR 5847, February 26, 1988). No comments were received with respect to the proposed rule change. On February 25, 1988, at the staff's request, the NASD filed a revised version of the proposed rule change. That revision stipulates that any hearing conducted pursuant to section 5(c) of Article V, Part A, to determine whether to impose sanctions for a member's failure to adhere to specified business limitations, must be: (1) Requested by the member in a timely manner in accordance with the terms specified by the NASD; (2) held on the record; and (3) conducted within 2 business days before the proposed effective date of the sanctions. On April 11, 1988, the NASD filed a formal amendment to its proposal. The amendment revised the language of Sections 5 and 6 to conform those sections to the remaining provisions of the Code of Procedure.[1]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

[1] Because the amendment is conforming in nature, the Commission has determined to approve the amended proposed rule change without separate publication of the amendment in the **Federal Register**; however, the amendment is available for inspection and copying in the Commission's Public Reference Room

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: April 15, 1988.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 88-8815 Filed 4-20-88; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2312]

Texas; Declaration of Disaster Loan Area

Upshur County in the State of Texas constitutes a disaster loan area because of damages from a tornado which occurred on April 1, 1988. Applications for loans for physical damage may be filed until the close of business on June 13, 1988, and for economic injury until the close of business on January 17, 1989, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051 or other locally announced locations.

The interest rates are:

Homeowners With Credit Available Elsewhere	8.000%
Homeowners Without Credit Available Elsewhere	4.000%
Businesses With Credit Available Elsewhere	8.000%
Businesses Without Credit Available Elsewhere	4.000%
Businesses (EIDL) Without Credit Available Elsewhere	4.000%
Other (Non-Profit Organizations Including Charitable and Religious Organizations)	9.000%

The number assigned to this disaster is 231212 for physical damage and for economic injury the number is 661800.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Date: April 14, 1988.

James Abdnor,

Administrator.

[FR Doc. 88-8729 Filed 4-20-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0511]

Bridger Capital Corp.; Issuance of a Small Business Investment Company License

On November 24, 1987, a notice was published in the **Federal Register** (52 FR45 038) stating that an application has been filed by Bridger Capital Corporation, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1985)) for a license as a small business investment company. Interested parties were given close of business December 23, 1987, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0511 on April 5, 1988, to Bridger Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: April 13, 1988.

[FR Doc. 88-8730 Filed 4-20-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0506]

Republic SBI Corp.; Issuance of a Small Business Investment Company License

On December 4, 1987, a notice was published in the **Federal Register** (52 FR 46143) stating that an application has been filed by Republic SBI Corporation, New York, New York with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1987)) for a license as a small business investment company.

Interested parties were given until close of business January 4, 1988, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0506 on April 4, 1988, to Republic SBI Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: April 14, 1988.

[FR Doc. 88-8731 Filed 4-20-88; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 88-029]

Meeting of the Chemical Transportation Advisory Committee Subcommittee on Vapor Control

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of meeting of the Chemical Transportation Advisory Committee (CTAC) Subcommittee on Vapor Control. The Subcommittee is considering requirements for tank vessels and waterfront facilities which use vapor control systems. The meeting will be held on Wednesday, May 4, 1988 and Thursday, May 5, 1988, in Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW, Washington, DC. The meeting is scheduled to begin at 9:00 a.m. and end at 5:00 p.m. on Wednesday, and begin at 8:00 a.m. and end at 12:00 noon on Thursday. At this meeting, the recommendations of the Fire Protection Working Group, Waterfront Facilities Working Group, Tankship Working Group, and Tank Barge Working Group are to be presented and discussed.

The agenda is as follows:

1. Call to order.
2. Opening remarks.
3. Consideration of the working groups' recommendations on safety standards and uniform design criteria.
4. Assignment of Subcommittee work.
5. Adjournment.

Attendance is open to the public. Members of the public may present oral statements at the meetings. Persons wishing to present oral statements should notify the Executive Director of CTAC no later than the day before the meeting. Any member of the public may present a written statement to the Subcommittee at any time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander R.H. Fitch, U.S. Coast Guard Headquarters (G-MTH-1), 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-1217.

Dated: April 14, 1988.

P. C. Lauridsen

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 88-8797 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-14-M

[CGD 88-028]

Houston/Galveston Navigation Safety Advisory Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of the seventeenth meeting of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, May 26, 1988 in the conference room of the Houston Pilots Office, 8150 South Loop East, Houston, Texas. The meeting is scheduled to begin at approximately 9:30 a.m. and end at approximately 1:00 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Announcement of the transfer of the Committee directorate to the Aids to Navigation Branch, Eighth Coast Guard District.
3. Presentation of the minutes of the Inshore and Offshore Waterways Subcommittees and discussion of recommendations.
4. Discussion of previous recommendations made by the Committee.
5. Presentation of any additional new items for consideration of the Committee.
6. Adjournment.

The purpose of this Advisory Committee is to provide recommendations and guidance to the Commander, Eighth Coast Guard District on navigation safety matters affecting the Houston/Galveston area.

Attendance is open to the public. Members of the public may present written or oral statements at the meeting.

Additional information may be obtained from Commander V.O. Eschenburg, USCG, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (m), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396, telephone number (504) 589-6901.

Dated: March 10, 1988.

Peter J. Rots,

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

[FR Doc. 88-8796 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-14-M

[CGD 88-027]

Houston/Galveston Navigation Safety Advisory Committee; Offshore Waterway Management Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Offshore Waterway Management Subcommittee of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, May 12, 1988 at the Houston Yacht Club, 3620 Miramar Drive, LaPorte, Texas. The meeting is scheduled to begin at 10:30 a.m. and end at 12:00 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of previous recommendations made by the full Advisory Committee and the Offshore Waterway Management Subcommittee.
3. Presentation of any additional new items for consideration to the Subcommittee.
4. Adjournment.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Prior to presentation of their oral statements, but not later than the day before the meeting, members of the public shall submit, in writing, to the Executive Secretary of the Houston/Galveston Navigation Safety Advisory Committee, the subject of their comments, a general outline signed by the presenter, and the estimated time required for presentation. Individuals making the presentation shall also provide their name, address, and, if applicable, the organization they are representing. Any member of the public may present a written statement to the Advisory Committee at any time.

Additional information may be obtained from Commander V. O. Eschenburg, USCG, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (m), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396, telephone number (504) 589-6901.

Dated: March 10, 1988.

Peter J. Rots,

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

[FR Doc. 88-8795 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Advisory Circular; Flight Test Guide for Certification of Part 23 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed Advisory Circular (AC) availability and request for comments.

SUMMARY: This notice announces the availability of and request for comments on AC 23-8X which is a revision to AC 23-8 dated October 20, 1987. This proposed AC contains new material generated as a result of the airworthiness standards for commuter category airplanes. The proposed AC provides information and guidance concerning acceptable means of showing compliance with Part 23 of the Federal Aviation Regulations (FAR) concerning flight tests and pilot judgments and is one method being utilized to achieve national standardization in normal, utility, acrobatic, and commuter airplane certification.

DATE: Commenters must identify File AC 23-8X; Subject: Flight Test Guide for Certification of Part 23 Airplanes, and comments must be received on or before July 20, 1988.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, ATTN: Standards Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Frank Stogsdill, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; commercial telephone (816) 426-6941, or FTS 867-6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Standards Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited

Interested parties are invited to submit comments on the proposed AC. The proposed AC and comments received may be inspected at the Standards Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

Background

AC 23-8, Flight Test Guide for Certification of Normal, Utility, and Acrobatic Category Airplanes, was published to replace FAA Order 8110.7, Engineering Flight Test Guide for Small Airplanes, dated June 20, 1972, and to consolidate existing flight test policy. AC 23-8 did not cover commuter category airplanes.

Issued in Kansas City, Missouri, April 8, 1988.

Barry D. Clements,

Manager, Aircraft Certification Division.

[FR Doc. 88-8710 Filed 4-20-88; 8:45 am]

BILLING CODE 4910-13-M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirements Under OMB Review

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C., Chapter 35), agencies are required to submit proposed or established reporting and record keeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the Agency has made such a submission. USIA is requesting approval of a form used in the processing of applications for auditions under our Artistic Ambassador Program (OMB 3116-0181). USIA intends to fulfill the requirements of the program under the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87-256. Respondents will be required to respond only one time.

DATE: Comments must be received by May 9, 1988.

COPIES: Copies of the Request for Clearance (SF-83), supporting statement, transmittal letter and other documents submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments on the items listed should be submitted to the Office of Information and Regulatory Affairs of OMB. Attention: Desk Officer for USIA, and also to the USIA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Retta Graham-Hall, United States Information Agency, M/AS, 301 4th Street SW., Washington, DC 20547. Telephone (202) 485-7501, and OMB review: Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Bldg., Washington, DC 20503. Telephone (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Title: Artistic Ambassador Program", Biographic Information Form for Auditioners, and unnumbered form.

Abstract: This form is intended to obtain information from aspiring musicians who are interested in competing for the chance to represent the United States overseas. Candidates are screened, and through a process of elimination, 4 or 5 finalists are selected. Overseas tours are from 5 to 6 weeks in duration, during which the successful candidates will give concerts for foreign audiences and represent the United States through personal contacts and the presentation of American art and culture. This program is intended to fulfill the requirements for the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87-256, imposed upon USIA to strengthen international cooperative relations through tours in foreign countries by creative performing artists.

Proposed Frequency of Responses: No. of Respondents—434; Recordkeeping Hours—1.5; Total Annual Burden—651.

Dated: April 14, 1988.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 88-8725 Filed 4-20-88; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Availability of Report of Library Service Program Evaluation

Notice is hereby given that the Library Service Program (38 U.S.C. 219) Evaluation has been completed.

Single copies of the Library Service Program Report are available. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. H. Raymond Wilburn, Director, Studies and Evaluation Service, Veterans Administration (072), 810 Vermont Avenue NW., Washington, DC 20420.

Dated: April 15, 1988.

By direction of the Administrator

Raymond S. Blunt,

Director, Office of Program Analysis and Evaluation.

[FR Doc. 88-8801 Filed 4-20-88; 8:45 am]

BILLING CODE 8320-01-M

THE WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA

Meeting of Conferees

ACTION: Notice of Meeting.

SUMMARY: The White House Conference for a Drug Free America will host a meeting of its Conferees on May 10 and 11, 1988, to take comments from the Conferees respecting substantive provisions of the proposed report to the President and the Congress. The meeting will occur at 1111 18th Street NW., 8th floor conference room from 9:30 a.m. to 5:00 p.m. each day with breaks for lunch and coffee.

SUPPLEMENTARY INFORMATION: The White House Conference for a Drug Free America was mandated by the Anti-Drug Abuse Act of 1986, and established by President Reagan's Executive Order #12595, of May 5, 1987.

The Conference has a broad mandate to review and critically assess all areas of the drug abuse crisis in the U.S. It has brought together knowledgeable individuals from the public and private sectors who are concerned with drug abuse prevention, education, and treatment, and the production, trafficking and distribution of illicit drugs.

Through a series of meetings and forums, the Conference has sought to focus public attention on effective methods of curbing drug abuse; look at the essential role of parents and family members in preventing drug abuse; explore ways to foster an attitude of intolerance of illicit drugs nationwide; and help eliminate both the supply and demand for these drugs.

Conferees have been appointed by the President on the basis of their experience and commitment to a drug free society. These include: members of the President's Cabinet, state and local officials, business leaders, educators, religious leaders, sports commissioners, coaches and athletes, law enforcement officials, representatives of family groups, youth, and those working in drug abuse prevention, treatment, rehabilitation, and research.

Supporting the Chairman was a series of Committees:

—Drug-Free Workplace
—Drug-Free Education
—Drug Abuse Treatment
—Drug-Free Sports
—Drug Abuse Enforcement
—Drug Abuse Prevention
—Drug-Free Transportation
—Drug-Free Public Housing
—International Drug Control
—Drug-Free Media and Entertainment

To receive additional information about the Conference call (202) 254-4100, or write: The White House Conference For A Drug Free America, 726 Jackson Place NW., Washington, DC 20503.

