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Presidential Documents

Title 3—

The President

Proclamation 5800 of April 21, 1988

National Organ and Tissue Donor Awareness Week, 1988

By the President of the United States of America

A Proclamation

The generosity for which the American people have always been known shines clearly today in the willingness of many people to become organ and tissue donors so that others might live or have an opportunity to enjoy a fuller life. Thousands of Americans will receive an extraordinary gift this year—a kidney, heart, liver, pancreas, a combination of heart and lung, skin, a cornea, bone, or bone marrow. The great majority of these gifts will have been possible only because a caring American agreed to donate an organ or tissue for transplantation.

We can all take pride in this generosity; yet the need for additional transplants remains great. Thousands of Americans will wait this year for a well-matched organ or tissue to become available. For some, no donor may be found. The decision to volunteer as an organ donor is a significant act of personal sacrifice. Fortunately, knowledge about organ donorship has spread in recent years. Groups in our communities stand ready to answer questions about organ and tissue donation. The American Council on Transplantation and school, church, and community groups are involved. Many States give people the chance to sign donor authorization cards when they complete their driver's license forms. Others require hospitals to offer people the opportunity to donate under appropriate circumstances.

Encouragement of organ and tissue donation must always be accompanied, of course, by thorough reflection and complete information. Recent medical and technological developments are posing new moral and ethical questions about transplantation in certain circumstances. Individuals, and society as a whole, must carefully consider these questions so that we never undercut our reverence for the sanctity God vests equally in the life of every person, from the moment of conception until natural death.

The Congress, by Public Law 100–273, has designated the week of April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of April 24 through April 30, 1988, as National Organ and Tissue Donor Awareness Week. I ask health care professionals, public and private service organizations, and all Americans to join in supporting this humanitarian cause.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of April, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-9283
Filed 4-22-88; 4:34 pm]
Billing Code 3195-01-M

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

Absence and Leave; Temporary Leave Transfer Program

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is revising the interim regulations establishing a voluntary leave transfer program for fiscal year 1988 to (1) remove the prohibition on the donation of annual leave to employees in a position at a higher grade or pay level than the leave donor, (2) establish a prohibition on the donation of annual leave to a leave donor's immediate supervisor, and (3) clarify the definition of "agency." (The original interim regulations were published in the Federal Register on March 8, 1988 (53 FR 7325).) These changes will broaden the scope of the fiscal year 1988 voluntary leave transfer program.

DATES: This interim rule becomes effective on April 26, 1988, and will expire on September 30, 1988; comments must be received on or before May 26, 1988.

ADDRESS: Comments may be sent or delivered to Barbara L. Fiss, Assistant Director for Pay and Performance Management, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, Room 7H28, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Martha Hoehn, (202) 632–5056.

SUPPLEMENTARY INFORMATION: Public Law 100–284, which was signed by the President on April 7, 1988, makes section 7351 of Title 5, United States Code, inapplicable to leave transfers under the fiscal year 1988 voluntary leave transfer program, except as the Office of Personnel Management may otherwise prescribe. Therefore, the Office of Personnel Management is revising the interim regulations governing the temporary leave transfer program mandated by Public Law 100–202 to permit a leave recipient's employing agency to transfer annual leave to an employee in a position at a higher grade or pay level than the leave donor. In addition, under the authority granted OPM by Pub. L. 100–284, we are revising the interim regulations to prohibit the donation of leave to a leave donor's *immediate supervisor.* (See 5 CFR 630.906(c).) The purpose of this prohibition is to minimize the possibility of coercion or the appearance of favoritism.

We considered prohibiting the donation of leave to anyone in the donor's supervisory chain-of-command. However, we decided there was no evidence supporting so broad a prohibition at this time. We will review experience under the FY 88 program to assess whether additional safeguards are needed in any future leave transfer program to avoid favoritism, or the appearance of favoritism, whenever a leave recipient is in a position to have a major say in an employee's performance evaluations and opportunities for promotion.

The Office of Personnel Management also is revising the definition of "agency" in 5 CFR 630.902 to clarify that all Federal entities that employ officers and employees to whom subchapter I of chapter 63 of title 5, United States Code, applies are responsible for establishing procedures to implement the fiscal year 1988 voluntary leave transfer program—including certain legislative, judicial, and independent agencies, as well as executive agencies.

Pursuant to section 553(b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making this amendment effective in less than 30 days. The notice and the 30-day delay in the effective date are being waived because of the need to facilitate the implementation of the temporary leave transfer program by Federal agencies.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 630

Government employees, Employee benefit plan.

U.S. Office of Personnel Management.
Constance Horner,
Director.

Accordingly, the Office is amending Part 630 of Title 5 of the Code of Federal Regulations as follows:

PART 630–ABSENCE AND LEAVE

1. The authority citation for Part 630 is revised to read as set forth below:

Authority: 5 U.S.C. 6311; Section 630.303 also issued under 5 U.S.C. 6133(a); Section 630.501 and Subpart F also issued under E.O. 11228; Subpart G also issued under 5 U.S.C. 6305; Subpart H issued under 5 U.S.C. 6326; Subpart I also issued under Public Laws 100–202 and 100–284.

2. In § 630.902, the definition of "representative rate" is removed, and the definition of "agency" is revised to read as follows:

§ 630.902 Definitions.

"Agency" means an "Executive agency," as defined in 5 U.S.C. 105, or any other entity of the Federal Government that employs officers or employees to whom Subchapter I of Chapter 63 of Title 5, United States Code, applies.

* * * * *

3. In § 630.906, paragraph (c) is revised to read as follows:

§ 630.906 Transfer of annual leave.

* * * * *

(c) A leave recipient's employing agency shall not transfer annual leave to a leave donor's immediate supervisor.

* * * * *

[FR Doc. 88–9114 Filed 4–25–88; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907 and 908

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California; Administrative Rules and Regulations (Marketing Incentive Allotments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the administrative rules and regulations of the California-Arizona navel and Valencia orange marketing orders by establishing procedures to be used by handlers when exercising the marketing incentive allotment (MIA) option. Currently, handlers notify the Navel and Valencia Orange Administrative Committees' (Committees) management of their intention to use MIA's by telephone prior to the beginning of the week in which the MIA would be used. However, there is no official documentation submitted by the handler confirming this intention. Hence, the opportunity exists for misunderstandings and later factual disputes regarding these phone conversations. For purposes of compliance, therefore, it is imperative that the election to use MIA's be documented before any shipments are made in a specific prorate week.

EFFECTIVE DATE: May 26, 1988.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order Nos. 907 and 908 [7 CFR Parts 907 and 908], as amended, regulating the handling of navel and Valencia oranges grown in Arizona and designated parts of California. These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of navel oranges and 115 handlers of Valencia oranges subject to regulation under their respective orders, and approximately 4,065 producers of navel oranges and 3,500 producers of Valencia oranges in California and Arizona. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having average gross annual revenues for the last three fiscal years of less than $500, 000, and small agricultural service firms are defined as those whose gross annual revenues are less than $3,500,000. The majority of California-Arizona navel and Valencia orange producers and handlers may be classified as small entities.

The navel and Valencia orange marketing orders were amended on January 11, 1985, [50 FR 1429] to provide for MIA's. The Committees have recommended amendments to the respective rules and regulations to supplement the applicable provisions.

Sections 907.54(a) and 908.54(a) of the respective marketing orders authorize general maturity allotments. For each prorate week, the Committees calculate the quantity of oranges (allotment) which may be handled by each handler during such week. Sections 907.54(b) and 908.54(b) of the respective orders authorize the use of MIA's. Under these sections, MIA's may be used by handlers during three separate prorate weeks and are limited to 10 percent of each handler's weekly allotment. The intent of an MIA is to provide handlers additional allotment for market development programs and to allow handlers to take advantage of special marketing opportunities. As stated in the order, MIA's may be used by handlers upon prior notification to the applicable Committee. The orders do not specify how such notification should be made or the time limits or date requirements for such notification. Currently, handlers notify the Committees' management of their intention to use MIA's by telephone prior to the beginning of the week in which the MIA would be used. However, there is no official documentation submitted by the handler confirming this intention. Hence, the opportunity exists for misunderstandings and later factual disputes regarding these telephone conversations. For purposes of compliance, therefore, it is imperative that the election to use MIA's be documented before any shipments are made in a specific prorate week. The amendments establish procedures to aid the Committees in monitoring the use of MIA's by adding new §§ 907.109 and 908.109 to the administrative rules and regulations issued under the respective orders. These sections specify that, in addition to telephonic communication, handlers notify their respective Committee in writing prior to noon on the Thursday immediately before the beginning of the week in which such allotments are to be used, on a form provided by the Committees. Requiring this notice immediately prior to the beginning of a prorate week in which the MIA would be used allows the Committees to adequately monitor the use of such allotments and prevent possible abuses.

Based on available information, the Administrator of the AMS has determined that issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980 [44 U.S.C. 3507], the information collection provisions contained in this final rule have been approved by the Office of Management and Budget (OMB) and assigned OMB control Nos. 0581–0116 and 0581–0121.

This action establishes new §§ 907.109 and 908.109 and is based on unanimous recommendations of the Committees and other information. Notice of a proposal to add new §§ 907.109 and 908.109 was published in the January 7, 1988, issue of the **Federal Register** [53 FR 412]. Comments on the proposed rule were invited from interested persons until February 8, 1988. No comments were received. The Committees met on January 26, 1988, and unanimously voted to request the Secretary to revise the proposed rule in the following way: (1) Provide for notice by telephone prior to the filing of a written confirmation notice and (2) delete the last sentence of §§ 907.109(b) and 908.109(b) as proposed.

The Committees stated that requesting telephone notice in addition to written notice prior to noon on Thursday "immediately before the beginning of the week in which the allotments are to be used" follows current procedures. Notice by telephone confirmed later by

a written form would further document the extent to which MIA's are being used and aid the Committees in their evaluation of supply and market conditions for the succeeding week. The comment further stated that, in evaluating shipments for the current week and in the process of developing recommendations to the Secretary for the succeeding week, without telephone notification it is probable that the Committees could be analyzing incomplete data due to the frequent occurrence of mail delays. These recommendations have merit and appropriate language has been included in this final rule requesting telephone as well as written notification.

The Committees also recommended deleting the last sentence in §§ 907.109(b) and 908.109(b) as proposed which stated: "Once this notice is submitted, the week specified therein shall constitute one of the three weeks per season during which the handler may use marketing incentive allotments." The Committees stated that deletion of this sentence would permit the greatest degree of flexibility in the use of MIA's and that the rule as proposed could limit the use of MIA's by handlers. For example, if a handler notifies a Committee of intention to use an MIA for the next week and an "act of God" occurs which prevents the handler from using the MIA, then the handler would lose one of the three MIA's permitted. The Committees feel that handlers should have greater latitude when using MIA's because forces beyond the handler's control should not adversely affect the handler's use of MIA's. These recommendations have merit and have been adopted in this final rule.

After consideration of all relevant matters presented, including the Committees' recommendations and other available information, it is found that the regulations, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Parts 907 and 908

Arizona, California, Marketing agreements and orders, Navel, Oranges, and Valencia.

For the reasons set forth in the preamble, 7 CFR Parts 907 and 908 are amended by adding new §§ 907.109 and 908.109 to read as follows:

1. The authority citation for 7 CFR Parts 907 and 908 continues to read as follows:

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESINGATED PART OF CALIFORNIA

2. Section 907.109 is added to read as follows:

Note: This section will appear in the Code of Federal Regulations.

Subpart—Rules and Regulations

§ 907.109 Marketing incentive allotments.

(a) Handlers intending to use marketing incentive allotments shall notify the committee of such intention in writing and by telephone prior to noon on the Thursday immediately before the beginning of the week in which such allotments are to be used. The written notice shall be submitted on a form prescribed by the committee. A separate notice shall be filed for each week in which marketing incentive allotments are to be used.

(b) Marketing incentive allotments shall be used only during the week specified in the notice submitted by the handler, and may not be loaned or transferred.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

3. Section 908.109 is added to read as follows:

Note: This section will appear in the Code of Federal Regulations.