William H. Oltmann,

Deputy Executive Director, The White House Conference For A Drug Free America.

[FR Doc. 88-8711 Filed 4-20-88; 8:45 am]

BILLING CODE 3180-01-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 77
Thursday, April 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).

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, April 21, 1988

April 14, 1988.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 21, 1988, which is scheduled to commerce at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Private Radio—1—*Title:* Amendment of Part 94 of the rules regarding point-to multipoint use of the 2.5, 10.6 and 18 GHz bands by private operational-fixed microwave licensees; Amendment of Part 1 concerning general procedures for filing applications in the Private Operational-Fixed Microwave Service. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rulemaking to reexamine some of its technical and procedural rules governing point-to-multipoint operations by private radio licensees in the 2.5, 10.6 and 18 GHz bands.

Common Carrier—1—*Title:* Amendment of the Commission's Rules for Rural Cellular Radio Service, CC Docket No. 85-388. *Summary:* The Commission will consider action in these proceedings.

Common Carrier—2—*Title:* Complaint against Intercambio, Inc., and Dan Glassoff, for alleged violation of 47 U.S.C. section 223(b). *Summary:* The Commission will consider whether to take further action in this proceeding.

Common Carrier—3—*Title:* Complaint against Audio Enterprises, Inc., and Wendy King, for alleged violation of 47 U.S.C. section 223(b). *Summary:* The Commission will consider whether to take further action in this proceeding.

Mass Media—1—*Title:* Policy Statement Regarding Terrain Shielding in the Evaluation of Television Translator, Television Booster and Low Power Television Applications. *Summary:* The Commission will consider whether to grant waivers of its low power television acceptance standards concerning interference protection based on acceptance terrain showings and consideration of any written assents from affected broadcast permittees and licensees.

This meeting may be continued the following work day to allow the Commisson to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Public Affairs, telephone number (202) 632-5050.

Issued: April 14, 1988.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-8847 Filed 4-19-88; 11:18 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO. 88-8346.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 21, 1988, 10:00 a.m.

THE FOLLOWING ITEM WAS ADDED TO THE AGENDA:

Directive 24—Internal Procedures on Public Financing of Presidential Candidates.

* * * * *

DATE AND TIME: Thursday, April 28, 1988, following the open meeting.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, April 28, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates and Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 88-8884 Filed 4-19-88; 8:45 am]

BILLING CODE 6715-01-M

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, May 2, 1988, in Washington, DC, and at 8:30 a.m. on Tuesday, May 3, 1988, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. As indicated in the following paragraph, the May 2 meeting is closed to the public. The May 3 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

At its meeting on April 4, 1988, the Board voted to close to public observation its meeting scheduled for May 2, 1988, to consider certain mail classification matters that were deferred in the March 22, 1988, Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Postal Rate and Fee Changes (See 53 FR 12746, April 18, 1988).

Agenda

Monday Session

May 2, 1988—1:00 p.m. (Closed)

1. Consideration of certain mail classification matters proposed by the Postal Rate Commission but deferred from the March 22 decision.

Tuesday Session

May 3, 1988—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, April 4-5, 1988.
2. Remarks of the Postmaster General.
3. Quarterly Report on Service Performance. (Mr. Mulligan)
4. Quarterly Report on Financial Performance. (Mr. Coppie)
5. Capital Investments. (Mr. Smith)
   a. Daytona Beach, Florida, General Mail Facility
   b. South Tampa Bay, Florida, Mail Processing Center
6. Tentative Agenda for June 6-7, 1988, meeting in Springfield, Missouri.

David F. Harris,

Secretary.

[FR Doc. 88-8873 Filed 4-19-88; 8:45 am]

BILLING CODE 7710-12-M

UNITED STATES INSTITUTE OF PEACE

TIME AND DATE: 9:00 a.m.–5:00 p.m. April 28 and 29, 1988.

PLACE: American Chemical Society, 1155 Sixteenth Street NW., Washington, DC

STATUS: Open (portions may be closed pursuant to subsection (c) of section 552(b) of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Pub. L. 98–525).

PURPOSE AND AGENDA: Meeting of the Board of Directors convened. Chairman's Report. President's Report. Committee Reports. Consideration of the minutes of the twenty-second meeting. Consideration of grants application matters.

CONTACT: Mrs. Olympia Diniak. Telephone: (202) 457–1700.

Dated: April 20, 1988.

Samuel W. Lewis,

President, United States Institute of Peace.

[FR Doc. 88–8864 Filed 4–19–88; 12:53 pm]

BILLING CODE 3155-01-M

Corrections

Federal Register
Vol. 53, No. 77
Thursday, April 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 911

Limes Grown in Florida; Amendments to Container Regulations

Correction

In rule document 88-220 beginning on page 402 in the issue of Thursday, January 7, 1988, make the following correction:

§ 911.329 [Corrected]

On page 403, in the first column, in § 911.329(a)(1), in the first line, after "shall" insert "handle".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-703]

Final Determination of Sales at Less Than Fair Value; Certain Internal-Combustion, Industrial Forklift Trucks From Japan

Correction

In notice document 88-8215 beginning on page 12552 in the issue of Friday, April 15, 1988, make the following correction:

On page 12552, in the second column, under **Case History**, after the second paragraph the following text was omitted:

On February 23, 1988, we issued a notice further rescheduling the public hearing until March 10, 1988 (53 FR 6681, March 2, 1988).

Between November 5 and 17, 1987, petitioners alleged that the home market sales of forklifts of Komatsu, Toyo Umpanki Co., Ltd. (TCM), Sumitomo, Nissan, and Toyota were being made at below their costs of production and requested that we initiate an investigation of their allegations. Given the timing of the filing of these allegations, we were unable to consider them for the preliminary determination. Based on the information submitted by petitioners in support of their allegations, we initiated an investigation of sales below cost of production for each of those manufacturers of forklifts except Toyota. We did not initiate such an investigation with respect to Toyota because there was insufficient evidence to support the allegation.

We issued cost of production questionnaires to Komatsu, TCM, Sumitomo, and Nissan during November 1987, and received responses during December 1987.

On December 7, 1987, TCM informed the Department of certain errors in its response submitted prior to the preliminary determination and requested the opportunity to submit revised information prior to verification. On December 31, 1987, the Department notified TCM that the revisions necessary to correct its response were so extensive as to constitute a new response which was submitted too late in the investigatory process. Therefore, we did not conduct verification of TCM's sales and cost of production responses, nor have we used these responses in our final determination.

On December 18, 1987, we received an initial questionnaire response from Kasagi Forklift, Inc. (Kasagi). Because the rsponse was submitted after the preliminary determination, we did not conduct verification at Kasagi, nor have we used its response for this determination.

Verification of the questionnaire responses submitted by Komatsu, Nissan, Toyota, Sumitomo, and Sanki Industrial Co., Ltd. (Sanki) was conducted in Japan and in the United States during January, February, and March 1988. On February 2, 1988, we conducted verification of TCM's monthly shipment data for purposes of our critical circumstances determination.

A public hearing was held on March 10, 1988. Petitioners, respondents, and other interested parties filed pre-hearing briefs on March 7, 1988, and post-hearing briefs on March 18, 1988.

BILLING CODE 1505-01-D

DEPARTMENT OF EDUCATION

National Advisory Board on International Education Programs; Open Meeting

Correction

In notice document 88-8187 appearing on page 12449 in the issue of Thursday, April 14, 1988, make the following correction:

In the first column, in the **SUMMARY**, in the date line, "April 19, 1988" should read "April 29, 1988".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 349 and 369

[Docket No. 80N-0145]

Ophthalmic Drug Products for Over-the-Counter Human Use; Final Monograph

Correction

In rule document 88-4585 beginning on page 7076 in the issue of Friday, March 4, 1988, make the following corrections:

1. On page 7076, in the first column, in the **EFFECTIVE DATE** line, " March 6, 1988" should read "March 6, 1989".

2. On page 7086, in the second column, in the third paragraph, in the 10th line, after "eyewash", delete the period and insert "when" and lowercase "The".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs not Subject to Certification; Levamisole

Correction

In rule document 88-5115 appearing on page 7504 in the issue of Wednesday, March 9, 1988, make the following correction:

In the second column, in the first line, "levamisole" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 87P-0214/CP through 87P-0214/CP0013]

Magnetic Resonance Diagnostic Device; Panel Recommendation and Report on Petitions for MR Reclassification

Correction

In notice document 88-5116 beginning on page 7575 in the issue of Wednesday, March 9, 1988, make the following corrections:

1. On page 7578, in the second column, under **References**, in number 3, in the second line, "Electronic" should read "Electric".

2. On the same page, in the third column, under **References**, in number 12, in the second line, the docket number should read "87P-0214/CP0010".

BILLING CODE 1505-01-D

federal register

Thursday
April 21, 1988

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Cooleys Meadowrue, Dwarf-flowered Heartleaf, Little-wing Pearlymussel, Alabama Canebrake Pitcher-plant; Proposed Rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Cooley's Meadowrue

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list *Thalictrum cooleyi* (Cooley's meadowrue), a perennial herb limited to 10 populations in North Carolina and Florida, as an endangered species under the authority of the Endangered Species Act of 1973, as amended (Act). *Thalictrum cooleyi* is endangered by residential and industrial development, mining, drainage activities associated with silviculture and agriculture, and suppression of fire. This proposal, if made final, would implement Federal protection provided by the Act for *Thalictrum cooleyi*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by June 20, 1988. Public hearing requests must be received by June 6, 1988.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Nora Murdock at the above address (704/259–0321 or FTS 672–0321).

SUPPLEMENTARY INFORMATION:

Background

Thalictrum cooleyi, described by H.E. Ahles (1939) from material collected in Onslow County, North Carolina, is a rhizomatous perennial herb. The stems, which generally do not exceed 1 meter in height (but sometimes reach 2 meters on recently burned sites), are erect in full sun; in shade they are lax and sometimes lean on other plants or trail along the ground. Leaf shape (as well as texture) varies considerably but is usually narrowly lanceolate and unlobed, although occasionally two- to three-lobed leaves are seen. The unisexual flowers are born in mid- to late June in an open panicle on slender pedicels. The flowers lack petals, but staminate ones have yellowish to white sepals and lavender filaments about 5 to 7 millimeters long. Pistillate flowers are smaller and have greenish sepals. The fruits, which mature in August and September, are narrowly ellipsoidal achenes approximately 5 to 6 millimeters long (Radford *et al.* 1964, Kral 1983, Rome 1987, Leonard 1987). According to Ahles (1939), who described the species, *Thalictrum cooleyi* differs from the other similar species in the *Leucocoma* section of this genus in having lavender rather than white filaments (although this character is not always consistent even within the same population), in having much narrower leaflets that are narrowly lanceolate instead of oblong to ovate, and in having fewer leaf divisions.

Thalictrum cooleyi is a species endemic to the Southeastern Coastal Plain, where it is currently known from nine locations in North Carolina and one in Florida. The species occurs in moist to wet bogs and savannas and savanna-like openings on circumneutral soils and is dependent upon some form of disturbance to maintain the open quality of its habitat. Currently, artificial disturbance, such as powerline and road right-of-way maintenance and plowed firebreaks, are maintaining some of the openings historically provided by naturally occurring periodic fires.

Fifteen populations of *Thalictrum cooleyi* have been reported historically from seven counties in North Carolina, Georgia, and Florida. The report of the Georgia population is now believed to have been based on a misidentification (Leonard 1987). The 10 remaining populations (located in Walton County, Florida; and Columbus, Onslow, and Pender Counties, North Carolina) are all in private ownership, with The Nature Conservancy owning part of one of the sites in Pender County, North Carolina. Extirpated populations are believed to have succumbed as a result of fire suppression and silvicultural and agricultural activities. The continued existence of *Thalictrum cooleyi* is threatened by these activities as well as mining (part of one population exists on the edge of an inactive marl pit mine), drainage, highway construction/improvement, and herbicide use.