Subpart—Rules and Regulations

§ 908.109 Marketing incentive allotments.

(a) Handlers intending to use marketing incentive allotments shall notify the committee of such intention in writing and by telephone prior to noon on the Thursday immediately before the beginning of the week in which such allotments are to be used. The written notice shall be submitted on a form prescribed by the committee. A separate notice shall be filed for each week in which marketing incentive allotments are to be used.

(b) Marketing incentive allotments shall be used only during the week specified in the notice submitted by the handler, and may not be loaned or transferred.

Dated: April 21, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–9149 Filed 4–25–88; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1940

Highly Erodible Land and Wetland Conservation; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule regarding erodible land and wetland conservation published March 8, 1988, [53 FR 7330]. In this final rule, a portion of Subpart G of 7 CFR Part 1940, Exhibit M, Paragraph 6.c.(2)(c)(i) was omitted. The intent of this action is to insert the missing portion.

FOR FURTHER INFORMATION CONTACT: John E. Hansel, Environmental Protection Specialist, Farmers Home Administration, U.S. Department of Agriculture, Room 6309, South Agricultural Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, Telephone (202) 382–9619.

SUPPLEMENTARY INFORMATION: The final rule that is being corrected by this action affects the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans
10.406—Farm Operating Loans
10.407—Farm Ownership Loans
10.421—Loans to Indian Tribes and Tribal Corporations

For the reasons set forth in 7 CFR Part 3015, Subpart V, *Intergovernmental Review of Department of Agriculture Programs and Activities* (December 1, 1983), all of the above programs are excluded from the scope of Executive Order 12372. This order requires intergovernmental consultation with State and local officials.

List of Subjects in 7 CFR Part 1940

Endangered and threatened wildlife, Environmental protection, Floodplains, National wild and scenic river system, National resources, Recreation, Water supply.

Accordingly, the Farmers Home Administration is correcting Subpart G of 7 CFR, Part 1940, Exhibit M, Paragraph 6.c.(2)(c)(i) published March 8, 1988 [53 FR 7330], page 7334 as follows:

PART 1940—[CORRECTED]

1. The authority citation for Part 1940 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 16 U.S.C. 3844; 7 CFR 2.23; 7 CFR 2.70.

Subpart G—Environmental Program

2. Exhibit M is amended by correcting paragraph 6.c.(2)(c)(i) to read as follows:

Exhibit M—Implementation Procedures for the Conservation of Wetlands and Highly Erodible Land Affecting Farmer Program Loans and Loans to Indian Tribes and Tribal Corporations

* * * * *

6. * * *
c. * * *
(2) * * *
(c) * * *

(i) *Loan term exceeds January 1, 1990, but not January 1, 1995.* If the term of the proposed loan expires within this period and the applicant intends to produce an agricultural commodity on highly erodible land that is exempt from the restrictions of this exhibit until either 1990 or two years after the SCS has completed a soil survey for the borrower's land, whichever is later, the County Supervisor will determine if it is financially feasible for the applicant, prior to loss of the exemption, to actively apply a conservation plan approved by SCS or the appropriate conservation district. See § 12.23 of Subpart A of Part 12 of Subtitle A of Title 7, which is Attachment 1 of this exhibit and is available in any FmHA office, for a definition of actively applying a conservation plan. Prior to loan approval, the applicant, the lender, (if a guaranteed loan is involved), FmHA and SCS will resolve any doubts as to what extent production would be able to continue under application of a conservation plan and as to the financial implications on loan repayment ability from both the potential costs of actively applying the conservation plan and the potential loss of revenues from any reduced acreage production base. The loan approval official will determine the financial implications of actively applying a conservation plan to the applicant's highly erodible land by developing a projected farm plan of operation or other farm financial projections that reflect adequate repayment on the full scheduled installments for all debt obligations at the time the conservation plan is being actively applied. If in making this determination, loan repayment ability cannot be demonstrated, FmHA will deny the loan application. If loan repayament ability can be demonstrated and an insured loan will be approved, the applicant will be advised in writing, coincident with the transmittal of Form FmHA 1940–1, "Request For Obligation of Funds," and using Form Letter 1940–G–1, "Notification of The Requirements of Exhibit M of FmHA Instruction 1940–G," that the loan approval instruments will contain compliance requirements affecting the applicant's highly erodible land. The applicant will also be advised that a statement from the SCS issued prior to either January 1, 1990, or two years after the SCS has completed a soil survey of the applicant's land (whichever is later) and stating that the applicant is actively applying an approved conservation plan will be considered adequate demonstration of compliance on the highly erodible land affected by the 1990 deadline.

* * * * *

Signed at Washington, DC, on April 19, 1988.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 88–9152 Filed 4–25–88; 8:45 am]

BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. 88–052]

Horse Protection Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Horse Protection Regulations to expand the list of devices and equipment prohibited for use on any horse at any horse show, exhibition, sale, or auction. In addition to those devices already prohibited by the regulations, we are prohibiting: (1) Beads, bangles, rollers, and similar devices, except for rollers that meet the specifications in this document and that weigh no more than 6 ounces; (2) chains, boots, collars, or other devices that weigh more than 6 ounces; and (3) after a phase-in period, "full" pads more than one-half-inch high, and total pad height, including "rim" pads, of more than 1 inch. We are also prohibiting the use on any horse of weights other than horseshoes, and of horseshoes weighing more than 16 ounces each. Additionally, we are amending the regulations to clarify which horses are subject to the scar rule. These amendments are necessary to better protect horses under the Horse Protection Act.

DATE: This interim rule is effective April 25, 1988. Consideration will be given only to comments postmarked or received on or before June 27, 1988.

ADDRESSES: Send an original and three copies of written comments to APHIS, USDA, Room 1143, South Building, P.O. Box 96464, Washington, DC, 20090–6464. Please state that your comments refer to Docket No. 88–052. Comments received may be inspected at Room 1141 of the South Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. R.L. Crawford, Animal Care Staff, VS, APHIS, USDA, Room 756, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7833.

SUPPLEMENTARY INFORMATION:

Background

This background material is presented in three sections. The first provides a brief discussion of the Horse Protection Act (15 U.S.C. 1821–1831 (1982)), referred to below as the Act, and of the regulations in 9 CFR Part 11, referred to below as the regulations, that were published under the Act. The second contains a summary of the events leading to the publication of this interim rule. The third details the amendments we are making to the regulations.

Horse Protection Act and Regulations

The practice known as "soring" is the injuring of show horses to improve their performance in the show ring. The pain caused by soring accentuates the gait of show horses. Soring can be accomplished in a variety of ways, including: (1) The application of irritating solutions to the horse's limbs; (2) the fastening of chains or similar equipment (commonly called "action devices") to the horse's limbs and forefeet; (3) the use of pads to elevate the horse's foot and to manipulate the angle of the horse's foot; (4) the trimming of a horse's hoof and the shoeing of its feet so as to cause pressure or irritation on the sole of the foot (commonly called "pressure shoeing"); and (5) the insertion of an object between a pad and the sole of the foot to cause discomfort.

In 1970, Congress passed the Act to eliminate the practice of soring, by forbidding the showing or selling of sored horses. Exercising our rulemaking power under 15 U.S.C. 1824 and 1828, we issued regulations that prohibit soring devices and soring methods.

Section 11.2(a) of the regulations provides that:

> Notwithstanding the provisions of paragraph (b) of this section, no chain, boot, roller, collar, action device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore.

Section 11.2(b) then lists specific prohibitions. These prohibitions make it a violation of the Act for someone to show a horse using any of the prohibited devices or practices, whether or not its use causes the horse to be sore.

Based in part on three test clinics to determine the effect of various chains and other devices on horses, we amended the regulations in 1979 (44 FR 25172–25184) to make it a violation of the Act to show a horse wearing chains weighing more than 10 ounces (8 ounces for horses under 3 years old).

Additionally, the regulations in § 11.2(b)(1), until invalidated by the Court as explained below, prohibited the use of beads, bangles, rollers, and similar action devices, except for specifically described rollers weighing no more than 14 ounces. Among other devices and practices, the regulations also prohibit the use of boots and collars that by their construction might irritate a horse's leg. However, before the publication of this interim rule, there was no weight limit on these devices. The regulations also banned the use on yearling horses of weights other than horseshoes, and of horseshoes heavier than 16 ounces. No such restrictions existed for horses other than yearlings.

Before publication of this interim rule, with one exception at 9 CFR 11.2(b)(8), the regulations did not limit the height of pads on horses. These pads are used to elevate a horse's foot to achieve the desired gait, and may be used to conceal practices that produce soring, such as pressure shoeing, or to conceal objects inserted under a horse's foot to cause discomfort. Pads may also be used to protect a horse's feet and limbs during showing and training.

Genesis of Amendments Being Made

On October 26, 1984, the American Horse Protection Association, Inc. (AHPA) filed a complaint in the U.S. District Court for the District of Columbia, asking that we be required to propose regulations banning all action devices and built-up shoes. In its complaint, the AHPA referred to a study conducted by the Auburn University School of Veterinary Medicine,[1] which indicates that the use of 10-ounce action devices will cause a horse to become sore under certain conditions. Additionally, the Auburn University study indicates that built-up shoes can cause pain and inflammation under certain conditions.

On October 30, 1985, the District Court ruled that the fact that we had not amended the regulations as the complainant had requested was not "arbitrary, capricious, or an abuse of discretion, or otherwise not in accordance with the law." (*American Horse Protection Association* v. *Block*, No. 84–3298, mem. op. at 14 (D.D.C., October 30, 1985)). The AHPA appealed the Court's decision on November 26, 1985.

[1] Purohit, Ram C. "Thermography in Diagnosis of Inflammatory Processes in Horses in Response to Various Chemical and Physical Factors (Summary of the Research from September, 1978 to December, 1982)." School of Veterinary Medicine, Auburn University.

On February 24, 1987, the U.S. Court of Appeals for the District of Columbia Circuit vacated the judgment of the District Court, remanding the case to that Court with instructions to remand the case to the Secretary of Agriculture for further consideration. (*American Horse Protection Association* v. *Lyng*, 812 F.2d 1, 258 U.S. App. D.C. 397 (D.C. Cir Feb. 24, 1987)).

After reviewing material submitted by the parties, the District Court, in an opinion filed on March 21, 1988, ordered that we intitiate rulemaking to amend and expand the list of devices prohibited by § 11.2(b). In its decision, the Court declared the Provisions of § 11.2(b)(1), (2), and (10) invalid, and ordered the Secretary of Agriculture to initiate proceedings to promulgate replacement regulations. (*American Horse Protection Association Inc.* v. *Lyng*, —— F. Supp. ——, 1988 (D.D.C., March 21, 1988)).

In its decision, the Court relied heavily on the Auburn University study, which the Court stated "clearly found that the use of 10-ounce weights caused soreness to the test horses." The Court also cited the study's finding that both pressure shoeing and the use of padded shoes to manipulate the angle of a horse's foot can cause inflammation and soreness.

As noted above, the Court invalidated the provisions of § 11.2(b)(10), which govern a horse's heel/toe ratio. In view of our decision to proceed with this interim rule, which will restrict the use of pads, the Secretary of Agriculture believes that the provisions in question are necessary under the Act, and that their retention in the regulations is consistent with the Court's opinion. Therefore, the provisions that were contained in § 11.2(b)(10) prior to publication of this interim rule shall remain in effect, and are now contained in § 11.2(b)(12).

Changes to the Regulations

We are amending the Horse Protection Regulations as described below. For purposes of clarity, we will address first the changes to § 11.2(b)(2), then the changes to § 11.2(b)(1) and other provisions of Part 11.

Action Devices

Before being invalidated by the Court, § 11.2(b)(2) of the regulations prohibited chains weighing more than 8 ounces each on 2-year-old horses, and chains weighing more than 10 ounces each on horses 3 years old or older. Based on review of the Auburn University study, we have determined that proper enforcement of the Act requires that a lower weight limit for chains be included in the regulations.

As part of the Auburn University study, three horses were fitted with 10-ounce chains, and were exercised for 10 consecutive workdays, with weekends off. One of the horses had a chain on each pastern; the other two horses had a chain on only one pastern. The study found that altered thermal patterns were detectable as early as the second day of exercise with the chains. Lesions were produced by the 7th day, becoming more visible by the 10th day. Based on the study, it is apparent that 10-ounce chains can sore a horse under certain circumstances.

The study also monitored the effects of using chains and rollers on horses with scarred pasterns, finding that 14-ounce rollers and 8- and 10-ounce chains caused lesions in less than two weeks on scarred horses that were exercised in the devices for 15–30 minutes per day.

We are amending the regulations in § 11.2(b)(2) to prohbit the use—on horses at any horse show, horse exhibition, or horse sale or auction—of chains weighing more than 6 ounces, including the weight of the fastener. While the Auburn University study found that 10-ounce chains can cause soring on unscarred horses under certain conditions, and that 8-ounce chains can sore scarred horses under certain conditions, the study found no harmful effects from the use of 6-ounce chains, except for some loss of hair in the pastern areas.

This interim rule also prohibits, in § 11.2(b)(1), the use of beads, bangles, rollers, and similar devices, with the following exception. Rollers are permitted if they are made of lignum vitae (hardwood), aluminum, or stainless steel, with individual rollers of uniform size, weight, and configuration, provided each device does not weigh more than 6 ounces, including the weight of the fastener. The provisions in § 11.2(b)(1) made effective by this interim rule are identical to those invalidated by the Court, except that we are requiring that each roller weigh 6 ounces or less.

Inspections by our personnel and members of the horse industry at horse shows, exhibitions, and sales and auctions have shown that each of the devices we are prohibiting in § 11.2(b)(1) can cause soring. We have determined it is necessary to limit the maximum weight of rollers to 6 ounces, based on the Auburn University study, which detected soring from action devices weighing more than 6 ounces, but no soring following the use of 6-ounce action devices. Similarly, we are

amending § 11.2(b)(7) to limit boots and collars to 6 ounces each.

Weights

In amended § 11.2(b)(9), we are applying to all horses the provisions of previous § 11.2(b)(9), which prohibited the use of any weight, other than the horseshoe, on yearling horses, and limited the weight of horseshoes used on yearling horses to 16 ounces. During our inspections at horse shows, exhibits, sales and auctions, we have observed the use of weights to accentuate a horse's gait. These weights were usually placed either in pads that were attached to the horse's hooves or below the pads and between the shoe bars, or were used as part of a heavy horseshoe. When these weights were used, our inspectors, using thermographic examination, noted increased inflammation in the tendons, and increased sensitivity in the joints and in other parts of the legs above the fetlocks. Therefore, we have determined it is necessary under the Horse Protection Act to prohibit the use of weights on all horses. Experienced farriers have informed us that a standard horseshoe used solely to protect a horse's hoof need not weigh more than 16 ounces.

The provisions of amended § 11.2(b)(9) make unnecessary the provisions in § 11.2(b)(17), which restrict where on a horse's foot lead or other weights can be placed. We are therefore deleting that section.

Pads

In § 11.2(b)(10), we are prohibiting, after a phase-in period explained below, the use of all "full" pads that are more than one-half-inch high at any point, and that are not placed directly adjacent to the sole of the horse's foot. We define a full pad as one that covers the entire sole of the horse's foot. Additionally, after the phase-in period, we are limiting maximum total pad height, including "rim" pads, to 1 inch. We define a rim pad as one that conforms with the configuration of the horse's shoe and does not protrude beyond the inner rim of the shoe. We are also prohibiting, as of April 25, 1988, the use of pads that are not made of leather or some similar soft, pliant material.

It would be harmful to horses to eliminate the use of all pads, because small pads are often used to prevent problems such as bruises from stones, and to absorb some of the concussive shock of the foot striking the ground. Allowing maximum pad height of 1 inch will permit continued use of pads used solely to protect a horse. Limiting full pads to one-half inch and allowing them to be placed only directly adjacent to the sole of the horse's foot will help our inspectors better detect, through palpation, pressure shoeing and the presence of objects inserted between the pad and a horse's foot to cause irritation.

We are basing our limitation on the total height of pads on a number of factors. Elevating a horse's hooves with high pads changes the normal angulation of a standing horse's body and legs, and thus changes the angulation of the normal weight-bearing surfaces of the horse's legs and the angulation of the horse's weight-bearing muscles. The use of high pads also changes the angle at which the horse's foot hits the ground, and the angle at which the toe "breaks over" when picking up the foot to go forward.

The Auburn University study and other veterinary research indicates that altering the angulation of a horse's feet and legs can cause lameness, soreness, and inflammation, by transferring concussive impact and weight-bearing pressures to joints and other parts of the horse not normally subjected to these forces. Additionally, experts in the horse industry have advised us that elevating the foot can cause an increase in tension in the tendons, which can lead to inflammation. A high pad can also contribute to stresses caused by extra weight on a horse's foot. Additionally, elevating only the front feet, as is typically done, causes an unnatural angulation of the back and body of the horse, and changes the alignment of the shoulder muscles, the vertebrae, and the pelvis, all of which are then subject to stress, irritation, and inflammation.

We have determined that pads 1 inch or less in height offer adequate protection from concussive shock and bruises from stones, without adding excessive weight or altering the natural angle of the horse's body in a way that can cause soring. By requiring that pads be made of leather or some similar soft, pliant material, the regulations will ensure that only pads that offer protection from concussive forces are used. Further, requiring that pads be of a pliant material will facilitate inspection by palpation, as described above.

It would be harmful to some horses currently on high pads to be placed on 1-inch pads without a "phasing-in" period. APHIS veterinarians, and farriers and other members of the horse industry, have indicated that horses can be moved without harm from high pads to pads 1-inch high or less, if the change is done gradually. A gradual reduction in pad size will minimize physiological stress to horses, and will allow horses who have had their feet trimmed in conjunction with the use of high pads to grow a naturally configured foot before being placed on pads 1-inch high or less. Additionally, the phase-in period we are establishing, with a reduction in maximum pad size at 3-month intervals, will allow horses to be reshod as necessary without damage to their hooves. Experienced farriers have indicated to us that a horse can be reshod every 6 to 8 weeks without harm to the horse's hooves.

Accordingly, the provisions in § 11.2(b)(10) will limit the height of pads according to the following schedule. From April 25, 1988 through July 31, 1988, pads more than 3 inches high are prohibited. From August 1, 1988 through October 31, 1988, pads more than 2 inches high will be prohibited. After October 31, 1988, full pads will be limited to one-half-inch in height, and total pad height, including rim pads, will be limited to 1 inch. During and following this phasing-in period, the requirements in the regulations regarding heel/toe ratio must be observed.

Because the provisions regarding a 1-inch-maximum pad height will apply to all horses after October 31, 1988, we are amending the provisions of § 11.2(b)(8), which prohibits the use on yearling horses of pads that elevate or change the angle on the horses' hooves more than 1 inch at the heel, to make them effective only through October 31, 1988.

We emphasize that the regulations continue to prohibit the soring of a horse by any device, regardless of weight or height, and we will take action against any person responsible for soring a horse.

The comment period regarding this interim rule is intended to provide all interested and affected parties adequate opportunity to compile and supply us with as much data as possible regarding the issues raised in this document. In addition, we invite any sound scientific studies that may augment the information currently available regarding the use of action devices, pads and weights on show horses. All information received will be carefully considered in preparing a final rule.

Scar Rule

Section 11.3 of the current regulations provides that a horse will be considered sore if its legs show bilateral scarring or loss of hair that can reasonably be identified with the practice of soring. These provisions are commonly known as the "scar rule." The regulations regarding the scar rule prior to publication of this interim rule were established in 1979. The rule was

intended to apply during the 1979 show season to all horses 3 years old or younger at the time. Our intent was then to apply the scar rule provisions to horses 4 years old or younger in 1980, 5 years old or younger in 1981, and so forth. Since 1979, we have been enforcing the scar rule provisions according to that formula. However, until publication of this interim rule, § 11.3 stated that it applied to "all 3-year-old horses during the 1979 season; 4-year-old horses during the 1980 season, 5-year-old horses during the 1981 season, etc." As written, the rule might have been interpreted to apply only to horses of the exact age specified for a given year. We are amending that section to read: "The scar rule applies to all horses born on or after October 1, 1976." With this change, the scar rule is corrected to conform with our intention.

Request for Comments on Additional Subjects

We recognize that some horses may have a faulty way of "going"—*i.e.*, some abnormality in the way they move, such as interfering, or overreaching—or may have a condition such as Navicular Disease or Bone Spavin that causes pain if corrective shoeing is not done. These conditions may require the use of pads or wedges in excess of 1 inch, or weights on the foot to correct the horse's gait and prevent possible harm to the horse. Based on our inspections at horse shows and other events, however, we believe that these defects are limited to a small number of horses presented for showing. By recognizing that a need for correction sometimes exists, we do not intend to allow built-up pads or other devices for the purpose of accentuating a horse's gait, nor do we intend to allow the excessive build-up of the feet of horses with a faulty way of going. At this time, we are requesting comments that address these problems. Specifically, we are inviting comments on the following questions: (1) What conditions should make a show horse eligible for corrective shoeing; (2) what limits should be placed on the pads, wedges, and weights used for corrective shoeing; and (3) how can corrective shoeing, if allowed, be documented or controlled?

In addition to requesting comments on this interim rule and on corrective shoeing, we are requesting comments on methods used to mask the pain caused by soring. In its petition for rulemaking, the AHPA alleged that some horse trainers and exhibitors are concealing soring by using anesthetics or analgesics on the animals. Further, the AHPA expressed concern that the practice of "stewarding," or conditioning horses not to react to pain, can make it difficult to detect soring. We believe that these practices, if and where they exist, should be stopped. At this time, we need more information on the use of these practices, including when and where they are occurring, and how prevalent they are, to help determine what action, if any, we should take.

Emergency Action

The Acting Administrator of the Animal and Plant Health Inspection Service has determined that an emergency situation exists, which warrants publication of this interim rule without prior notice and opportunity for public comment.

On March 21, 1988, the United States District Court for the District of Columbia issued an order invalidating certain provisions of the Horse Protection Regulations that prohibited or restricted the use on horses—at horse shows, exhibits, and sales and auctions—of chains and other action devices that can cause soring. The Court also invalidated provisions governing the heel/toe ratio of horses at the above events. The Court determined that the invalidated regulations did not properly protect horses from soring under the Horse Protection Act, and directed us to initiate rulemaking proceedings immediately to establish replacement regulations.

On March 25, 1988, we issued a letter to members of the horse industry, in light of the Court's decision, setting forth the enforcement position we were adopting for the period between issuance of the letter and publication of replacement regulations. On April 13, 1988, the Court emphasized that its invalidation of the above-specified provisions of the Horse Protection Regulations had taken effect on March 21, 1988.

In the absence of replacement regulations, there has been substantial confusion among members of the horse industry concerning their obligations under the Horse Protection Act. To eliminate this confusion, and to establish as quickly as possible replacement regulations that prohibit practices and devices to prevent soring, we are publishing this interim rule and request for comments. This rule is consistent with the Court's opinion and is based on sound veterinary principles. Making it effective without prior comment will enable the Secretary to better enforce the Act.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these emergency conditions, there is good cause under 5 U.S.C. 553 for making this interim rule effective April 25, 1988. We will consider comments postmarked or received within 60 days of the publication of this interim rule in the **Federal Register.** Any amendments we make to this interim rule as a result of these comments will be published in the **Federal Register** as soon as possible following the close of the comment period.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this interim rule in conformance with Executive Order 12291 and Departmental Regulation 1512–1, and have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions, and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This interim rule is intended to prevent the soring of horses, and specifically prohibits devices that could reasonably be expected to cause soring. Some of the devices that are being prohibited are currently used on horses to accentuate the natural gait of show horses. Prizes for competition among these show horses are awarded based largely on evaluation of this gait. The new prohibitions of this interim rule will not prohibit equitable competition among these show horses.

Under these circumstances, the Acting Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 9 CFR Part 11

Animal welfare, Horses, Humane animal handling, Soring of horses.