Federal government actions on this species began with section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. The Service published a notice in the July 1, 1975, **Federal Register** (40 FR 27832) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act and of its intention thereby to review the status of the plant taxa named within.

On December 15, 1980, the Service published a revised Notice of Review for Native Plants in the **Federal Register** (45 FR 82480); *Thalictrum cooleyi* was included in that notice as a category–1 species. Category–1 species are those species for which the Service currently has on file substantial information on biological vulnerability and threats to support proposing to list them as endangered or threatened species. Subsequent revisions of the 1980 notice have maintained *Thalictrum cooleyi* in category–1.

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Thalictrum cooleyi* because of the acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983; October 12, 1984; October 11, 1985; October 10, 1986, and October 14, 1987; the Service found that the petitioned listing of *Thalictrum cooleyi* was warranted but precluded by other listing actions of a higher priority and that additional data on vulnerability and threats was still being gathered. Publication of this proposal constitutes the final 1-year finding that is required.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Thalictrum cooleyi* Ahles (Cooley's meadowrue) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range. Thalictrum cooleyi* has been and continues to be endangered by destruction or adverse alteration of its habitat. Since discovery of the species, approximately one-fourth of the known populations have been extirpated largely due to fire suppression and conversion of the

habitat for silvicultural and agricultural purposes. Fire suppression is a serious problem for this species and will be discussed in detail under factor "E" below. At least nine of the remaining ten populations are currently threatened by habitat alteration (Rayner 1980, Leonard 1987).

Four of these populations survive on roadsides and another three are in powerline rights-of-way. All of these populations are small, which increases their vulnerability to extirpation as a result of highway and right-of-way maintenance and improvement, particularly if herbicides are used. The nine populations remaining in North Carolina probably represent the fragmented remains of what were once two larger populations—the six sites in Onslow and Pender Counties are all within a 6.5 kilometer radius, and the three sites in Columbus County are within a 4.0 kilometer radius. These nine sites now support a total of approximately 700 plants (which may be an overestimate due to the rhizomatous nature of the species) (Leonard 1987). Areas within the small radii occupied by the remaining colonies in North Carolina have been bulldozed, planted in fields, converted to pastures, or drained, undoubtedly destroying *Thalictrum cooleyi* populations in the process (Rayner 1980, Leonard 1987). One of the Pender County, North Carolina, populations was recently impacted by private road maintenance operations which resulted in most of the plants being covered with fill material. The Walton County, Florida, site has been recently impacted by commercial timber operations, and only nine mature plants remain there (Deborah White, Florida Natural Area Inventory, personal communication, 1987).

As stated by Mansberg (1985) the "extreme narrowness of geographic range and scarcity of appropriate habitat further increases the severity of the threats" faced by the species. Although, as stated in the "Background" section above, this species requires some form of disturbance to maintain its open habitat and can withstand mowing and timber-harvesting operations if properly done, it cannot withstand bulldozing, drainage, conversion to pine plantation, or direct application of herbicides. In addition, the small populations that survive on road edges could be easily destroyed by highway improvement projects or right-of-way maintenance activities if these are not done in a manner consistent with protecting *Thalictrum cooleyi*.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* *Thalictrum cooleyi* is not currently a significant component of the commercial trade in native plants. However, because of its small and easily accessible populations, it is vulnerable to taking and vandalism that could result from increased specific publicity. Rayner (1980) stated that although it is unlikely that it will ever be of commercial or horticultural interest, delineation of critical habitat for *Thalictrum cooleyi* would probably increase collections made for scientific or educational purposes.

C. *Disease or predation.* Not applicable to this species at this time.

D. *The inadequacy of existing regulatory mechanisms.* *Thalictrum cooleyi* is afforded legal protection in North Carolina by North Carolina General Statutes, SS 106–202.12 to 106–202.19 (Cum. Supp. 1985), which provides for protection from intrastate trade (without a permit), for monitoring and management of State-listed species, and prohibits taking of plants without written permission of landowners. *Thalictrum cooleyi* is listed in North Carolina as endangered. This species is not listed by the State of Florida, where it was thought to have been extirpated until very recently. State prohibitions against taking are difficult to enforce and do not cover adverse alterations of habitats, such as disruption of drainage patterns and water tables or exclusion of fire. Section 404 of the Federal Water Pollution Control Act (FWPCA) could potentially provide some protection for the habitat of *Thalictrum cooleyi*; however, most, if not all, of the sites where it occurs do not meet the wetlands criteria of the FWPCA. The Endangered Species Act would provide additional protection and encouragement of active management for *Thalictrum cooleyi*.

E. *Other natural or manmade factors affecting its continued existence.* As mentioned in the "Background" section of this proposed rule, many of the remaining populations are small in numbers of individual stems and in terms of area covered by the plants. In addition, the rhizomatous nature of the species indicates that there are many fewer individual plants in existence than stem counts would indicate. There is therefore low genetic variability within populations, making it more important to maintain as much habitat and as many of the remaining colonies as possible. In addition, the dioecious nature of the species further increases the vulnerability of extremely small populations, where plants of only one sex may remain. Leonard (1987) observed a ratio of male to female plants (in all populations) of three to one, a situation which probably hinders reproduction in recently colonized sites and in sites with very few plants.

Leonard (1987) also noted that the species is not prolific in terms of the number of seeds produced and that it seems to lack an effective seed distribution mechanism, which further inhibits colonization of new sites. Much remains unknown about the demographics and reproductive requirements of this species. Fire or some other suitable form of disturbance, such as mowing or careful clearing, is essential to maintaining the savanna and bog edges where *Thalictrum cooleyi* occurs. Without such periodic disturbance, this type of habitat is gradually overtaken and eliminated by the shrubs and trees of the adjacent woodlands. As the woody species increase in height and density, they overtop the *Thalictrum cooleyi*, which is shade-intolerant. The current distribution of this species is ample evidence of its dependence on disturbance. Of the ten remaining populations, seven are on roadsides or in powerline rights-of-way, and the other three are in areas that have been exposed to periodic fire. Populations in areas that have been recently burned tend to be more vigorous and to bloom more profusely.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Thalictrum cooleyi* as endangered. With one-fourth of the species' populations already having been eliminated, and only 10 remaining in existence; and, based upon its dependence on some form of active management, it definitely warrants protection under the Act. Endangered status seems appropriate because of the imminent serious threats facing most populations. As stated by Rayner (1980), "*Thalictrum cooleyi* certainly is one of the rarest, most directly threatened species in the entire United States. It should receive top priority for listing as an endangered species." Critical habitat is not being designated for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate any habitat of a species, which is considered to be critical habitat, at the time the species is determined to be endangered or

threatened. The Service finds that designation of critical habitat is not prudent for *Thalictrum cooleyi* at this time. As discussed under factor "B" in the "Summary of Factors Affecting the Species," *Thalictrum cooleyi* is threatened by taking, an activity difficult to enforce against and not regulated by the Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered plants from lands under Federal jurisdiction. Since none of the populations of this species occurs on Federal lands, these prohibitions of the Act offer it no protection. Publication of critical habitat descriptions would make this species even more vulnerable and increase State enforcement problems. All involved parties and landowners will be notified of the location and importance of protecting and managing this species' habitat.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may adversely affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal activities that could impact *Thalictrum cooleyi* and its habitat in the future include, but are not limited to, the following: powerline construction, maintenance, and improvement; highway construction, maintenance, and improvement; drainage alterations; and permits for mineral exploration and mining. The Service will work with the involved agencies to secure protection and proper management of *Thalictrum cooleyi* while accommodating agency activities to the extent possible.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. With respect to *Thalictrum cooleyi*, all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued, since *Thalictrum cooleyi* is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 27329, Central Station, Washington, DC 20038–7329 (202/343–4955).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Thalictrum cooleyi;*

(2) The location of any additional populations of *Thalictrum cooleyi* and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Thalictrum cooleyi.*

Final promulgation of any regulation on *Thalictrum cooleyi* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Endangered Species Field Office (see "Addresses" section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Ahles, H. 1939. *Thalictrum cooleyi* sp. nov. Brittonia 11:68–70.

Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. Tech. publ. R8–TP–2. USDA Forest Service. 4:28–431.

Leonard, S. 1987. Inventory of populations of *Thalictrum cooleyi* and its occurrence sites in North Carolina. Report to the North Carolina Natural Heritage Program, Raleigh, NC. 16 pp.

Mansberg, L. 1985. *Thalictrum cooleyi;* draft global element ranking form prepared for The Nature Conservancy; North Carolina Natural Heritage Program, Raleigh, NC. 2 pp.

Radford, A., H. Ahles, and C. Bell. 1964. Manual of the vascular flora of the Carolinas. UNC Press, Chapel Hill. 459–462.

Rayner, D. 1980. Status report on *Thalictrum cooleyi* Ahles, submitted to U.S. Fish and Wildlife Service, Atlanta, GA.

Rome, A. 1987. *Thalictrum cooleyi;* draft stewardship abstract. The Nature Conservancy, Arlington, VA. 9 pp.

Author

The primary author of this proposed rule is Ms. Nora Murdock, Asheville Field Office, U.S. Fish and Wildlife

Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 672–0321).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99–625, 100 Stat. 3500 (1986), unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Ranunculaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Ranunculaceae—Buttercup family:						
*	*	*	*	*	*	*
Thalictrum cooleyi	Cooley's meadowrue	U.S.A. (NC, FL)	E	NA	NA	
*	*	*	*	*	*	*

Dated: March 25, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88–8772 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Dwarf-flowered Heartleaf

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine threatened status for the plant *Hexastylis naniflora* (dwarf-flowered heartleaf). It is known only from a small portion of the upper piedmont of southern North Carolina and adjacent South Carolina. Most of the known populations are threatened by residential and industrial development, conversion of habitat to pasture or small ponds, timber-harvesting, or cattle-grazing. This proposal, if made final, would implement the protection of the Endangered Species Act of 1973, as amended (Act). The Service seeks relevant data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by June 20, 1988. Public hearing requests must be received by June 6, 1988.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Currie at the above address (704/259–0321 or FTS 672–0321).

SUPPLEMENTARY INFORMATION:

Background

Hexastylis naniflora is a rare low-growing herbaceous plant in the birthwort family (Aristolochiaceae). The species was described by Blomquist (1957) in his revision of the North American members of the genus *Hexastylis*. The plant's heart-shaped leaves are dark green in color, evergreen and leathery, and are supported by long thin petioles from a subsurface rhizome. Maximum height rarely exceeds 15 centimeters (6 inches). The jug-shaped flowers are usually beige to dark brown in color and appear from mid-March to early June. The flowers are small and inconspicuous and are found near the base of the petioles. The fruit matures from mid-May to early July (Blomquist 1957, Gaddy 1980, 1981). *Hexastylis naniflora* grows in acidic soils along bluffs and adjacent slopes, in boggy areas next to streams and creekheads, and along the slopes of nearby hillsides and ravines (Gaddy 1980, 1981). The species is distinguished from other members of the genus *Hexastylis* by its small flowers and its distinctive habitat.

Hexastylis naniflora is known only from an eight-county area in the upper piedmont of North Carolina and adjacent South Carolina. There are 24 known populations of this species. The following summary of the known distribution of *Hexastylis naniflora*, by State and county, is extracted primarily from Gaddy (1980, 1981). Additional information was supplied by Rayner (South Carolina Wildlife and Marine Resources Department, personal communication, 1986, 1987), Mansberg (North Carolina Department of Natural Resources and Community Development, personal communication, 1986, 1987), and Newberry (University of South Carolina at Spartanburg, personal communication, 1987).

South Carolina

Cherokee County supports only one population of approximately 150 plants. The plants are growing in an area which has been adversely impacted by siltation from road construction.

Greenville County supports eight populations of *Hexastylis naniflora*. The populations vary in size from 50 to several hundred individuals. Most of the populations are adjacent to the rapidly expanding Greenville urban area or its suburbs and are threatened by loss of habitat to residential, commercial, or industrial construction. Agricultural activities, such as conversion of woodlands to pasture or construction of small ponds, also threaten the species. Timber-harvesting, except on a small, selective cut scale, would also adversely impact the species.

Spartanburg County supports three populations of the species. One of these contains 2 individuals, one contains 75 individuals, and the last contains approximately 1,400 individuals. The largest population in the county once contained over 4,000 plants; however, 64 percent of the population was destroyed by reservoir construction. Most of the remaining plants in this population are being protected from further destruction

by the City of Spartanburg (Commissioners of Public Works). The smallest population is within the right-of-way of the planned relocation of an interstate highway. The population of 75 plants has been adversely impacted by soil erosion caused by grazing cattle.

North Carolina

Cleveland County contains three populations. One of these supports only 10 plants and occurs on a poor quality site. The other two populations contain about 200 plants each. These two larger populations are threatened by timber-harvesting, conversion of their habitat to pasture or small ponds, and cattle-grazing.

Catawba County supports one large, healthy population of over 1,000 plants. This site has been protected to a limited extent through the Natural Areas Registry Program of the North Carolina Natural Heritage Program. This program alerts cooperative landowners to the significance of natural features on their property. It does not, however, provide long-term protection from the threats facing most populations of *Hexastylis naniflora*.

Burke County contains three populations, varying in size from 10 to approximately 500 individuals. The smallest population is on a poor quality site that is littered with trash. The two larger populations remain vulnerable to loss or adverse modification of their habitat.

Rutherford County currently contains three populations of *Hexastylis naniflora*. A fourth population was recently destroyed by road construction. The largest population, containing over 1,000 plants, is a registered natural area and thereby receives limited short-term protection. The smaller populations, 60 and 250 individuals respectively, are threatened by the same activities that have previously been mentioned.

There are two records of *Hexastylis naniflora* from Lincoln County. One population has not been recently verified and may be lost. The other contains about 160 healthy plants. The site supporting these plants has been selectively logged and remains vulnerable to destruction by clear-cutting of timber and other previously referred to activities.

Federal government actions on this species began with section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) which formally accepted the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act. By accepting this report as a petition, the Service also acknowledged its intention to review the status of those plant taxa named within the report. *Hexastylis naniflora* was included in the Smithsonian report and the July 1, 1975, Notice of Review. On June 16, 1976, the Service published a proposed rule (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act; *Hexastylis naniflora* was included in this proposal.

The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn. On December 10, 1979 (44 FR 70796), the Service published a notice withdrawing plants proposed on June 16, 1976. In 1979, the Service also funded a status survey for this species with the final status report being completed in 1980. Based upon the information provided in the status report, *Hexastylis naniflora* was included as a category-1 species in the December 15, 1980, revised Notice of Review for Native Plants (45 FR 82480). *Hexastylis naniflora* was again included as a category-1 species in the September 27, 1985, publication of an updated Notice of Review for Native Plants (50 FR 39526). Category-1 species are those for which the Service currently has on file information to support the proposed addition of the species to the Federal list of endangered and threatened species. Publication of proposed rules for some of these species has been delayed because of the large number of species within this category.

All plants included in the comprehensive plant notices are treated as under petition. Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Hexastylis naniflora* because of the acceptance of the 1975 Smithsonian report as a petition. In 1983, 1984, 1985, 1986, and 1987, the Service found that the petitioned listing of *Hexastylis naniflora* was warranted but precluded by other listing actions of a higher priority and that additional data on vulnerability and threats was still being gathered. Publication of this proposal constitutes the final 1-year finding that is required.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Hexastylis naniflora* Blomquist (dwarf-flowered heartleaf) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Gaddy (1981) found that much of the habitat that *Hexastylis naniflora* prefers has been destroyed by peach orchards, pastures, housing developments, and ponds. During searches for additional populations of the species, Gaddy (1981) discovered that many small ponds had been constructed at what were formerly springy creekheads that may have supported the species.

A large number of the known *Hexastylis naniflora* populations occur near expanding urban areas and are threatened by the residential, commercial, and industrial development associated with this growth. Populations occuring in more rural areas are threatened by habitat alteration or loss from land conversion to pasture or other agricultural uses, cattle-grazing, intensive timber-harvesting, residential construction, and construction of small ponds. Only three populations currently receive some form of protection. The City of Spartanburg, South Carolina, through a policy statement issued by the Commissioners of Public Works, has agreed to protect most of the largest South Carolina population. Two of the larger North Carolina populations are registered natural areas under the North Carolina Natural Heritage Program and thereby receive short-term protection from loss or alteration. Registry agreements are, however, nonbinding; and these two populations remain vulnerable to destruction in the long term.

B. *Overutilization for commercial, recreational, scientific, or educational purposes. Hexastylis naniflora* is not currently a significant component of the commercial trade in native plants; however, the species has potential for horticultural use, and publicity surrounding the listing of the species could generate an increased demand.

C. *Disease or predation.* Not applicable to this species at this time.

D. *The inadequacy of existing regulatory mechanisms. Hexastylis naniflora* is listed as an endangered species in North Carolina and is offered legal protection in that State. North Carolina General Statute 19–B, 202.12–202.19, provides State-listed plants protection from intrastate trade without a permit and for monitoring and management of populations of listed species. Although unofficially recognized as an endangered component of South Carolina's flora by the South Carolina Wildlife and Marine Resources Department, *Hexastylis naniflora* has no official protection status in the State. Section 404 of the Clean Water Act could potentially provide some protection for the dwarf-flowered heartleaf's habitat; however, most of the sites where it occurs do not meet the wetlands criteria of the Clean Water Act. The Endangered Species Act will provide additional protection for *Hexastylis naniflora.*

E. *Other natural or manmade factors affecting its continued existence.* Several of the known populations of *Hexastylis naniflora* occur on steep ravine slopes, which also support stands of mountain laurel (*Kalmia latiflora*) or *Rhododendron* spp. These stands are often very dense and reduce the amount of light reaching the *Hexastylis naniflora* plants growing below. Under these conditions the plants often show reduced vigor and reduced flower and fruit production. Careful, selective logging or natural tree fall would open up these populations to more light. Additional light, if not accompanied by increased siltation from the intensive soil disturbances associated with forest clear-cutting, probably would benefit these populations (Gaddy 1981).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Hexastylis naniflora* as a threatened species. Threatened status seems appropriate because of the number of populations that currently exist and the protection provided to several of the larger populations. Critical habitat is not being designated for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate any habitat of a species, which is considered to be critical habitat, at the time the species is determined to be endangered or threatened. Most populations of this species are small, and loss of even a few individuals to activities such as collection for scientific purposes could extirpate the species from some locations. Taking, without permits, is only prohibited by the Act from locations under Federal jurisdiction; however, none of the known populations is under Federal jurisdiction. Therefore, publication of critical habitat descriptions and maps would increase the vulnerability of the species without significantly increasing protection. The owners and managers of all the known populations of *Hexastylis naniflora* will be made aware of the plant's location and of the importance of protecting the plant and its habitat. No additional benefits would result from a determination of critical habitat. Therefore, the Service concludes that it is not prudent to designate critical habitat for *Hexastylis naniflora.*

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. All of the known populations of *Hexastylis naniflora* are on privately or municipally owned land. The only known Federal activity that may affect this species is the relocation of an interstate highway in South Carolina. A small population consisting of two clumps of plants may be lost during construction of this project. It is not anticipated that this loss, if it should occur, will significantly affect the status of *Hexastylis naniflora.*

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general trade prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued, since *Hexastylis naniflora* is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regading them may be addressed to the Office of Management Authority, P.O. Box 27329, Central Station, U.S. Fish and Wildlife Service, Washington, D.C. 20038–7329 (202/343–4955).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Hexastylis naniflora;*

(2) the location of any additional populations of *Hexastylis naniflora* and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) additional information concerning the range and distribution of this species; and

(4) current or planned activities in the subject area and their possible impacts on *Hexastylis naniflora.*

Final promulgation of the regulation on *Hexastylis naniflora* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of this proposal. Such requests must be made in writing and addressed to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Blomquist, H.L. 1957. A revision of *Hexastylis* of North America. Brittonia 8(4):255–281.

Gaddy, L.L. 1980. Status report on *Hexastylis naniflora* Blomquist. Unpublished report prepared under contract to the U.S. Fish and Wildlife Service, Southeast Region, Atlanta, GA. 32 pp.

Gaddy, L.L. 1981. The status of *Hexastylis naniflora* Blomquist in North Carolina. Unpublished report prepared under contract to the Plant Protection Program, North Carolina Department of Agriculture. 63 pp.

Author

The primary author of this proposed rule is Mr. Robert R. Currie, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 672–0321).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99–625, 100 Stat. 3500 (1986), unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding to the following, in alphabetical order under the family Aristolochiaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	
Aristolochiaceae—Heartleaf family:						
Hexastylis naniflora	Dwarf-flowered heartleaf	U.S.A. (NC, SC)	T		NA	NA
*	*	*	*	*	*	

Dated: March 24, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88–8773 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal to List the Little-wing Pearlymussel as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list the little-wing pearlymussel (*Pegias fabula*) as an endangered species under the Endangered Species Act of 1973, as amended. This species has been reported historically from 27 river reaches in Alabama, North Carolina, Kentucky, Tennessee, and Virginia. Only six small populations are known to survive: three in Kentucky, one in Tennessee, and two in Virginia. The species' decline has resulted primarily from habitat and water quality deterioration caused by impoundments and by pollution and siltation resulting from mining, agriculture, and construction activities. Owing to the species' limited distribution, any factor that adversely modifies habitat or water quality in the short river reaches that the species inhabits could threaten its survival. This proposed action, if made final, would extend the protections provided the Endangered Species Act to this species. Comments and information pertaining to this proposal are sought from the public.

DATES: Comments from all interested parties must be received by June 20, 1988. Public hearing requests must be received by June 6, 1988.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Biggins at the above address (704/259–0321 or FTS 672–0321).

SUPPLEMENTARY INFORMATION:

Background

The little-wing pearlymussel (*Pegias fabula*) was originally described by Lea (1838) as *Margaritana fabula.* Simpson (1900) placed the species by itself in his new genus *Pegias* and listed previous

scientific name combinations that had been applied to this species. Ortmann (1914) considered *Pegias* to be a subgenus of *Alasmidonta*; that change has been followed by few subsequent authorities. The Service follows Simpson (1900) and Clarke (1981) in considering *Margaritana curreyiana* Lea, 1840 to be as synonym of *Pegias fabula*.

The little-wing pearlymussel has been recorded historically from 27 river reaches in Alabama, North Carolina, Kentucky, Tennessee, and Virginia. All of the reported localities are in either the Tennessee or the Cumberland River drainages (Ahlstedt 1986, Bakaletz 1986, Clarke 1981, Stansbery 1976). Based on a recently completed Service-funded survey (Ahlstedt 1986) involving extensive field studies of potential and historic habitat in Cumberland and Tennessee River tributaries, the results of a study funded by the U.S. Army Corps of Engineers (Corps) (Bakaletz 1986), and the results of a survey conducted by Virginia Polytechnic Institute and State University (Richard Neves, Virginia Polytechnic Institute and State University, personal communication, 1987), the little-wing pearlymussel is now apparently restricted to six short stream reaches—three in southeastern Kentucky, two in southwestern Virginia, and one in central Tennessee. The Kentucky populations are on both public and private lands, while the Tennessee and Virginia populations are primarily on private lands. Habitat loss and water quality deterioration, attributable to impoundments, to industrial and municipal pollution, and to siltation resulting from mining, agriculture, large land disturbances, and construction activities, are the primary reasons for the species' decline. However, some losses are apparently due to other factors or to less drastic changes in water and habitat quality, as some populations have been extirpated from stream reaches that still contain mussel communities comprising other species (Stansbery 1976).