Accordingly, 9 CFR Part 11 is amended as follows:

PART 11—HORSE PROTECTION REGULATIONS

1. The authority citation for Part 11 is revised to read as follows:

Authority: 15 U.S.C. 1823, 1824, 1825, and 1828; 44 U.S.C. 3506.

2. Section 11.1 is amended by removing all paragraph designations, by placing all definitions in alphabetical order, and by adding definitions of "full pad" and "rim pad" to read as follows:

§ 11.1 Definitions.

* * * * *

"Full Pad" means a pad that covers the entire sole of a horse's foot.

* * * * *

"Rim Pad" means a pad that conforms with the configuration of a horse's shoe, and does not protrude beyond the inner rim of the shoe.

* * * * *

3. Section 11.2 is amended by removing paragraph (b)(17), by redesignating paragraphs (b)(10) through (b)(16) as (b)(12) through (b)(18) respectively; and by adding new paragraphs (b)(10) and (b)(11) and revising paragraphs (b)(1), (b)(2), (b)(7), (b)(8) and (b)(9) to read as follows:

§ 11.2 Prohibitions concerning exhibitors.

* * * * *

(b) * * *

(1) All beads, bangles, rollers, and similar devices, with the exception of rollers made of lignum vitae (hardwood), aluminum, or stainless steel, with individual rollers of uniform size, weight and configuration, provided each such device may not weigh more than 6 ounces, including the weight of the fastener.

(2) Chains weighing more than 6 ounces each, including the weight of the fastener.

* * * * *

(7) Boots, collars, or any other device, with protrusions or swellings, or rigid, rough, or sharp edges, seams or any other abrasive or abusive surface that may contact a horse's leg, or that weigh more than 6 ounces each.

(8) Through October 31, 1988, pads or other devices on yearling horses (horses up to 2 years old) that elevate or change the angle of such horses' hooves in excess of 1 inch at the heel.

(9) Any weight, except a keg or similar conventional horseshoe, and any horseshoe that weighs more than 16 ounces.

(10) Pads between the bottom of the foot and the horseshoe, according to the following schedule:

(i) From April 25, 1988 through July 31, 1988, pads more than 3 inches high at any point;

(ii) From August 1, 1988 through October 31, 1988, pads more than 2 inches high at any point; and

(iii) After October 31, 1988, full pads more than one-half-inch high at any point and full pads not directly adjacent to the sole of a horse's foot, and total pad height, including rim pads, exceeding 1 inch.

(11) Pads that are not made of leather or a similar soft, pliant material.

* * * * *

4. Section 11.3 is amended by revising the introductory text to read as follows (footnote 3 is removed and reserved):

§ 11.3 Scar rule.

The scar rule applies to all horses born on or after October 1, 1976. Horses subject to this rule that do not meet the following scar rule criteria shall be considered to be "sore" and are subject to all prohibitions of section 5 of the Act. The scar rule criteria are as follows:

* * * * *

Done in Washington, DC, this 22nd day of April, 1988.

James W. Glosser,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-9265 Filed 4-25-88; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 048CE, Special Condition 23-ACE-39]

Special Conditions; Dornier 228-200 Airplanes With Electronic Flight Instrument Systems (EFIS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are being issued to become part of the type certification basis for the Dornier 228-200 Airplanes that incorporate an electronic flight instrument system (EFIS). These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the airworthiness standards applicable to these airplanes when EFIS is installed. These novel and unusual design features include the use of a cathode-ray tube electronic flight instrument system for which the applicable regulations do not contain adequate or appropriate airworthiness standards. These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATE: April 26, 1988.

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

SUPPLEMENTARY INFORMATION:

Background

On September 14, 1987, AAR Oklahoma, Inc., Oklahoma City, Oklahoma submitted an application for supplemental type certificate (STC) approval of the design changes necessary to install a Collins 85B Electronic Flight Instrument System (EFIS) on the Dornier 228-200 Airplane. This installation incorporates an electronic attitude director indicator (EADI) and electronic horizontal situation indicator (EHSI) in lieu of the traditional mechanical or electro-mechanical displays providing similar information to the flightcrew.

Special conditions may be 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 or installation. 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 a part of the type certification basis, as provided by § 21.101(b)(2).

The proposed type design of the Collins 85B EFIS installation in the Dornier 228-200 Airplane contains a number of novel and unusual design features not envisaged by the applicable Part 23 airworthiness standards. Special conditions are considered necessary because the airworthiness standards of Part 23 do not contain adequate or appropriate safety standards for the novel or unusual design features of the Collins 85B EFIS installation in the Dornier 228-200 Airplane.

AAR Oklahoma, Inc. has proposed cathode-ray tube (CRT) electronic display units for primary attitude, heading, and navigation cockpit displays. The cockpit instrument panel

configuration would feature five EFIS displays, an electronic horizontal situation indicator (EHSI) in the left and right instrument panels and a multifunction display in the center panel. All other displays; i.e., airspeed, altitude, vertical speed, etc., will be conventional instruments. A back-up conventional attitude instrument will be near the center of the panel.

Emissive color on a CRT display will inevitably appear different than reflective colors on conventional electro-mechanical displays. Different intensities and color temperatures of ambient illumination will also affect the perceived colors. Therefore, display legibility must be adequate for all cockpit lighting conditions including direct sunlight.

Features of this system are novel and unusual relative to the applicable airworthiness requirements. Current small airplane airworthiness requirements are based on "single-fault" or "fail-safe" concepts and, when promulgated, the FAA did not envision use of complex, safety-critical systems in small airplanes. The current small airplane requirements envisioned instruments that were single function; i.e., a failure would cause loss of only one instrument function, although several instrument functions may have been housed in a common case.

Flight instruments for the pilot are required to be grouped in front of the pilot so deviation from looking forward along the airplane flight path is minimized when the pilot shifts from viewing the flight path to viewing the flight instruments.

For instrument flight, the airplane must be equipped with the minimum flight instruments listed in the operating rules. This minimum listing of instruments includes all instruments that have long been accepted as the minimum for continued safe flight. Back-up instruments for these instruments are not required by the small airplane airworthiness requirements because the FAA has long accepted that the small airplane could be safely flown following a single instrument failure. The basic airman certification program for an instrument flight rules (IFR) rating has long included the required demonstration of ability to fly the airplane safely following failure of any one of the previously cited instruments and has not required, as a basic IFR rating requirement, that all IFR rated airmen must demonstrate abilities using other back-up instruments.

The special condition would allow installation of electronic displays that feature design characteristics where a single malfunction or failure could affect more than one primary instrument, display, or system. The special condition would also provide requirements to assure adequate reliability of system design functions that are determined to be essential for continued safe flight and landing of the airplane.

In installations where electronic displays take the place of traditional instruments, the reliability must not be less than that of the traditional instruments. This is in regard to the collective reliability of the traditional instruments rather than the reliability of a single traditional instrument. For this reason, the special condition includes requirements for identifying complex, safety critical systems, and defines requirements needed for their certification.

The special condition will also require a detailed examination of each item of equipment/component of the electronic display system, and installation of the system, to determine if the airplane is dependent upon its function for continued safe flight and landing, or if its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with these adverse operating conditions. Each component of the installation identified by such an examination as being critical to the safe operation of the airplane would be required to meet the special condition.

The present § 23.1309 has been used as a means of evaluating systems since being incorporated into 14 CFR Part 23 by amendment 23–14, dated December 20, 1973. The "no-single-fault" or "fail-safe" concept of § 23.1309, along with experience based on service-proven designs and good engineering judgement have been used to successfully evaluate most airplane systems and equipment. However, the FAA is finding it difficult to apply the "single-fault" concept as a means of determining the effect or likelihood of certain failure conditions to complex systems like those proposed for the Collins 85B EFIS installation. Therefore, the FAA considers it necessary to include the proposed additional system analysis requirements in the certification basis. This will also allow the use of the latest available "rational method" of safety analysis of the systems to assure a level of safety intended in the applicable requirements.

The development of rational methods for safety assessment of systems is based on the premise that an inverse relationship exists between the probability of a failure condition and its effect on the airplane. That is, the more serious the effect, the lower the probability must be that the related failure condition will occur.

Use of these rational methods for safety assessment of systems does not mandate use of numerical analysis. An applicant may use numerical analysis to assist in showing compliance but, in many cases, adequate data is not available for preparing a stand-alone numerical analysis for showing compliance. Therefore, in small airplane certification, a rational analysis based on identification of failure modes and their consequences is frequently acceptable substantiation of compliance with the various required levels of system reliability rather than a numerical analysis alone.

If it is determined that the airplane includes systems that perform more critical functions, it will be necessary to show that those systems meet more stringent requirements. Systems that perform a function that is needed for continued safety of flight and landing of the airplane, whose failure would be catastrophic, would be required to meet requirements that establish either that there will be no failures of that system, or that a failure is extremely improbable.

The special condition also requires that the occurrence of system(s) failures which would significantly reduce the airplane's capability, or the ability of the crew to cope with adverse operating conditions, and thereby be potentially catastrophic, be improbable. It is recognized that any system(s) failure will reduce the airplane's or crew's capability by some degree, but that reduction may not be of the degree as to lead to potentially catastrophic results.

The special condition provides reliability requirements which are based on the criticality of the system's function and will provide the standards needed for certification of complex safety-critical systems being proposed for installation.

Type Certification Basis

The type certification basis for the Dornier 228–200 Airplanes is as follows: Special Federal Aviation Regulation (SFAR) 41C, effective September 13, 1982; Part 23 of the Federal Aviation Regulations (FAR), effective February 1, 1965, through amendments 23–23 and special conditions adopted by this rulemaking action.

Discussion of Comments

Notice of Proposed Special Conditions, Notice 23–ACE–39, Docket 048CE, was published in the **Federal Register** on February 1, 1988 (53 FR 20) and comment period closed March 2, 1988. The FAA received no comments in response to Notice 23–ACE–39;

therefore, these special conditions are adopted as proposed.

Conclusion

This action affects only specified model series airplanes. It is not a rule of general applicability and applies only to the series and models of airplanes identified in these special conditions.

The notice of proposed special conditions for installation of the Collins 85B EFIS installation in the Dornier 228–200 Airplanes was published in the **Federal Register** on February 1, 1988, with a closing date for submitting written comments to the docket of March 2, 1988. No comments were received and the final special conditions are adopted as proposed.

Section 553 of the Administrative Procedures Act provides, at the discretion of the agency, that an effective date of less than a required 30 days from date of publication may be established if good cause has been shown to establish an immediate effective date. It has been shown by the manufacturer that immediate sale of subject model airplane is dependent upon the ability to proceed with the certification of the EFIS installation. Because the delay of 30 days would significantly affect the manufacturer in terms of loss of revenue in the sale of subject airplanes, coupled with the fact that no comments were received concerning the notice, the Administrator finds that delaying the effective date of the special conditions is unnecessary. Thus, the Administrator finds that good cause exists to establish an immediate effective date for these final special conditions. Therefore, the Administrator has determined that these final special conditions shall become effective immediately upon issuance.

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.

Adoption of Special Conditions

In consideration of the foregoing, the following special condition is issued as part of the type certification basis for the Dornier 228–200 Airplane that incorporates an electronic flight instrument system (EFIS) into these series airplanes, as follows:

1. In addition to Appendix A of Part 135 and in lieu of § 23.1309(b) and applicable requirements of Part 23 of the Federal Aviation Regulations to the contrary, for instruments, systems, and installations whose design incorporates electronic displays that feature design characteristics where a single malfunction or failure could affect more than one primary instrument display or system, and/or system design functions that are determined to be essential for continued safe flight and landing of the airplane, the following special condition applies:

(a) Systems and associated components must be examined separately and in relation to other airplane systems to determine if the airplane is dependent upon its function for continued safe flight and landing, and if its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions. Each system and each component identified by this examination upon which the airplane is dependent for continued safe flight and landing, or whose failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, must be designed and examined to comply with the following requirements:

(1) It must be shown that there will be no single failure or probable combination of failures under any anticipated operating condition which would prevent the continued safe flight and landing of the airplane, or it must be shown that such failures are extremely improbable.

(2) It must be shown that there will be no single failure or probable combination of failures under any anticipated operating condition which would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, or it must be shown that such failures are improbable.