Horse Lick Creek in Jackson and Rockcastle Counties, Kentucky, presently contains the most extensive little-wing pearlymussel population, but it is threatened by coal mining activities and oil and gas exploration (Ahlstedt 1986). The Big South Fork Cumberland River, McCreary County, Kentucky, contains a restricted population (Bakaletz 1986). This population occurs in a short river section that is limited both upstream and downstream by deteriorating water quality resulting from poor land use practices and the impact of coal mining. The population in the Little South Fork Cumberland River, McCreary and Wayne Counties, Kentucky, once contained a substantial number of individuals; but recent mussel collections in this stream reach (Ahlstedt 1986, Skip Call, Kentucky Department for Environmental Protection, personal communication, 1985) have revealed large numbers of dead little-wing pearlymussels and other species, including a federally listed endangered species, the Cumberland bean pearlymussel (*Villosa trabalis*). The Virginia populations of the little-wing pearlymussel are restricted to a single shoal in the North Fork Holston River in Smyth County and a short river reach in the Clinch River in Tazewell County. These populations are small and are vulnerable to toxic chemical spills and siltation from land use changes and construction. The Tennessee population is in Cane Creek, Van Buren County. This population is also very small (probably inhabits less than 2 river miles) and vulnerable to toxic chemical spills.

The little-wing pearlymussel, the only species in the genus *Pegias*, is small, not exceeding 1.5 inches (3.8 centimeters) in length and 0.5 inch (1.3 centimeters) in width. The shell's outer suface (periostracum) is usually eroded, giving the shell a chalky or ashy white appearance. When present, however, the periostracum is light green or dark yellowish brown with dark rays of variable width along the anterior portion of the shell (Ahlstedt 1986). The species inhabits small, cool, high-to-moderate gradient streams, where it is usually found in the transition zone between pools and riffles. Like other freshwater mussels, it feeds by filtering food particles from the water. Like most species in its family (Unionidae), its reproductive cycle probably includes a larval stage that parasitizes a host fish. The mussel's life span, host fish species, and many other aspects of its life history are unknown.

The little-wing pearlymussel was recognized by the Service in the May 22, 1984 **Federal Register** (49 FR 21664) as a species that was being considered for possible addition to the List of Endangered and Threatened Wildlife. On June 22, 1987, the Service notified Federal, State, and local governmental agencies by mail (State fish and wildlife agencies were also contacted by telephone) that the species' status was being reviewed and that the species could be proposed for listing. The Service received 15 responses to the notification. Support for Federal protection was expressed by all three States involved, and no party voiced any objection to proposing Federal protection.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the little-wing pearlymussel (*Pegias fabula*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Of the 27 river reaches reported to have supported little-wing pearlymussel populations (Ahlstedt 1986, Clarke 1981, Stansbery 1976), only six (three in Kentucky, two in Virginia, and one in Tennessee) are known to still support the species (Ahlstedt 1986, Bakaletz 1986, Richard Neves, personal communication, 1987) (see "Background" section). The species has apparently been extirpated from Alabama (two historic populations lost) and North Carolina (one historic population lost). Although it still survives in Kentucky, Tennessee, and Virginia, three populations in Kentucky, nine Tennessee populations, and six of Virginia's populations are believed to have been extirpated. The loss of some populations can be linked to specific causes, such as the impacts of coal mining, industrial and municipal pollution, and impoundments. However, other populations have apparently been lost to the general deterioration in aquatic habitat quality. Stansbery (1976) states, concerning this species, "Its disappearance from several sites which still retain populations of other species indicates a form highly sensitive to current changes."

Ahlstedt (1986) surveyed 55 potential and historic habitats but was able to find a total of only 17 live specimens. Seven live and three dead specimens were found in Horse Lick Creek in Jackson and Rockcastle Counties, Kentucky. This population, which extends over at least 10 creek miles, is apparently the healthiest of the surviving populations. Horse Lick Creek, identified by the Kentucky Division for Environmental Protection as one of Kentucky's Outstanding Resource Waters, has good habitat and water quality and a complex mussel fauna.

The Horse Lick Creek watershed is remote, not extensively developed, and partially within the Daniel Boone National Forest. However, the watershed has oil, gas, and coal deposits, and the exploration and development of these resources has already begun. This population can be protected only if the survival of the species is considered during the development of these resources.

In a recent study funded by the Corps (Bakaletz 1986), a small population of the little-wing pearlymussel was discovered in a 2.1-mile (approximately) section of the Big South Fork Cumberland River (McCreary County, Kentucky) within the Big South Fork National River and Recreation Area administered by the National Park Service. Much of the Big South Fork Cumberland River is impacted by siltation and acid mine drainage from coal mining activities. However, the short reach inhabited by this species is in a river section that has recovered from upstream impacts and is above the coal mining and impoundment impacts that degrade the lower river. Fourteen other mussel species also occur in this river reach including the Federally listed Cumberland bean pearly mussel (*Villosa trabalis*). The tan riffle shell (*Epioblasma walkeri*) has also been reported from this reach, but the report may be in error. However, the little-wing pearlymussel, possibly due to its greater sensitivity to environmental degradation, does not inhabit the entire river reach (more than 10 miles) populated by the two Federally protected mussels.

Sampling in the Little South Fork Cumberland River, McCreary and Wayne Counties, Kentucky, produced 3 live and 126 dead specimens. This population, which extends over about 10 river miles, was once relatively large, but recent deterioration in water quality has had a severe impact on the river's mussel community. Studies by the Kentucky Department for Environmental Protection (Sherri Evans and Skip Call, Kentucky Department for Environmental Protection, personal communications, 1986) indicate that the lower portion of the river section inhibited by the species is being impacted by drainage from abondoned mined lands. Lick Creek, a tributary in this river reach, was found to have substantially elevated concentrations of dissolved solids, sulphates, aluminum, iron, and manganese in November 1985 (Sherri Evans, personal communication, 1986). Although 52 dead specimens were found below Lick Creek, no live little-wing pearlymussels were encountered in this river reach.

Four live and three dead specimens were taken from Cane Creek, Van Buren County, Tennessee. This river has very limited mussel habitat with the species apparently limited to less than 2 river miles. Downstream from the population, Cane Creek is impounded by Great Falls Lake on the Caney Fork River. While upstream from the population the bouldery substrate is unsuitable habitat for this species, and at some points upstream the creek goes underground. Some siltation is apparent downstream from a recently constructed bridge.

The population in the North Fork Holston River (three live and three dead specimens collected), Smyth County, Virginia, is small. The North Fork Holston River has been sampled at a number of sites, and, except for one individual taken near Saltville, Virginia, all specimens past and present have been taken at one shoal near Nebo, Virginia.

A small population (six relic shells and one live animal collected) exists in the Clinch River in Tazewell County, Virginia. This population, like the North Fork Holston and Cane Creek populations, is apparently small and ranges over a short river reach.

Potential threats to the species and its habitat could arise from development of coal and/or gas reserves in the watersheds of Horse Lick Creek, Big South Fork Cumberland River, the Little South Fork Cumberland River, and Cane Creek. However, it should be noted that the Service has issued a no-jeopardy opinion under Section 7 of the Endangered Species Act to the Office of Surface Mining with respect to its approval of the coal mine regulation program of the Commonwealth of Kentucky. Although no final determination can be made until and unless the little-wing pearlymussel is listed and a consultation undertaken, the Service has no evidence that mining activities conducted in accordance with State and Federal regulations are a threat to the species. Rather, past unregulated activities have contributed to the species' decline, and current activities not in compliance with appropriate regulations may be a threat to the species. All six populations could potentially be impacted by such actions as road construction, stream channel modifications, logging activities, impoundments, sewage treatment plant discharges, land use changes, and other projects in the watershed if such activities are not planned and implemented with the survival of the species and the protection of its habitat in mind. As these populations inhabit only short stream reaches that are all within 1 to 5 miles of bridges and fords, they are all vulnerable to toxic spills.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The specific areas inhabited by the species are presently unknown to the general public. As a result, overutilization of the species has not been a problem. However, through listing and the publicity it brings to a species, the problem of vandalism may arise, especially if maps of specific occupied habitat areas were identified through critical habitat designation. (See "Critical Habitat" section for reasons why critical habitat is not being designated.)

C. *Disease or predation.* Although the little-wing pearlymussel is undoubtedly consumed by predatory animals, there is no evidence that predation threatens the species. However, freshwater mussel die-offs have recently been reported throughout the Mississippi River basin, including the Tennessee River and its tributaries (Richard Neves, personal communication, 1986). The cause of the die-offs has not been determined, but significant losses have occurred in some populations. If this problem spreads to river reaches containing this species, significant losses could occur and further endanger the species' survival. Disease is one of the possible explanations for these die-offs.

D. *The inadequacy of existing regulatory mechanisms.* The States of Kentucky, Tennessee, and Virginia prohibit taking wildlife and fish, including freshwater mussels, for scientific purposes without a State collecting permit. However, these State laws do not protect the species' habitat from the potential impacts of Federal actions. Federal listing will provide the species additional protection under the Endangering Species Act by requiring a Federal permit to take the species and by requiring Federal agencies to consult with the Service when projects they fund, authorize, or carry out may affect the species.

E. *Other natural or manmade factors affecting its continued existence.* All six known populations are small and isolated. This isolation blocks the natural interchange of genetic material between populations, and small population size reduces the reservoir of genetic variability within the populations. The lack of genetic diversity could adversely affect, over time, the species' ability to evolve and respond to natural habitat changes. The sizes of the little-wing pearlymussel populations are unknown, but

considering the limited extent of available habitat and the densities of individuals (no little-wing pearlymussels were taken in 30 quantitative quadrat samples (Ahlstedt 1986)), it is likely these populations, with the possible exception of that in Horse Lick Creek, are now below the generally accepted level (Soule' 1980) required to maintain long-term genetic viability.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the little-wing pearlymussel (*Pegias fabula*) as an endangered species. Historical records reveal that the species, although rare, was once widely distributed in many cool-water tributaries of the Tennessee and Cumberland Rivers. Now only six small, isolated populations are known to survive. Four are threatened by coal mining and/or oil and gas resource development, and all six populations, owing to their small size, are vulnerable to toxic spills. This species is also apparently very sensitive to environmental change, as it has been extirpated from many streams that still contain diverse mussel communities. Owing to the species' history of population losses, its apparent sensitivity to environmental change, and the vulnerable nature of all six populations, threatened status does not appear appropriate for this species. (See "Critical Habitat" section for a discussion of why critical habitat is not being proposed for the little-wing pearlymussel.)

Critical Habitat

Section 7(a)(2) of the Endangered Species Act, as amended, requries Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. Section 4(a)(3) requires that critical habitat be designated, to the maximum extent prudent and determinable, concurrent with the determination that a species is endangered or threatened. The Service finds that a determination of critical habitat for the little-wing pearlymussel is not prudent. Such a determination would result in no known benefit to the species. As part of the development of this proposed rule, Federal agencies have been notified of the little-wing pearlymussel's distribution and have been requested to provide data on proposed Federal projects that might adversely affect the species. No specific projects were identified. Should any potential adverse effects arise from future projects, the involved Federal agencies will already have the species' distributional data needed to determine if the species may be impacted by their action. The listing of a species and the publicity that arises as a consequence creates the potential for vandalism. Through the designation of critical habitat and the requirement for maps and specific habitat descriptions, the threat to the species from vandalism increases. Therefore, the Service believes that designation of critical habitat would not be prudent because no benefit to the species has been identified that would outweigh the potential threat of vandalism or collection, which would be exacerbated by publication of detailed critical habitat maps and descriptions.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The Service is aware of only three Federal agencies (U.S. Forest Service, Office of Surface Mining, and National Park Service) that are presently involved with programs that may affect the species. The Service has been in contact with them concerning the potential impacts of their activities on the species and its habitat. Other Federal activities that could impact the species and its habitat include, but are not limited to, the carrying out of or the issuance of permits for hydroelectric facility and reservoir construction, stream alteration, wastewater facility development, and road and bridge construction. It has been the experience of the Service, however, that nearly all Section 7 consultations are resolved so that the species is protected and the project objectives can be met.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Public Comments Solicited

The Service intends that any final action from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposal are hereby solicited. Comments particularly are sought concerning:

(1) biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) the location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) additional information concerning the range and distribution of this species; and

(4) current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal if one is requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Endangered Species Field Office, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Ahlstedt, S.A. 1986. A status survey of the little-wing pearlymussel (*Pegias fabula*) (Lea 1838). Report submitted in fulfillment of U.S. Fish and Wildlife Service Contract No. 14–16–0004–84–927. 38 pp.

Bakaletz, S. 1986. Letter to the U.S. Fish and Wildlife Service describing discovery of the little-wing pearlymussel (*Pegias fabula*) in the Big South Fork Cumberland River, Kentucky, dated May 29, 1986. 2 pp.

Clarke, A.H. 1981. The Tribe Alasmidontini (Unionidae: Anodontinae), Part I: *Pegias, Alasmidonta,* and *Arcidens*. Smithsonian Contributions to Zoology, No. 326. 101 pp.

Lea, I. 1838. Descriptions of new freshwater and land shells. Transactions of the American Philosophical Society, New Series, 6:1–154, plates 1–24. (Reprinted in 1838 in Observations on the Genus Unio, 2:1–154, plates 1–24.)

Ortmann, A. E. 1914. Studies in naiades (in part). The Nautilus 28:41–47, 65–69.

Simpson, C.T. 1900. Synopsis of the naiades, or pearly fresh-water mussels. Proceedings of the U.S. National Museum 22(1205):501–1004.

Soule, M.E. 1980. Thresholds for survival: maintaining fitness and evolutionary potential. Pages 151–169 IN: M.E. Soule and B.A. Wilcox (eds.), Conservation Biology. Sinauer Assoc., Inc., Sunderland, MA.

Stansbery, D.H. 1976. Status of endangered fluviatile mollusks in central North America: *Pegias fabula* (Lea, 1838). Report submitted in fulfillment of U.S. Fish and Wildlife Service Contract No. 14–16–0008–755. 6 pp.

Author

The primary author of this proposed rule is Richard G. Biggins, Endangered Species Field Office, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 672–0321).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99–625, 100 Stat. 3500 (1986), unless otherwise noted.

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under "CLAMS," to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
CLAMS							
*	*	*	*	*	*	*	
Pearlymussel, little-wing	*Pegias fabula*	U.S.A. (KY,TN,VA)	NA	E		NA	NA
*	*	*	*	*	*	*	

Dated: March 25, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88–8774 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Alabama Canebrake Pitcher-plant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine a plant, *Sarracenia rubra* ssp. *alabamensis* (Alabama canebrake pitcher-plant), to be an endangered species under the authority contained in the Endangered Species Act (Act) of 1973, as amended. *Sarracenia rubra* ssp. *alabamensis* is currently known from only 11 sites in three central Alabama counties. However, only three of these are of significant size and two sites are imminently threatened. Over 50 percent of this species' populations have been lost through habitat destruction, succession (due to fire exclusion), over-collecting, and adverse land use practices. Extant populations continue

to be degraded by these factors. This proposed rule, if made final, will extend the Act's protection to *Sarracenia rubra* ssp. *alabamensis*. The Service seeks data and comments from the public on this proposed rule.

DATES: Comments from all interested parties must be recieved by June 20, 1988. Public hearing requests must be received by June 6, 1988.

ADDRESS: Comments and materials concerning this propsal should be sent to the Jackson Field Office, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 316, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Cary Norquist at the above address (601/695–4900 or FTS 490–4900).

SUPPLEMENTARY INFORMATION:

Background

Sarracenia rubra ssp. *alabamensis*, is a member of the pitcher-plant family, is a carnivorous heb arising from a rhizome. This species produces two types of pitchers (hollow leaves) and occasional phyllodia (flattened leaves) each season. Spring pitchers, appearing with flowers, are 20–50 centimeters (cm) (7.87–19.7 inches) in length and recurved; the summer pitchers are larger (20–70 cm (7.87–27.6 inches)) and erect. Flowers are maroon in color and borne singly on scapes up to 60 cm (2 feet) tall. The fruit is a capsule. Flowering occurs from late April through early June (Case and Case 1974 and 1976, Kral 1983, McDaniel 1986, McDaniel and Troup 1982).

Sarracenia rubra ssp. *alabamensis* is endemic to a three county area in central Alabama. The first collections of this species were made during the early 1900's by Pollard and Maxon (McDaniel and Troup 1982) and Harper (1918, 1922). However, Case and Case (1974) were the first to formally recognize these plants as a distinct taxon.

There has been considerable disagreement regarding the proper taxonomic disposition of this taxon and the *Sarracenia rubra* complex in general. The taxonomic history of *Sarracenia rubra* ssp. *alabamensis* has been discussed in detail by various authors (Case and Case 1976. McDaniel 1986. McDaniel and Troup 1982). *Sarracenia rubra* ssp. *alabamensis* was given no recognition within *Sarracenia rubra* by Bell (1949). In other studies it has been referred to as a regional variant (McDaniel 1966, 1971), a subspecies (Schnell 1977, 1979), and a species (Case and Case 1974, 1976, McDaniel 1986). According the Case and Case (1976) and McDaniel (1986), confusion regarding its taxonomic validity stems from the presence of alleged "intermediates" that are actually ecologically induced variants or introgressed hybrids. Hybridization has been well documented in *Sarracenia* special (Bell 1952, Bell and Case 1956, McDaniel 1971).

Detailed comparisons of *Sarracenia rubra* ssp. *alabamensis* with other members of the *Sarracenia rubra* complex (*Sarracenia rubra* ssp. *jonesii*, *Sarracenia rubra* ssp. *wherryi*, *Sarracenia rubra* ssp. *gulfensis*, *Sarracenia rubra* ssp. *rubra*) are given by Case and Case (1976), Schnell (1977), and McDaniel (1986). Leaf shape is accepted as the most significant diagnostic character in *Sarracenia* (Bell 1949, Case and Case 1976, McDaniel 1971, 1986, Schnell 1977). Authors agree that *Sarracenia rubra* ssp. *alabamensis'* distinctiveness is best displayed in its large summer pitchers that are distinctively shaped, puberulent, yellow-green in color and inconspicuously veined and aerolate in the upper portion (Case and Case 1974, 1976, McDaniel 1986, Schnell 1977). *Sarracenia rubra* ssp. *alabamensis* and other members of the *Sarracenia rubra* complex maintain their morphological distinction when grown under standardized conditions (Case and Case 1976, Schnell 1977).

Sarracenia rubra ssp. *alabamensis* occurs in sandhill seeps, swamps, and bogs along the fall-line of central Alabama. Soils are acidic, highly saturated, deep peaty sands or clays. Historically, *Sarracenia rubra* ssp. *alabamensis* occurred in pristine habitat described as open boggy areas with little woody competition (Case 1974, Harper 1922). However, due to fire exclusion, much of this habitat has become invaded by woody vegetation. Populations which have survived in these areas are weak and declining due to increased competition and shading. Other remaining habitat has been adversely modified by changes in land use, particularly increased agricultural usage, and are now located in pastures or on rights-of-way.

This pitcher-plant grows in full sun or light shade in association with cinnamom fern (*Osmunda cinnamomea*), pipeworts (*Ericocaulon* sp.), orchids (*Calopogon, Cleistes, Pogonia*), yellow-eyed grasses (*Xyris* sp.), beak rushes (*Rhynchospora* sp.), sundews (*Drosera* sp.), and butterworts (*Pinguicula* sp.). Woody associates may include cane (*Arundinaria tecta*), bamboo-vine (*Smilax laurifolia*), sweet bay (*Magnolia virginiana*), alder (*Alnus* sp.), red maple (*Acer rubrum*), poison sumac (*Rhus vernix*), and wax myrtle (*Myrica* sp.)

Sarracenia rubra ssp. *alabamensis* has been reported from 27 sites in central Alabama; however, 16 of these populations have been destroyed through habitat destruction, herbicide application, over-collecting, and/or succession (due to fire exclusion). Extensive searches of suitable habitat for additional populations have been conducted for over 20 years by F. Case (pers. comm. 1987), McDaniel and Troup (1982) and many others. Currently, *Sarracenia rubra* ssp. *alabamensis* is known to exist at only 11 sites in central Alabama including four populations in Autauga County, five in Chilton County, and two in Elmore County. Only three populations are of significant size with approximately 100 to 300 plants. Of the remaining sites, two have limited populations (25–40 individuals) and six have poor populations (2–20 individuals). As previously discussed, most populations occur in impacted areas. Consequently, individuals have been lost at many of these sites due to adverse land use practices. All sites are on privately-owned lands.

Federal actions involving *Sarracenia rubra* ssp. *alabamensis* began with Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2), now section 4(b)(3)(a), of the Act and of its intention thereby to review the status of those plants. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. *Sarracenia rubra* ssp. *alabamensis* was included in the Smithsonian petition and the 1976 proposal. General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. In the December 10, 1979, **Federal Register** (44 FR 70796), the Service

published and notice of withdrawal of the June 16, 1976, proposal, along with four other proposals that had expired.

Sarracenia rubra ssp. *alabamensis* was include as a Category 1 species in a revised list of plants under review for threatened or endangered classification published in the December 15, 1980, **Federal Register** (45 FR 82480). Category 1 comprises taxa for which the Service presently has sufficient biological information to support their being proposed to be listed as endangered or threatened species. On November 28, 1983, the Service published a supplement to the Notice of Review for Native Plants in the **Federal Register** (48 FR 53640); the plant notice was again revised September 27, 1985 (50 FR 39526). *Sarracenia rubra* ssp. *alabamensis* was included as a Category 2 species in the 1983 supplement and the 1985 revised notice. Category 2 species are those for which listing as endangered or threatened species may be warranted but for which substantial data on biological vulnerability and threats are not currently known or on file to support a proposed rule. Data obtained over the last few years now supports its reelevation to Category 1 and listing as endangered. The data demonstrate a limited distribution and continuing threats to the species.

Section 4(b)(3) of the Endangered Species Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Sarracenia rubra* ssp. *alabamensis* because of the acceptance of the 1975 Smithsonian report as a petition. In October of 1983, 1984, 1985, 1986, and 1987, the Service found that the petitioned listing of *Sarracenia rubra* ssp. *alabamensis* was warranted, but that listing this species was precluded due to other higher priority listing actions and additional data were being gathered. Publication of the present proposal constitutes the final 1-year finding required on or before October 13, 1988.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Sarracenia rubra* Walt. ssp. *alabamensis* (Case and Case) Schnell (Alabama canebrake pitcher-plant) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Sarracenia rubra* ssp. *alabamensis* occurs in small, localized colonies at only 11 sites in central Alabama (see "Background" for more detailed distributional information). Most of the species' habitat has been destroyed or adversely modified through clearing and drainage for agricultural usage (e.g., pastureland, row crops.) The intensive pressure from agricultural utilization of the habitat is evident in the fact that half of the entant populations occur in converted pastureland. Use of habitat as unimproved pasture may benefit plants by eliminating competing vegetation (Folkerts 1976), as long as the drainage is unaffected and the area is not overgrazed. However, with overgrazing, the soils become highly compacted and the plants are more likely to be trampled by cattle. One site supporting a vigorous population is imminently threatened by attempts to drain the area and convert it to pastureland. Many of the hillside bogs have served as sites for the construction of farm ponds. One of the largest populations once known for *Sarracenia rubra* ssp. *alabamensis* has declined from several hundred plants to less than 20 individuals due to direct destruction and soil moisture alterations associated with the construction of one such farm pond (Gibson 1982). All populations in agricultural sites have been degraded and several have lost individuals from such agricultural practices as outlined above.

Gravel mining poses a threat to this species and its habitat due to the gravel subsurface of many of the bogs. One area containing *Sarracenia rubra* ssp. *alabamensis* is presently an active mining site and one of the three largest extant populations is imminently threatened by plans for such an operation.