(3) Warning information must be provided to alert the crew to unsafe system operating conditions and to enable them to take appropriate corrective action. This warning information must not tend to initiate crew action which would create additional hazards.

(4) Compliance with the requirements of this special condition must be shown by analysis and, where necessary, by appropriate ground, flight, or simulator tests. The analysis must consider:

(i) Modes of failure, including malfunction and damage from forseeable sources;

(ii) Consequences of a single failure or probable combination of failures (latent or undetected);

(iii) Appropriate levels of reliability as determined by the severity of consequence;

(iv) The resulting effects on the airplane and occupants, considering the state of flight and operating conditions; and

(v) The crew warning cues, corrective action required, and the capability of detecting faults.

(5) Numerical analysis may be used to support the engineering examination.

(b) Electronic display units, including those incorporating more than one function, may be installed in lieu of mechanical or electro-mechanical instruments if:

(1) The display units:

(i) Are easily legible under all lighting conditions encountered in the cockpit, including direct sunlight;

(ii) In any normal mode of operation do not inhibit the primary display of attitude; and

(iii) Incorporate sensory cues for the pilot that are equivalent to those in the instrument being replaced by the electronic display units.

(2) The display units, including their systems and installations, must be designed so that one display of information essential to safety and successful completion of the flight will remain available to the pilot, without need for immediate action by any crewmember for continued safe operation, after any single failure or probable combination of failures that is not shown to comply with paragraph (a)(1) of this special condition.

Issued in Kansas City, Missouri, on March 28, 1988.

Paul K. Bohr,

Director, Central Region.

[FR Doc. 88–9042 Filed 4–25–88; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 79–CE–09–AD; Amdt. 39–5901]

Airworthiness Directives; Cessna 140A, 150, A150, 170, 172, R172, 175, P172, 177, 180, 182, 185/A185, 188/A188, 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210, 336, and 337/T337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises and reissues Airworthiness Directive (AD) 79–10–14, Amendment 39–3475, applicable to certain Cessna single and twin engine airplanes to include current design fuel caps that can be installed as an alternate or equivalent means of compliance with the venting requirements of this AD. There have been several instances of fuel tank vent system obstruction by foreign material and/or sticking of the fuel vent valve in the existing fuel tank vent system. This action will reduce the possibility of fuel tank vent obstruction and resulting engine power loss.

EFFECTIVE DATE: May 30, 1988.

ADDRESSES: Cessna Service Letters No. SE77–6 dated March 4, 1977, and ME78–47 (Rev. 1) dated February 12, 1979, and Cessna Single Engine Service Kit SK182–85 dated September 21, 1984, applicable to this AD may be obtained from Cessna Aircraft Company, Customer Service,

P.O. Box 1521, Wichita, Kansas 67201, or may be examined at the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 79–CE–09–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, ACE–140W, Federal Aviation Administration, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone 316–946–4427.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations AD 79–10–14, Amendment 39–3475 was published on January 27, 1988, in the **Federal Register** (53 FR 2227). AD 79–10–14, Amendment 39–3475 (44 FR 29435; May 21, 1979) as corrected (44 FR 36168; June 21, 1979), required that certain single and twin engine Cessna airplanes be provided with an alternate (redundant) fuel tank vent. The Light Single Engine (LSE) Cessna airplanes, which were all manufactured with raised fuel tank filler necks, complied with paragraph (A) of AD 79–10–14 by installing vented fuel caps (like those used on later production airplanes) to replace the original non-vented caps, or paragraph (B) by incorporating the provisions of Supplemental Type Certificate (STC) approved designs to add venting in the original non-vented fuel cap.

High performance single engine Cessna airplanes were originally manufactured with recessed fuel filler openings and flush non-vented fuel caps. These airplanes initially complied with AD 79–10–14 by applying methods similar toparagraph (A) or (B) above. At the time of issuance of AD 79–10–14, hardware was not available to adapt the LSE style fuel caps to high performance single engine Cessna airplanes. Cessna currently provides adapters for installation of the LSE style fuel caps on most of the high performance single engine airplanes affected by AD 79–10–14. These caps were originally provided by Cessna in support of a fleet campaign to restrict the diameter of the fuel filler opening on gasoline powered airplanes to prevent misfueling. However, the ability of the LSE style fuel caps to prevent the entrance of rainwater into the fuel tanks has been recognized for some time. Therefore, the FAA proposed to reduce the regulatory burden and permit the installation of the LSE fuel caps on high performance single engine Cessna airplanes by allowing the installation of these fuel caps as an equivalent means of compliance with AD 79–10–14.

Interested persons have been afforded an opportunity to comment on the proposal.

One comment from a user sponsored organization concurred with the proposed amendment. The only other comment was from a person that owned one of the Supplemental Type Certificate (STC) approved designs previously listed on AD 79–10–14. This commenter requested that his current STC be included on the final issuance of the proposal. The proposed change does not affect the cost of compliance with AD 79–10–14 and the new STC is an acceptable means of compliance. Accordingly, the final rule will reflect this change as well as some minor editorial revisions.

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

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By amending and reissuing AD 79–10–14, Amendment 39–3475 (44 FR 29435; May 21, 1979) as corrected (44 FR 36168; June 21, 1979), as follows:

Cessna: Applies to the following Models and serial numbered airplanes, certificated in any category.

Models	Serial Numbers
140A	15200 through 15724.
150	617, 628, 649, 17001 through 17999, 59001 through 59018; 15059019 through 15077005.
A150	15064970, A1500001 through A1500609.
170	609, 18729 through 27169.
172	610, 612, 615, 622, 625, 630, 638, 28000 through 29999, 36000 through 36999, 46001 through 47746, 17247747 through 17265684.
175	619, 28700A, 55001 through 56777, 17556778 through 17557119.
P172	P172257120 through P17257188.
R172	P17257189, R1720001 through R1720617.
177	661, 17700001 through 17701471, 17701473 through 17701597.
180	604, 624, 645, 30000 through 32999, 50001 through 50911, 18050912 through 18052202.
182	613, 631, 634, 33000 through 34999, 51001 through 53007, 18253008 through 18260638.
185/A185	632, 185–0001 through 185–1599, 18501600 through 18501896.
188/A188	With wing tanks; Serials; 653, 188–0446 through 188–0572, 18800573 through 18800762.
205	641, 205–0001 through 205–0577
206	206–0001 through 206–0275.
U206/TU206	U206–0276 through U206–1444, U20601445 through U20601666.
P206/TP206	P206–0001 through P206–0603, P20600604 through P20600647.
207/T207	20700001 through 20700203.
210/T210	616, 618, 57001 through 57575, 21057576 through 21059361, T210–0001 through T210–0454.
336	336–0001 through 336–0195.
337/T337	337–0001 through 337–1193, 33701194 through 33701405.
M337B	337–0001 and up.

Compliance: Required as indicated, unless already accomplished.

To provide an alternate source of fuel tank venting in case of fuel tank vent obstruction by foreign material and/or sticking of the fuel vent valve, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Install applicable vented fuel cap(s) with related adapters and fuel servicing placards in accordance with Cessna Service Letter SE77–6 dated March 4, 1977; or as an alternative for fuel bladder equipped airplanes, Cessna Service Kit SK182–85 dated September 21, 1984, or modify existing fuel tank caps in accordance with STC SA728NW, SA3318NW or SA2967SW and for 336 and 337/T337 Series airplanes, in accordance

with Cessna Service Letter ME78-47 (Rev. 1) dated February 12, 1979.

Note 1: On those airplanes having two fuel tank caps in each fuel tank, only one vented cap is required in each tank. A vented cap must be installed in the outboard filler opening of each tank.

(B) The modification required by this AD may be accomplished by those owner/operators authorized to perform preventive maintenance under FAR 43 provided only installation of a different fuel tank cap is necessary. The person accomplishing this modification must make an entry in the aircraft maintenance record indicating compliance with this AD; i.e., "AD 79-10-14 complied with by installing replacement fuel filler cap; Cessna P/N ——— this date ——— Signature and Certificate Number."

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

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to Cessna Aircraft Company, Customer Service, P.O. Box 1521, Wichita, Kansas 67201; or may examine the document(s) referred to herein at the Federal Aviation Administration, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Note 2: Supplemental Type Certificates SA728NW and SA3318NW are held by Mr. Dennis H. Ward, Venting Engineering, 5420 A Street, Tacoma, Washington 98408, Phone (206) 474-6458. Supplemental Type Certificate SA2967SW is held by Mr. Charles M. Seibel, Flight Bonus Inc., P.O. Box 665, Hurst, Texas 76053, Phone (817) 265-1650.

This amendment revises AD 79-10-14, Amendment 39-3475, effective May 29, 1979, which superseded AD 78-26-09, Amendment 33-3379.

This amendment becomes effective on May 30, 1988.

Issued in Kansas City, Missouri, on April 13, 1988.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 88-9051 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-27-AD; Amdt. 39-5898]

Airworthiness Directives; Piper Models PA-24, PA-24-250, PA-24-260, and PA-24-400 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, rescission.

SUMMARY: This amendment rescinds Airworthiness Directive (AD) 82-19-01, Amendment 39-4474 (47 FR 46252) which requires inspections for cracks in the lower wing spar and upper main spar attachment plate on Piper Models PA-24, PA-24-250, PA-24-260, and PA-24-400 airplanes. This AD was issued following an inflight wing failure on a Piper PA-24 airplane. Subsequent to its issuance, the FAA has determined that this failure was an isolated occurrence and is not likely to exist or develop in other Piper model airplanes of the same design.

EFFECTIVE DATE: April 27, 1988.

ADDRESSES: Information applicable to this action may be examined at the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 82-CE-27-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Perry, Atlanta Aircraft Certification Office, ACE-120A, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; Telephone (404) 991-2910.

SUPPLEMENTARY INFORMATION: AD-82-19-01, Amendment 39-4474 (47 FR 46252), was issued to require inspection of the lower wing spar and upper main spar attachment plate on Piper Models PA-24, PA-24-250, PA-24-260, and PA-24-400 airplanes. It was issued following an inflight wing separation of a Piper Model PA-24, Serial Number 24-1113, on July 24, 1982, at Kalamulka, B.C., Canada. Investigation of this accident revealed that both wing spars and the main spar attachment plate showed evidence of fatigue failure. At that time, there was no basis to conclude that this accident was unique and as a result the above AD was issued.

Subsequently, a petition for exemption from AD 82-19-01 was requested on behalf of Piper airplane owners and operators. In support thereof the petitioner suggested that the accident was an isolated occurrence because the airplane was regularly abused with excessive "G" forces and aerobatics. He further stated, that in the four years since the AD has been in effect, about 12,000 spar inspections have been performed with no reports of spar cracks or failure.

The FAA has carefully reviewed all of the available information including a credible fatigue analysis, and determined that the wing failure which led to the issuance of AD 82-19-01 was a singular incident and that this failure is not likely to exist or develop in other Piper Models PA-24, PA-24-250, PA-24-260, or PA-24-400 airplanes. To further substantiate this position, Piper has completed a more sophisticated inspection procedure to inspect for cracks that might emanate from the rivet hole from which it was believed the fatigue crack initiated on the accident airplane. The rivets that attach the skin to the bottom left and right wing main spar were removed to gain access to the spar bottom cap so that a much smaller crack could be detected. The area was visually inspected using 10-power magnification and a fluorescent penetrant inspection. The inspections were completed on 10 high-time airplanes by Piper under the surveillance of the FAA, and the inspection program and its results were recorded in Piper Report No. VB-1345. No cracks were detected during this inspection program.

Based on the foregoing, the FAA concludes that AD 82-19-01 should be rescinded. Since the AD, until withdrawn, imposes an economic burden and is a hardship on affected owners/operators, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective in less than 30 days.

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

The FAA has determined that this amendment is not major under section 8 of 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 unnecessary, economic burden on affected owners/operators. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration

amends § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By rescinding AD 82–19–01, Amendment 39–4474 (47 FR 46252).

This amendment becomes effective on April 27, 1988.