A number of populations were once located near railroad rights-of-way in Elmore and Autauga Counties, Alabama. Herbicide spraying along the rights-of-way contributed to the loss of many of these populations (R. Troup pers. comm. 1987) and poses a threat to extant populations on rights-of-way.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Like many carnivorous plants, *Sarracenia rubra* ssp. *alabamensis* is vulnerable to over-collection by commercial plant dealers and hobbyists. Taking is a well-documented threat to this species (F. Case pers. comm. 1987, Folkerts 1976, Gibson 1982, Kral 1983, McDaniel and Troup 1982, Troup pers. comm. 1987) and has contributed to the destruction of several historical populations and significantly degraded many existing populations. In 1975, a collector ran an advertisement in a local newspaper offering a $20 reward for locational information and additional fees for collecting specimens.

C. *Disease or predation.* Although cattle have been known to feed on pitcher plants (Folkerts 1976), predation is not considered to be a significant threat to this species. *Sarracenia rubra* ssp. *alabamensis* is not known to be threatened by disease.

D. *The inadequacy of existing regulation mechanisms.* There are no State or Federal laws protecting this species or its habitat. The Act would provide protection (see "Available Conservation Measures" below) and encourage active management for this species.

E. *Other natural or manmade factors affecting its continued existence.* This species occurs in a specialized habitat type which evolved under the influence of periodic fires. Suppression of these naturally occurring fires from this habitat has resulted in succession and eventual elimination of plants through shading and overcrowding. As discussed in the "Background" section, much of this species' habitat has been degraded through succession. The loss of as many as five populations has been attributed to this factor (F. Case pers. comm. 1987, McDaniel and Troup 1982, R. Troup pers. comm. 1987) and many existing populations face a similar fate. Plants in sites which have been without fire for a period are weak and rarely flowering. Conservation of this species will require active site management through prescribed fire and hand-clearing. The relatively recent invasion of Japanese honeysuckle (*Lonicera japonica*) into this species' habitat (Case and Case 1974, Folkerts 1976, Kral 1983) is considered to be a significant threat.

This pitcher plant is vulnerable due to its restricted range and limited amount of suitable habitat. Local extinction through natural causes is possible at those sites supporting few individuals.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Sarracenia*

rubra ssp. *alabamensis* as an endangered species. Over 50 percent of the species' populations have been destroyed and remaining populations are imminently threatened, including two of the three remaining sites that support large, vigorous populations. No sites are protected. *Sarracenia rubra* ssp. *alabamensis* is in danger of extinction throughout all or significant portions of its range; thus an endangered species is defined by the Act. Critical habitat is not being designated for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. As discussed under Factor B in the "Summary of Factors Affecting the Species," *Sarracenia rubra* ssp. *alabamensis* is threatened by taking, an action not regulated by the Endangered Species Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered plants from lands under Federal jurisdiction. All populations occur on private property. Publication of critical habitat descriptions would make this species even more vulnerable. Confidentiality of locations is considered a key factor in its protection. The major landowners have been contacted and informed of the locations and importance of protecting this species and its habitat. Protection of this species' habitat will be addressed through the recovery process and through the Section 7 jeopardy standard. Therefore, it would not be prudent to determine critical habitat for this species at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

All presently known populations of this pitcher plant are on private land. Currently, no activities to be authorized, funded, or carried out by Federal agencies are known that would affect this species.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued since the plant is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 27329, Central Station, Washington, D.C. 20038–7329 (202/343–4955).

On June 6, 1981, *Sarracenia rubra* ssp. *alabamensis* was included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The effect of this listing is that both export and import permits are required before international shipment may occur. Such shipment is strictly regulated by CITES member nations to prevent it from being detrimental to the survival of the species, and cannot be allowed if it is for primarily commercial purposes. If plants are certified as artificially propagated, however, international shipment requires only export documents under CITES, and commercial shipments may be allowed.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposal are hereby solicited. Comments particularly are sought concerning:

(1) biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) the location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) additional information concerning the range and distribution of this species; and

(4) current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to Field Supervisor, Jackson Field Office (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the

authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Bell, C.R. 1949. A cytotaxonomic study of the Sarraceniaceae of North America. J. Elisha Mitchell Sci. Soc. 65:137–166.

Bell, C.R. 1952. Natural hybrids in the genus *Sarracenia*. I. History, distribution and taxonomy. J. Elisha Mitchell Sci. Soc. 68:55–80.

Bell, C.R., and F.W. Case. 1956. Natural hybrids in the genus *Sarracenia*. II. Current notes on distribution. J. Elisha Mitchell Sci. Soc. 72:143–152.

Case, F.W., and R.B. Case. 1974. *Sarracenia alabamensis*, a newly recognized species from central Alabama. Rhodora 76:650–665.

Case, F.W., and R.B. Case. 1976. The *Sarracenia rubra* complex. Rhodora 78:270–325.

Folkerts, G.W. 1976. Endangered and threatened carnivorous plants of North America. pp. 301–318. *In:* Extinction is Forever: The Status of Threatened and Endangered Plants of the Americas. New York Bot. Garden.

Gibson, T.C. 1982. Letter to Fish and Wildlife Service regarding *Sarracenia rubra* ssp. *alabamensis*.

Harper, R.M. 1918. The American pitcher-plants. J. Elisha Mitchell Sci. Soc. 34:110–125.

Harper, R.M. 1922. Some pine-barren bogs in central Alabama. Torreya 22:57–59.

Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. USDA, Forest Service, Tech. Pub. R8–TP2, pp. 549–552.

McDaniel, S.T. 1966. A taxonomic revision of *Sarracenia* (*Sarraceniaceae*). *Ph.D. Dissertation, Florida State University, Tallahassee. 128 pp.*

McDaniel, S.T. 1971. The genus *Sarracenia* (*Sarraceniaceae*). *Bull. Tall Timbers Research Sta. No. 9.*

McDaniel, S.T. 1986. Taxonomic study of three *Sarracenia* subspecies (*S. rubra* ssp. alabamensis, S. rubra ssp. *wherryi*, and *S. rubra* ssp. *jonesii*). Provided under contract to the U.S. Fish and Wildlife Service, Southeast Region, Atlanta, Georgia. 15 pp.

McDaniel, S.T., and R.L. Troup. 1982. Status report on *Sarracenia alabamensis* subsp. *alabamensis*. Provided under contract to the U.S. Fish and Wildlife Service, Southeast Region, Atlanta, Georgia. 17 pp.

Schnell, D.E. 1977. Infraspecific variation in *Sarracenia rubra* Walt.: some observations. Castanea 42:149–170.

Schnell, D.E. 1979. *Sarracenia rubra* Walter ssp. *gulfensis;* a new subspecies. Castanea 44:217–223.

Author

The primary author of this proposed rule is Cary Norquist (see **ADDRESSES** section (601/965–4900 or FTS 490–4900).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99–625, 100 Stat. 3500 (1986), unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Sarraceniaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Sarraceniaceae—Pitcher plant family:						
* * *	* * *	* * *	*	*		
Sarracenia rubra ssp. *alabamensis* (=*Sarracenia alabamensis* ssp. *alabamensis*).	Alabama canebrake pitcher-plant.	U.S.A. (AL)	E		NA	NA
* * *	* * *	* * *	*	*		

Dated: March 25, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88–8775 Filed 4–20–88; 8:45 am]

BILLING CODE 4310–55–M

Reader Aids

Federal Register

Vol. 53, No. 77

Thursday, April 21, 1988

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, APRIL

10519-10868.....1
10869-11030.....4
11031-11238.....5
11239-11486.....6
11487-11632.....7
11633-11814.....8
11815-11990.....11
11991-12136.....12
12137-12370.....13
12371-12508.....14
12509-12670.....15
12671-12758.....18
12759-12908.....19
12909-13096.....20
13097-13234.....21

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5784.....10519
5785.....10521
5786.....10523
5787.....11031
5788.....11489
5789.....11809
5790.....11811
5791.....11813
5792.....12365
5793.....12367
5794.....12369
5795.....12671
5796.....12673
5797.....13094

Executive Orders:
12634.....11041
12635.....12134

Administrative Orders:
Memorandums:
Mar. 31, 1988.....11039
Presidential Determinations:
No. 88-10 of February 29, 1988.....11487

5 CFR

831.....11633
842.....11633
1001.....13097
1633.....11815

Proposed Rules:
300.....13121
531.....13121
1632.....11864
2431.....10885

7 CFR

2.....11636
300.....10525
301.....11825
318.....12909
340.....12910
400.....10526
426.....12759
724.....12675
725.....12675
726.....12675
907.....12371
908.....12371
910.....10527, 11636, 12509
911.....11830, 13217
917.....11832
929.....12373
946.....11043
981.....12374
1032.....11637
1064.....11590
1126.....11638
1421.....11239
1864.....13098
1927.....13098
1951.....13098
1955.....13098
1956.....13098
3600.....11639
3601.....11639

Proposed Rules:
6.....11091
11.....13125
53.....10545
54.....10545
401.....12774
449.....11299
916.....12687
917.....11669, 12691
918.....11867
946.....12423
949.....10887
1030.....10894
1065.....12424
1106.....11092
1497.....11474
1498.....11474
1530.....11098
1550.....13125
1700.....11511
1701.....10545
1900.....12695
1980.....12695
3403.....13048

8 CFR

Proposed Rules:
3.....11300
208.....11300
236.....11300
242.....11300
253.....11300

9 CFR

77.....11491, 12913
92.....11043, 12640

Proposed Rules:
78.....12019

10 CFR

430.....10869
600.....12137
1010.....11240, 12497

Proposed Rules:
2.....11310
40.....13128
50.....11311, 12425

12 CFR

202.....11044
205.....11046
226.....11047, 11055
229.....11832
265.....11640, 12509
547.....13105
548.....13105

549 13105
563 ..... 11242, 11243, 13105
569a 13105
569b 13105
569c 13105
611 12140
615 12140

Proposed Rules:
563 ..... 13131, 13133
571 13133
588 13133

13 CFR

308 12510

14 CFR

Ch. III 11004
21 13113
23 13113
39 ..... 11246, 11641–11643, 11837, 11838, 12141, 12376, 12511, 12914, 12915, 13114
71 ..... 10528, 11020, 11060, 11061, 11839–11841, 12916–12918, 13115, 13116
97 ..... 11062, 12377
121 12358
135 12358

Proposed Rules:
Ch. I 11868
21 11869
23 11869
27 ..... 10826, 11162
29 ..... 10826, 11162
39 ..... 11674–11676, 11678, 11871, 12427, 12947
71 ..... 10546, 11100, 11101, 12866, 12947
73 11102
298 12774

15 CFR

370 12668
371 12668
373 12668
378 12668
379 12668
385 12668
399 12668

Proposed Rules:
7 12880

16 CFR

13 ..... 11247, 12379

Proposed Rules:
13 12534

17 CFR

30 11491
200 ..... 12412, 12918
229 12924
230 ..... 11841, 12918
239 12918
240 ..... 11841, 12924
249 12924

Proposed Rules:
Ch. IV 12428
200 12429
229 12948
249 12948

18 CFR

37 ..... 11191, 12931
154 11191
157 ..... 11644, 11845
389 ..... 12676, 12677

Proposed Rules:
272 12704
274 12704

19 CFR

7 12143
103 12937

20 CFR

10 11594
416 12938

Proposed Rules:
10 11596

21 CFR

179 12756
184 11247
193 12942
340 11731
349 13217
369 13217
444 ..... 12644, 12658
452 12414
510 11492
520 11063
522 ..... 11064, 11493
524 ..... 11064, 12512, 13217
540 11492
558 ..... 11065, 11251
561 ..... 11938, 12640, 12942
610 12760
640 12760
660 12760
800 11251
803 11251
807 11251
808 11251
809 11251
812 11251
813 11251
820 11251
860 11251
861 11251
862 11645
864 11251
866 11251
876 11251
895 11251
1002 11251
1005 11251
1010 11251
1020 11251
1030 11251
1040 11251
1050 11251
1308 ..... 10834, 10861, 10869

Proposed Rules:
133 11312
172 13134
175 11402
176 11402
177 11402
178 11402
193 11938
332 12778
357 12779
561 11313