Issued in Kansas City, Missouri, on April 12, 1988.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 88–9052 Filed 4–25–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 87–AWA–33]

Alteration of Jet Routes; Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of Jet Routes J–25/HL–482 and J–107/HL–484 located in the vicinity of Gopher, MN. The FAA has proposed to extend these jet routes into Canadian territory. The extension of J–25/HL–482 and J–107/HL–484 has been coordinated and approved by Transport Canada. This action improves traffic flows in the Minneapolis, MN, area, and reduces controller workload.

EFFECTIVE DATE: 0901 UTC, June 30, 1988.

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

SUPPLEMENTARY INFORMATION:

History

On October 29, 1987, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend Jet Route J–25/HL–482 from Gopher, MN, to Winnipeg, Canada, and extend J–107/HL–484 from Pembina, ND, to Sioux Narrows, Canada (52 FR 41588). This action aids flight planning, improves traffic flow and reduces controller workload. In addition, Transport Canada supports this action because of its positive effect on the Winnipeg Area Control Center Flow Management Program for the Winnipeg terminal area. 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 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6D dated January 4, 1988.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations alters the descriptions of Jet Routes J–25/HL–482 and J–107/HL–484 located in the vicinity of Gopher, MN. The FAA is extending these jet routes into Canadian territory. The extension of J–25/HL–482 and J–107/HL–484 has been coordinated and approved by Transport Canada. This action improves traffic flows in the Minneapolis, MN, area, and reduces controller workload.

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 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 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.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J–25 [Amended]

By removing the words "to Gopher, MN." and substituting the words "Gopher, MN; Brainerd, MN; to Winnipeg, MB, Canada. The airspace within Canada is excluded."

J–107 [Amended]

By removing the words "to Kenora, ON, Canada." and substituting the words "to Sioux Narrows, ON, Canada."

Issued in Washington, DC, on March 18, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88–9047 Filed 4–25–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

Rate of Interest on Amounts Held Subject to Refund for Oil Pipelines, and Eliminating the Undertaking Requirements for Gas Pipelines and Producers; Correction

Issued April 19, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Correction notice to final regulations.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is correcting its regulations published in the **Federal Register** on January 12, 1983 (48 FR 1279). The rules relate to suspended changes in rate schedules. This notice makes technical corrections to § 154.67, paragraphs (c)(1) and (c)(2)(iii)(B) to accurately cross reference paragraphs (d)(2) and (d)(2)(iii)(A).

EFFECTIVE DATE: April 19, 1988.

FOR FURTHER INFORMATION CONTACT: Sandra S. Vincent, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357–8530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 18 CFR Part 154

Natural gas.

Accordingly, 18 CFR Part 154 is amended as follows:

PART 154—[AMENDED]

1. The authority citation for Part 154 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7102–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriation Act, 31 U.S.C. 9701 (1970).

§ 154.67 [Amended]

2. In § 154.67, paragraph (c)(1) is amended by removing the words "paragraph (d)(2)" and inserting in its place, the words "paragraph (c)(2)."

3. In § 154.67, paragraph (c)(2)(iii)(B) is amended by removing the words "paragraph (d)(2)(iii)(A)", and inserting in its place "paragraph (c)(2)(iii)(A)."

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–8979 Filed 4–25–88; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Fenbendazole

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoechst-Roussel Agri-Vet Co. providing for the manufacture of Type A medicated articles containing 4 percent fenbendazole and 20 percent fenbendazole for making Type C medicated feeds for use in cattle as an anthelmintic. Additionally, the listing of drug categories for new animal drugs for use in animal feeds is amended by moving fenbendazole from Category I to Category II.

EFFECTIVE DATE: April 26, 1988.

FOR FURTHER INFORMATION CONTACT: John L. Olsen, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Agri-Vet Co., Route 202–206 North, Somerville, NJ 08876, filed NADA 137–600 providing for Safe-Guard™ Type A medicated articles containing 4 percent and 20 percent fenbendazole. The Type A medicated articles are for making Type C medicated feed for cattle for removal and control of lungworms: (*Dictyocaulus viviparus*); stomach worms: Barberpole worms (*Haemonchus contortus*), brown stomach worms (*Ostertagia ostertagi*), small stomach worms (*Trichostrongylus axei*); and intestinal worms: hookworm (*Bunostonum phlebotomum*), thread-necked intestinal worms (*Nematodirus helvetianus*), small intestinal worms (*Cooperia punctata* and *C. oncophora*), bankrupt worms (*Trichostrongylus colubriformis*), and nodular worms (*Oesophagostomum radiatum*). The Type C medicated feed requires a 13-day withdrawal period.

The application is approved and § 558.258(c) is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary. Because fenbendazole will now require a withdrawal period at the lowest use level in at least one species it will become a Category II drug. Section 558.4(d) is amended to reflect the change from Category I to Category II for fenbendazole. The manufacture of Type B or Type C feeds from Type A articles must be the subject of an approved medicated feed application (FDA–1900) no later than July 25, 1988.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

2. Section 558.4 is amended in paragraph (d) by removing the entry for "Fenbendazole" in the table entitled "Category I" and alphabetically inserting the entry "Fenbendazole" in the table entitled "Category II" to read as follows:

§ 558.4 Medicated feed applications.

* * * * *

(d) * * *

CATEGORY II

Drug	Assay limits percent [1] type A	Type B maximum (100x)	Assay limits percent [1] type B/C [2]
* *	*	*	*
Fenbendazole.....	95–113	8.67 g/lb (1.96%).	75–125
* *	*	*	*

[1] Percent of labeled amount.

[2] Values given represent ranges for either Type B or Type C medicated feeds. For those drugs that have two range limits, the first set is for a Type B medicated feed and the second set is for a Type C medicated feed. These values (ranges) have been assigned in order to provide for the possibility of dilution of a Type B medicated feed with lower assay limits to make a Type C medicated feed.

3. Section 558.258 is amended in paragraph (c) by redesignating the introductory paragraph after the italicized heading *Conditions of use.* as (1), and be redesignating paragraphs (c)(1) through (3) as paragraphs (c)(1)(i) through (iii), and by adding a new paragraph (c)(2) to read as follows:

§ 558.258 Fenbendazole.

* * * * *

(c) *Conditions of use.* (1) * * *

(2) It is used in cattle feed as follows:

(i) *Amount.* 5 milligrams fenbendazole per kilogram body weight (2.27 milligrams per pound).

(ii) *Indications for use.* For the removal and control of lungworms (*Dictyocaulus viviparus); barberpole worms (Haemonchus contortus*); brown stomach worms (*Ostertagia ostertagi*); small stomach worms (*Trichostrongylus axei*); hookworms (*Bunostomum phlebotomum*); thread-necked intestinal worms (*Nematodirus helvetianus);* small intestinal worms (*Cooperia punctata* and *C. oncophora*), bankrupt worms (*Trichostrongylus colubriformis*); and nodular worms (*Oesophagostomum radiatum*).

(iii) *Limitations.* Feed as sole ration for one day. Do not use within 13 days of slaughter. Do not use in dairy cattle of breeding age.

Dated: April 15, 1988.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 88-9073 Filed 4-25-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing/Federal Housing Commissioner

24 CFR Part 235

[Docket No. R-88-1393; FR-2512]

Mortgage Insurance; Changes in Interest Rates

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

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable interest rate on section 235 (Homeownership for Lower Income Families) insured loans. This final rule is intended to bring the maximum permissible financing charges for this program into line with competitive market rates.

EFFECTIVE DATE: April 4, 1988.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Chief Mortgage and Capital Market Analysis Branch, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-7270. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The following amendments to 24 CFR Chapter II have been made to increase the maximum interest rate which may be charged on loans insured by this Department under section 235 of the National Housing Act. The maximum interest rate on the HUD/FHA section 235 insurance programs has been raised from 9.50 percent to 10.00 percent.

Until recently, HUD regulated interest rates not only for the section 235 Program, but also for fire safety equipment loans insured under section 232 of the National Housing Act. However, section 429(e)(2) of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) amended the National Housing Act to provide that interest on fire safety equipment loans under section 232(i) of the Act will be "at such rate as may be agreed upon by the mortgagor and the mortgagee." Accordingly, these loans, like most other National Housing Act-authorized loans, now have their interest rates determined by negotiation. Accordingly, future announcements of changes in interest rate ceilings for FHA-insured mortgages will be limited, as this one is, to the section 235 Program.

The Secretary has determined that this change is immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change.

As a matter of policy, the Department submits most of its rulemaking to public comment, either before or after effectiveness of the action. In this instance, however, the Secretary has determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this final rule effective immediately. HUD regulations published at 47 FR 56266 (1982), amending 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusions set forth in paragraph (*l*) of § 50.20, the preparation of an Environmental Impact Statement or Finding of No Significant Impact is not required for this rule. This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local governmental agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides for a small increase in the mortgage interest rate in programs of limited applicability, and thus of minimal effect on small entities. This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 26, 1987 (52 FR 40358) pursuant to Executive Order 12291 and the Regulatory Flexibility Act. The Catalog of Federal Domestic Assistance program numbers are 14.108, 14.117, and 14.120.

List of Subjects in 24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs: housing and community development.

Accordingly, the Department amends 24 CFR Part 235 as follows:

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

1. The authority citation for 24 CFR Part 235 continues to read as follows:

Authority: Sections 211, 235, National Housing Act (12 U.S.C. 1715b, 1815z); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 235.9, paragraph (a) is revised to read as follows:

§ 235.9 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages insured on or after April 4, 1988.

* * * * *

3. In § 235.540, paragraph (a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed on by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages insured after April 4, 1988.

* * * * *

Date: April 1, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 88-9141 Filed 4-25-88; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships, and Student Loans

AGENCY: Public Health Service, HHS.

ACTION: Final regulation.

SUMMARY: This final regulation revises regulations codified at 42 CFR Part 57, which govern various Public Health Service (PHS) health professions training grant programs by: (1) Removing all non-statutory funding preferences, and (2) adding the provision that the Secretary may from time to time announce special factors for funding in the **Federal Register**. This action is necessary to provide flexibility in program management by enabling these training grant programs to be more responsive to the emerging and changing public health care needs of the nation.

EFFECTIVE DATE: These regulations are effective April 26, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary Havill, Program Coordination Branch, Office of Program Support, Bureau of Health Professions, Health Resources and Services Administration, Room 7–74, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone 301 443–1530.

SUPPLEMENTARY INFORMATION: The PHS regulations codified at 42 CFR Part 57, which govern various PHS health professions training grant programs, contain non-statutory, as well as statutory, funding preferences used in the award of grants. This final regulation removes from these regulations all non-statutory funding preferences (identified in the existing regulations as "special considerations" and "funding priorities"), retaining only those funding preferences which are required by the authorizing legislation. However, the Secretary will announce from time to time in the **Federal Register**, and solicit public comment on, special factors for funding as related to national health care needs.

The Department believes this action is necessary in order to permit PHS health professions training grant programs to respond more quickly to the emerging and changing public health care needs of the nation. The existing non-statutory funding preferences are restrictive and eliminate the flexibility needed by program management to establish funding preferences that would be consistent with ongoing national health care objectives. Accordingly, this final regulation revises the PHS regulations governing the various health professions training grant programs by: (1) Removing all non-statutory funding preferences, and (2) adding the provision that the Secretary may from time to time announce special factors for funding in the **Federal Register**.

Set forth below is a listing of the affected subparts codified at 42 CFR Part 57 and the non-statutory funding preferences being removed from each of these subparts:

Subpart H—Grants for Physician Assistant Training Programs

This final regulation revises the existing regulations governing Grants for Physician Assistant Training Programs by amending § 57.706, entitled *"Evaluation of Applications."*, to remove the following non-statutory funding preferences contained in paragraphs (b) (1) through (3):

(b) In determining the priority for funding of applications approved under paragraph (a) of this section, the Secretary will consider:

(1) The relative merit of the proposed project based on the factors in paragraph (a) of this section;

(2) The extent to which the applicant develops and uses methods designed to attract, maintain and graduate minority and disadvantaged students; and

(3) The extent to which a proposed project contains any of the following elements:

(i) Conducts a program for training physician assistants to provide primary care patient services under the supervision of a doctor of medicine or osteopathy.

(ii) Conducts substantial portions of the program in a health manpower shortage area(s) or in an area health education center, funded under section 781 of the Act;

(iii) Establishes a program in a State which does not have a program; and

(iv) Conducts a program in conjunction with primary care physician education in a manner which shares educational resources and encourages the use of physician assistants by physicians.

Subpart Q—Grants for Predoctoral, Graduate, and Faculty Development Education Programs in Family Medicine

This final regulation revises the existing regulations governing Grants for Predoctoral, Graduate, and Faculty Development Education Programs in Family Medicine by amending § 57.1605, entitled *How will applications be evaluated?*, to remove the following non-statutory funding preferences contained in paragraphs (b) (1) and (2):

(b) In determining the priority for funding, projects approved under paragraph (a) of this section, the Secretary will consider:

(1) The relative merit of the proposed project based upon the factors in paragraph (a) of this section; and

(2) The extent to which a aproposed project contains any of the following elements:

(i) For all projects except faculty development projects, substantial training experience in settings which exemplify interdependent utilization of physicians and physician assistants or nurse practitioners.

(ii) For all projects except faculty development projects, substantial portions of the training program are conducted in a health manpower shortage area(s) designated under section 332 of the Act, or in an area health education center funded, at least in part, under section 781 of the Act.

(iii) For faculty development projects, emphasis on increasing the number of new faculty who will be teaching on a full-time basis in family medicine.

Subpart Y—Grants for Nurse Practitioner and Nurse Midwifery Programs

This final regulation revises the existing regulations governing Grants for Nurse Practitioner and Nurse Midwifery Programs by amending § 57.2406, entitled *"Evaluation and grant awards."*, to remove the following non-statutory funding preferences contained in paragraph (a)(3):

(3) The Secretary will also give special consideration to:

(i) Projects for nurse practitioner or nurse midwifery programs which will award academic credit to students who successfully complete the education program; and

(ii) Applicants with programs in place to recruit and retain minority students.

Subpart Z—Grants for Advanced Nurse Education Programs

This final regulation revises the existing regulations governing Grants for Advanced Nurse Education Programs by amending § 57.2506, entitled *"Evaluation and grant awards."*, to remove the following non-statutory funding preferences contained in paragraphs (b) (1) and (2):

(b) *Funding preference.* In determining the priority for funding applications approved under paragraph (a) of this section, the Secretary will consider:

(1) The relative merit of the proposed project based upon the factors in paragraph (a) of this section; and

(2) Whether a proposed project contains any of the following elements: (i) An educational program in geriatric and gerontological nursing; (ii) a plan to attract and retain minority and financially needy students (the project will be given special consideration); and (iii) special funding preferences as announced by the Secretary by notice in the **Federal Register**, should specific needs warrant such action.

Subpart AA—Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs

This final regulation revises the existing regulations governing Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs by amending § 57.2604, entitled *"How will applications be evaluated?"*, to remove the following non-statutory funding preferences contained in paragraph (b):

(b) In determining priority for funding applications approved under paragraph (a) of this section, the Secretary will give first preference to applications which provide nurse practitioner training in schools of nursing that award academic credit to

students who complete the program. The Secretary will give second preference to applicants other than schools of nursing that award academic credit to students who complete the program.

Subpart EE—Grants for Residency Training in Preventive Medicine

This final regulation revises the existing regulations governing Grants for Residency Training in Preventive Medicine by amending § 57.3005, entitled "*How will applications be evaluated?*", to remove the following non-statutory funding preferences contained in paragraphs (b) (1) and (2):

(b) In determining the priority for funding of applications approved under paragraph (a) of this section, the Secretary will consider: (1) The relative merit of the proposed project based upon the factors in paragraph (a) of this section, and (2) whether the proposed project will:

(i) Conduct residency training in the areas of general preventive medicine or public health; or

(ii) Train at least [four] residents in the academic year and four residents in the field year and provide evidence that the projected number can be realized from a current or projected applicant pool.

Subpart FF—Grants for Residency Training in General Internal Medicine and General Pediatrics

The final regulation revises the existing regulations governing Grants for Residency Training in General Internal Medicine and General Pediatrics by amending § 57.3106, entitled "*How will applications be evaluated?*", to remove the following non-statutory funding preferences contained in paragraphs (b) (1) and (2):

(b) In determining the priority for funding of applications approved under paragraph (a) of this section, the Secretary will consider: (1) The relative merit of the proposed project based upon the factors in paragraph (a) of this section, and (2) the extent to which a proposed project contains any of the following elements:

(i) Substantial training experience in settings where physician assistants or nurse practitioners, or both, are used as part of a health care team.

(ii) Coordination of administrative and educational resources to be used by a program of general internal medicine and a program of general pediatrics which are both to be conducted within a single project.

(iii) Substantial portions of the project are conducted in a health manpower shortage area(s), and in particular, in a health manpower shortage area(s) which is located in a Standard Metropolitan Statistical Area, as defined by the Office of Federal Statistical Policy and Standards, Department of Commerce; or in an area health education center funded, at least in part, under section 781 of the Act.

Subpart MM—Area Health Education Center Program

This final regulation revises the existing regulations governing Area Health Education Center Program by amending § 57.3806, entitled "How Will Applications be Evaluated?", to remove the following non-statutory funding preferences contained in paragraphs (b) (1) through (3):

(b) In determining the priority for funding of applications approved under paragraph (a) of this section, the Secretary will consider:

(1) The relative merit of the proposed project;

(2) The relative cost-efficiency of the proposed project; and

(3) Any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register**, such as the provision of substantial training opportunities in the health professions for disadvantaged persons.

The secretary will give preference to competing continuation applications over new applications.

Justification for Omitting Notice of Proposed Rulemaking

This final rule amends the existing regulations governing the identified PHS health professions training grant programs by deleting all non-statutory funding preferences from those regulations. The public will, however, retain the opportunity to participate in the establishment of funding preferences for those programs in the future. As is currently the practice, at the appropriate time in the funding cycle for each of the programs affected, the Department will publish in the **Federal Register** an announcement of the availability of funds for that program and the planned schedule for receiving applications and awarding grants. As part of that Notice, there will be a description of the funding preferences that are proposed for that grant cycle, and an invitation for interested parties to comment on the proposed preference. Thirty days will normally be allowed for the submission of comments, following which a second Notice will be published, responding to any comments received and announcing the final funding preferences and schedule for submission of applications. This process will afford members of the public a full opportunity to express their views with regard to the appropriateness of the preferences proposed, and to urge the adoption of others (including those that were formerly set out in regulations) that they regard as more suitable. We believe this process fully conforms to the letter as well as the spirit of the public participation in rulemaking provisions of the Administrative Procedure Act (See 5 U.S.C. 553).

For the reasons outlined above, the Secretary finds, in accordance with 5 U.S.C. 553(b), that public participation and delay in effective date are unnecessary in the deletion from existing regulations of non-statutory funding preferences as set out below.

Regulatory Flexibility Act and Executive Order 12291

These regulations govern financial assistance programs in which participation is voluntary. The rule will not exceed the threshold level of $100 million established in section (b) of Executive Order 12291. For these reasons, the Secretary has determined that this rule is not a major rule under Executive Order 12291, and a regulatory impact analysis is not required. Further, because the rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

Paperwork Reduction Act of 1980

These revisions add no information collection requirements to the regulations. The application form and instructions used for the grant programs have been approved by the Office of Management and Budget under control number 0915–0060.

List of Subjects in 42 CFR Part 57

Educational study program, Grant programs—health, Health professions, Institutional support, Public health.

Accordingly, Title 42 of the Code of Federal Regulations, Part 57 is amended as set forth below.

Dated: October 19,1987.

Robert E. Windom,

Assistant Secretary for Health.

Approved: February 17, 1988.

Otis R. Bowen,

Secretary.

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENT, SCHOLARSHIPS AND STUDENT LOANS

1. Title 42 CFR, Part 57 is amended by amending the following subparts below.

Subpart H—Grants for Physician Assistant Training Programs

The authority for Subpart H continues to read:

Authority: Sec. 215, Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 783(a)(1) of the Public

Health Service Act, 90 Stat. 2314, and 99 Stat. 524 (42 U.S.C. 295g–3(a)(1)).

a. Section 57.706 is amended by revising paragraph (b) to read as follows:

§ 57.706 Evaluation of applications.

* * * * *

(b) In determining the funding of applications approved under paragraph (a) of this section, the Secretary will consider any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register.**

Subpart Q—Grants for Predoctoral, Graduate, and Faculty Development Education Programs in Family Medicine

The authority for Subpart Q continues to read:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 786(a) of the Public Health Service Act, 90 Stat. 2316 (42 U.S.C. 295g–6(a)).

b. Section 57.1605 is amended by revising paragraph (b) to read as follows:

§ 57.1605 How will applications be evaluated?

* * * * *

(b) In determining the funding of projects approved under paragraph (a) of this section, the Secretary will consider any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register.**

Subpart Y—Grants for Nurse Practitioner and Nurse Midwifery Programs

The authority for Subpart Y continues to read:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 822(a) of the Public Health Service Act, 89 Stat. 361, as amended by 99 Stat. 394–395 and 548 (42 U.S.C. 296m).

c. Section 57.2406 is amended by revising paragraph (a)(3) to read as follows:

§ 57.2406 Evaluation and grant awards.

(a) * * *

(3) In determining the funding of applications approved under paragraph (a)(1) of this section, the Secretary will also consider other special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register.**

* * * * *

Subpart Z—Grants for Advanced Nurse Education Programs

The authority for Subpart Z continues to read:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 821 of the Public Health Service Act, 89 Stat. 361; as amended by 95 Stat. 930, and by 99 Stat. 394 and 548 (42 U.S.C. 2961).

d. Section 57.2506 is amended by revising paragraph (b) to read as follows:

§ 57.2506 Evaluation and grant awards.

* * * * *

(b) *Funding preference.* In determining the funding of applications approved under paragraph (a) of this section, the Secretary shall give priority to educational programs in geriatric and gerontological nursing. In addition, the Secretary may from time to time announce in the **Federal Register** other special factors relating to national needs.

Subpart AA—Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs

The authority for Subpart AA continues to read:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 822(b) of the Public Health Service Act, 91 Stat. 393; as amended by 95 Stat. 930 (42 U.S.C. 296m).

e. Section 57.2604 is amended by revising paragraph (b) to read as follows:

§ 57.2604 How will applications be evaluated?

* * * * *

(b) In determining the funding of applications approved under paragraph (a) of this section, the Secretary will consider any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register.**

* * * * *

Subpart EE—Grants for Residency Training in Preventive Medicine

The authority for Subpart EE continues to read:

Authority: Sec. 793 of the Public Health Service Act, 95 Stat. 928 (42 U.S.C. 295h–1c).

f. Section 57.3005 is amended by revising paragraph (b) to read as follows:

§ 57.3005 How will applications be evaluated?

* * * * *

(b) In determining the funding of applications approved under paragraph (a) of this section, the Secretary will consider any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register.**

Subpart FF—Grants for Residency Training in General Internal Medicine and General Pediatrics

The authority for Subpart FF continues to read:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 784 of the Public Health Service Act, 90 Stat. 2315 (42 U.S.C. 295g–4).

g. Section 57.3106 is amended by revising paragraph (b) to read as follows:

§ 57.3106 How will applications be evaluated?

* * * * *

(b In determining the funding of applications approved under paragraph (a) of this section, the Secretary will consider any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register.**

Subpart MM—Area Health Education Center Program

The authority for Subpart MM continues to read:

Authority: Sec. 215, Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 781, Public Health Service Act, 90 Stat. 2312 (42 U.S.C. 295g–1).

h. Section 57.3806 is amended by revising paragraph (b) to read as follows:

§ 57.3806 How will applications be evaluated?

* * * * *

(b) In determining the funding of applications approved under paragraph (a) of this section, the Secretary will consider any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register.**

[FR Doc. 88–9107 Filed 4–25–88; 8:45 am]

BILLING CODE 4160–15–M

42 CFR Part 57

Grants for Nursing Special Projects

AGENCY: Public Health Service, HHS.

ACTION: Final regulation.