22 CFR

120 ..... 11494, 12099
121 ..... 11494, 12099
122 ..... 11494, 12099
123 ..... 11494, 12099
124 ..... 11494, 12099
125 ..... 11494, 12099
126 ..... 11494, 12099
127 ..... 11494, 12099
128 ..... 11494, 12099
514 10528
602 10529
706 11992

Proposed Rules:
204 11872
602 12430

23 CFR

650 11065
657 12766
658 12145
771 11065
1204 11255
1205 11255

Proposed Rules:
625 11875
626 11875
1309 11679

24 CFR

50 11224
200 11270
201 11997
203 ..... 10529, 11997
221 11224
234 11997
236 11224
241 11224
248 11224

Proposed Rules:
35 11164
200 ..... 11164, 12431
510 11164
511 11164
570 11164
882 11164
886 11164
888 12278
941 11164
965 11164
968 11164

25 CFR

61 11271

26 CFR

1 ..... 11002, 11066, 11162, 11731, 12000, 12149, 12513, 12677, 12678
602 ..... 11066, 11162, 11731, 12000

Proposed Rules:
1 ..... 11103, 11876, 12433, 12534, 12705

27 CFR

Proposed Rules:
4 12024
12 12024

28 CFR

0 ..... 10870, 10871, 11645
66 12099
71 11645

Proposed Rules:
16 12151

29 CFR

102 10872
1907 12102
1910 ..... 11414, 12102
2610 10530
2622 10530
2644 10531
2676 12514

Proposed Rules:
516 ..... 11590, 12497
530 ..... 11590, 12497
1404 12952
1910 11511
1915 11511
1917 11511
1918 11511
2550 11886
2580 11886

30 CFR

48 12415
75 11395
250 ..... 10596, 12227
256 ..... 10596, 12227
773 11606
934 11500

Proposed Rules:
20 12250
75 12250
77 ..... 12250, 12253
785 11685
823 11685
935 ..... 11887, 12705
948 11888

31 CFR

Proposed Rules:
103 11513

32 CFR

388 10876
706 12515

Proposed Rules:
45 12034

33 CFR

84 10532
95 13117
100 ..... 11502, 12415, 13118
117 ..... 10533, 10534, 12416, 12417
165 ..... 12417, 12679, 13118, 13119
173 13117
177 13117

Proposed Rules:
100 ..... 11515, 12434, 12706
110 ..... 11395, 11515
117 ..... 11516, 11517, 12434, 12535, 12707, 12708

34 CFR

99 11942
600 11208
657 10820
668 11208

Proposed Rules:
105 10808

35 CFR

103 12516

36 CFR

1202 12150
1258 12150

37 CFR

10 13120

38 CFR

17 13120

36 11502

39 CFR

Proposed Rules:
111 11685

40 CFR

22 12256
24 12256
52 ..... 11068, 11273, 11655, 11847, 12417, 12896, 13121
60 ..... 11590, 12008, 12009, 12498, 12517
61 12517
180 ..... 11071, 11274, 11938, 12151, 12418, 12640, 12943
228 12944
300 12680
372 12748
704 12522
707 12522
710 12522
712 12522
716 12522
717 12522
720 12522
721 12522
723 12522
750 12522
761 12522
763 12522
790 12522
796 12522
797 12522
799 12522

Proposed Rules:
52 ..... 11314, 11686, 11688, 12161, 12435, 12906, 12962, 13135
60 12962
116 11889
117 11889
180 10895
261 12162
264 11742
265 11742
268 11742
271 11742
302 ..... 11889, 11890, 12868
355 12868
372 12035
761 11104
763 10546
795 12748
796 11104
799 12748

41 CFR

101-25 11847
101-40 11849
101-49 12766

Proposed Rules:
201-33 11518

42 CFR

405 ..... 11504, 12010, 12945
406 12945
409 12945
410 12945
413 ..... 12016, 12641, 12945
416 ..... 11504, 12945
418 11504
421 12945
434 12010
435 12681
436 12681
442 11504
482 11504
489 12945
498 12945

Proposed Rules:
405 ..... 12037, 12641
412 12641
413 12641
489 12641

43 CFR

Proposed Rules:
3160 11318

Public Land Orders:
6670 10535
6671 12419
6672 12420
6673 12420

44 CFR

67 ..... 11510, 12152
80 11275
82 11275
83 11275
205 12681

Proposed Rules:
61 10547
67 12536

45 CFR

36 11279
79 11656
96 11656
1611 12017

Proposed Rules:
303 12041
606 10896
1356 12436

46 CFR

26 13117
35 13117
78 13117
97 13117
109 13117
185 13117
197 13117
572 11072

Proposed Rules:
Ch. I 11440
502 12440

47 CFR

0 11849
1 11851
2 ..... 10878, 11855
15 11861
22 11855
43 12526
63 12526
73 ..... 11668, 11863, 12152-12154, 12528, 12768-12770, 12946
90 ..... 11849, 12154
94 11855

Proposed Rules:
Ch. I 10549, 10550
43 12546
63 12546
68 12546
73 ..... 10905, 11690, 12167-12169, 12547-12549, 12779, 12963, 12964
97 12780

48 CFR

15 10828
25 12128
31 ..... 10828, 12128
52 ..... 10828, 12128
215 11073
227 10780
242 11073
252 ..... 10780, 11073
439 12748
452 12748
1033 12770
1801 13056
1807 13056
1815 13056
1819 13056
1822 13056
1825 13056
1827 13056
1829 13056
1832 13056
1836 13056
1837 13056
1842 13056
1849 13056
1851 13056
1852 13056
1853 13056
1870 13056
2804 ..... 12421, 12866
2832 12421
2852 12421

Proposed Rules:
43 11795
47 11795
52 ..... 11795, 12501
916 11318
931 11318
952 11318
1505 11519
1506 11519

49 CFR

387 12158
533 11074
571 ..... 11280, 12528
1160 10536

Proposed Rules:
171 ..... 11320, 12442
172 12442
173 ..... 11320, 12442
174 12442
175 12442
176 12442
177 ..... 11618, 12442
178 12442
179 12442
192 10906
383 12504
391 12504
571 11105
840 11520
1185 12443

50 CFR

17 ..... 10879, 11609, 11612
23 12497
285 11510
301 10536
672 11297
675 12772

Proposed Rules:
17 ..... 12787, 13220-13230
18 12043
228 12169
644 11321
650 12709
653 12790
658 12046
683 12712

LIST OF PUBLIC LAWS

Last List April 15, 1988

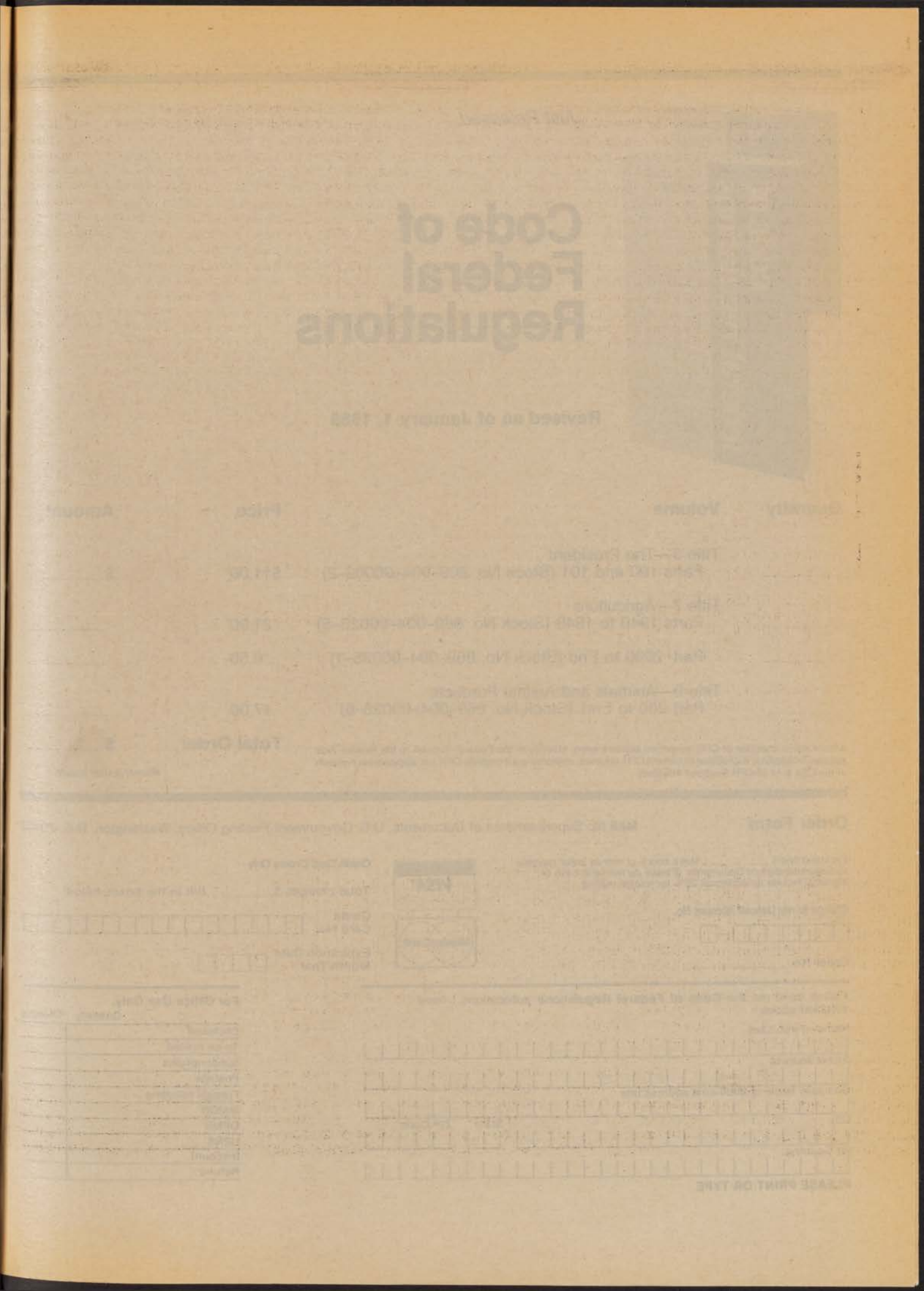
This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

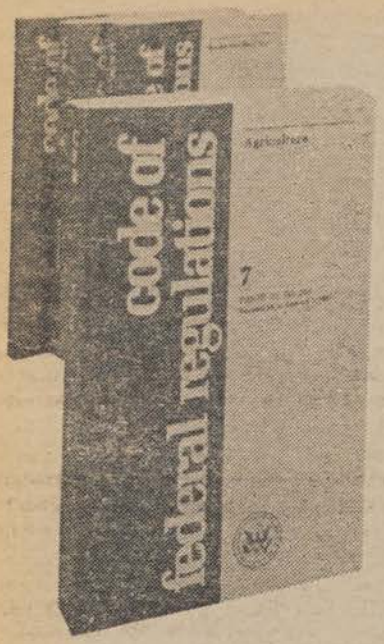
H.R. 3459/Pub. L. 100-290

Orphan Drug Amendments of 1988. (Apr. 18, 1988; 102 Stat. 90; 3 pages) Price: $1.00

S.J. Res. 234/Pub. L. 100-291

Designating the week of April 17, 1988, as "Crime Victims Week." (Apr. 18, 1988; 102 Stat. 93; 1 page) Price: $1.00





Just Released

Code of Federal Regulations

Revised as of January 1, 1988

Quantity	Volume	Price	Amount
	Title 3—The President		
_____	Parts 100 and 101 (Stock No. 869-004-00002-2)	$11.00	$_____
	Title 7—Agriculture		
_____	Parts 1940 to 1949 (Stock No. 869-004-00023-5)	21.00	_____
_____	Part 2000 to End (Stock No. 869-004-00025-1)	6.50	_____
	Title 9—Animals and Animal Products		
_____	Part 200 to End (Stock No. 869-004-00028-6)	17.00	_____
		Total Order	$_____

A cumulative checklist of CFR issuances appears every Monday in the Federal Register in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐-☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		