SUMMARY: This final regulation revises the existing regulations governing the Nursing Special Project Grant Program authorized by section 820 of the Public Health Service (the Act) to conform the regulations with amendments made by Pub. L. 99–92, the Nurse Education Amendments of 1985, enacted on August 16, 1985, and Pub. L. 99–129, the Health Professions Training Assistance Act, enacted on October 22, 1985. These amendments added four new purposes as eligible grant projects authorized under section 820. In accordance with these amendments, this regulation revises the existing regulations to add project requirements for each of the new purposes along with an additional project requirement for one of the original grant projects. This regulation also revises the existing regulations to conform with amendments made to section 820 by Pub. L. 99–239, the Compact of Free Association Act of 1985, enacted January 14, 1986, and other changes which are of a technical nature.

DATE: These regulations are effective April 26, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Jo Eleanor Elliott, Director, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 5C–26, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: 301 443–5786.

SUPPLEMENTARY INFORMATION: On June 5, 1987, the Assistant Secretary for Health, Department of Health and Human Services, with the approval of the Secretary, published in the **Federal Register** (52 FR 21490), a Notice of Proposed Rulemaking (NPRM) to amend the existing regulations governing the Grants for Nursing Special Projects authorized by section 820 of the Public Health Service Act (the Act), by: (1) Incorporating four new purposes as eligible grant projects; (2) adding new project requirements for each of the four new purposes; (3) adding an additional project requirement for one of the original grant projects; and (4) adding a statutory funding priority for projects that demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities (purpose 8). In addition to the above, a number of technical and clarifying changes were proposed to conform the regulations with amendments made by Pub. L. 99–92 and with Pub. L. 99–129.

The amendments proposed in the NPRM, with the following exceptions, have been adopted as proposed.

The NPRM included a special consideration in funding for projects that demonstrated innovative ways to provide improved and more effective long-term care for the elderly, emphasizing preventive care. The Secretary has omitted this special consideration as part of a newly implemented policy to announce, and solicit public comment on, any special factors related to national needs that will be considered in funding applications in periodic notices in the **Federal Register**, and to retain in regulations only those special considerations that are in the statute. The policy was adopted by the Secretary to provide maximum flexibility for program management, thus enabling the grant program to respond more quickly to new and emerging health care needs. The removal of the special consideration in this instance does not preclude the announcement of all or part of the special consideration in a forthcoming **Federal Register** notice.

The public comment period on the proposed regulations closed on August 4, 1987. The Department received one public comment. The respondent was supportive of the majority of the proposed amendments and suggested two revisions regarding purposes (8) and (9). With respect to purpose (8), to demonstrate improved methods for expanding access to nursing practice arrangements in the community, the respondent requested that the proposed requirement for a project to be operational (providing patient care services) within 6 months of the grant award be extended to 8–12 months or earlier. The respondent believes the proposed time of 6 months does not allow for sufficient planning time.

The Secretary has not accepted this suggestion because the operational date for each purpose (8) project is individually established. Prior to funding, each approved applicant is contacted and a start date is negotiated. This provides adequate lead time to assure personnel will be in place.

With respect to purpose (9), to demonstrate methods to encourage nursing graduates to practice in designated health manpower shortage areas without noting a priority in nursing specialties, the respondent suggested the inclusion of a stipend to recruit nurses who would become psychiatric nurses and serve in State mental hospitals. The respondent also requested funding priority be given to applicants developing plans to recruit professional nurses to care for the institutionalized—mentally, developmentally or emotionally ill patients.

While the need for additional nursing services for psychiatric care is recognized, the recommendation goes beyond the statutory authority in suggesting the award of stipends. In addition, the most recent departmental policy does not provide for non-statutory funding priorities to be included in regulations. However, as noted above, the Secretary may from time to time announce in the **Federal Register** special factors relating to funding. Therefore, the Secretary has not adopted these suggestions.

This final regulation also includes additional technical and ministerial amendments to the existing regulations. These revisions are necessary in order to conform the regulations to an amendment made by Pub. L. 99–239, and to incorporate current departmental grants policy language. Since these amendments are of a ministerial and technical nature, the Secretary has determined pursuant to 5 U.S.C. 553 and departmental policy that it is unnecessary and impractical to follow proposed rulemaking procedures. The revisions are summarized below:

1. Revise § 57.1902, entitled "*Definitions.*", to change the definition of "State" by inserting after the "Trust Territory of the Pacific Islands" those entities which, for purposes of this grant program, are viewed as a State, "(the Republic of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia.", in accordance with Pub. L. 99–239; and

2. Revise § 57.1906, entitled "*Evaluation and grant award.*", to reflect current departmental grants policy language.

Regulatory Flexibility Act and Executive Order 12291

This regulation governs financial assistance programs in which participation is voluntary. The rule will not exceed the threshold level of $100 million established in section (b) of Executive Order 12291. For these reasons, the Secretary has determined that this rule is not a major rule under Executive Order 12291 and a regulatory impact analysis is not required. Further, because the rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

Paperwork Reduction Act of 1980

The recordkeeping and reporting requirements in § 57.1904 and the

application forms and instructions for this grant program have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (OMB approval numbers are 0915–0060 for the regulations and the competing application form and 0915–0061 for the continuation application form).

List of Subjects in 42 CFR Part 57

Educational study programs, Grant programs—education, Grant programs—health, Health professions, Public health, Student aid.

Accordingly, 42 CFR Part 57, Subpart T is amended as set forth below:

Dated: February 5, 1988.

Robert E. Windom,

Assistant Secretary for Health.

Approved: April 14, 1988.

Otis R. Bowen,

Secretary.

(*Catalog of Federal Domestic Assistance*, No. 13.359, Nursing Special Project Grants.)

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

Subpart T—Nursing Special Project Grants

1. The authority citation for Subpart T is revised to read as follows:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); sec. 820, Public Health Service Act, 89 Stat. 359–360, as amended by 95 Stat. 929–930, and 99 Stat. 393 and 547–548 (42 U.S.C. 296k).

2. In § 57.1902, the term "State" is revised to read as follows:

§ 57.1902 Definitions.

* * * * *

"State," except as otherwise provided herein, means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands (the Republic of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia.

* * * * *

3. Section 57.1903 is amended by removing the footnote in the heading of paragraph (b), by redesignating paragraphs (b)(4) and (b)(5) as (b)(5) and (b)(6), and adding new paragraphs (b)(4), (b)(7), (b)(8), and (b)(9) to read as follows:

§ 57.1903 Eligibility.

* * * * *

(b) * * *

(4) To demonstrate improved geriatric training in preventive care, acute care, long-term care (including home health care and institutional care);

* * * * *

(7) To demonstrate clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities, and ambulatory care facilities;

(8) To demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; and

(9) To demonstrate methods to encourage nursing graduates to practice in health manpower shortage areas (designated under section 332) in order to improve the specialty and geographical distribution of nurses in the United States.

4. Section 57.1904 is amended by adding the parenthetical statement at the end of the section text to read as follows:

§ 57.1904 Application

* * * * *

(Approved by the Office of Management and Budget under control number 0915–0060.)

5. Section 57.1905 is amended by redesignating paragraph (e) as paragraph (g), adding new paragraphs (e), (f), (h), (i), and (j), and revising newly redesignated paragraph (g) to read as follows:

§ 57.1905 Project requirements.

* * * * *

(e) If the project is designed to carry out the purpose of § 57.1903 (b)(4), the project shall provide an education program which:

(1) Includes both theory and practice in the offering; and

(2) Will be operational within 1 year after funding.

The project shall also develop a plan for becoming self-sufficient.

(f) If the project is designed to carry out the purpose of § 57.1903 (b)(5), the project shall be operational within 1 year after funding.

(g) If the project is designed to carry out the purpose of § 57.1903 (b)(6), the project shall provide a training program which:

(1) Is designed to have wide applicability for the nursing field; and

(2) Has an enrollment not limited to nurses employed by a single institution.

(h) If the project is designed to carry out the purpose of § 57.1903 (b)(7), the project shall:

(1) Facilitate the transition of students in nursing education programs to nursing practice settings;

(2) Provide for collaboration between the educational institution and the service agency in the administration, implementation and evaluation of the project;

(3) Improve access to nursing services;

(4) Provide for cost sharing and/or in kind contributions between the educational institution and the service agency; and

(5) Demonstrate a commitment to recruit and retain minority students.

(i) If the project is designed to carry out the purpose of § 57.1903 (b)(8), the project shall:

(1) Improve access to nursing services in community noninstitutional settings particularly to the elderly;

(2) Evaluate the cost effectiveness of the nursing services provided;

(3) Be operational (providing patient care services) within 6 months of the grant award and develop a plan for becoming self-sufficient;

(4) Identify payment policy utilized for patient care services; and

(5) Emphasize preventive care.

(j) If the project is designed to carry out the purpose of § 57.1903 (b)(9), the project shall:

(1) Improve the geographic and/or specialty distribution of nurses through innovative methods of recruitment and retention;

(2) Develop a plan for retaining nurses who work in shortage areas; and

(3) Develop a plan for recruiting and retaining minority nurses.

6. Section 57.1906 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d); by revising newly redesignated paragraphs (c)(1) and (c)(2) and by revising the first two sentences in newly redesignated paragraph (d); paragraph (a) is amended by removing the paragraph designation (1), by redesignating (i) through (vii) as (1) through (7) respectively, and by removing the last two sentences of the paragraph; and by adding a new paragraph (b) to read as follows:

§ 57.1906 Evaluation and grant award.

* * * * *

(b) *Funding preferences:* In determining the priority for funding projects under paragraphs (7), (8), and (9), as described in § 57.1903(b), the Secretary will give priority to projects approved under purpose (8). However, should special needs warrant, the Secretary will also consider any other

special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register**.

(c) *Grant awards.* (1) The amount of any award will be determined by the Secretary on the basis of his or her estimate of the sum necessary for the cost (including both direct and indirect costs) of the project.

(2) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which funds will be available for obligation by the grantee. Projects receiving grant support under this subpart may be approved for an initial project period of up to 3 years. Grantees may apply for up to 2 years of additional support by submitting a competing extension application.

* * * * *

(d) *Noncompeting continuation awards.* The Secretary may make a grant award for an additional budget period for any previously approved project on the basis of progress and accounting records which the Secretary may require. If the Secretary finds that the project's activities during the current budget period justify continued support of the project for an additional budget period, and the Secretary decides to continue support, the amount of the grant award will be determined in accordance with paragraph (c)(1) of this section. * * *

7. Section 57.1908 is revised to read as follows:

§ 57.1908 For what purposes may grant funds be spent?

(a) A grantee shall only spend funds it receives under this subpart according to the approved application and budget, the authorizing legislation, terms and conditions of the grant award, applicable cost principles specified in Subpart Q of 45 CFR Part 74, and these regulations.

(b) Grantees may not spend grant funds for sectarian instruction or for any religious purpose.

(c) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantees needs for the period, the Secretary may adjust the amounts awarded by withdrawing the excess. A budget period is an interval of time (usually 12 months) into which the project period is divided for funding and reporting purposes.

8. Section 57.1909 is revised to read as follows:

§ 57.1909 What additional Department regulations apply to grantees?

Several other regulations apply to these grants. They include, but are not limited to:

42 CFR Part 50, Subpart D—Public Health Service grant appeals procedure

45 CFR Part 16—Procedures of the Departmental Grant Appeals Board

45 CFR Part 46—Protection of human subjects

45 CFR Part 74—Administration of grants

45 CFR Part 75—Informal grant appeals procedures

45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services effectuation of Title VI of the Civil Rights Act of 1964

45 CFR Part 81—Practice and procedure for hearings under Part 80 of this Title

45 CFR Part 83—Regulation of the administration and enforcement of sections 799A and 845 of the Public Health Service Act [1]

45 CFR Part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance

45 CFR Part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance

45 CFR Part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance.

§ 57.1910 [Removed]

9. Section 57.1910 *Grantee accountability.* is removed in its entirety.

§ 57.1911 [Removed]

10. Section 57.1911 *Publications and copyright.* is removed in its entirety.

§ 57.1912 [Removed]

11. Section 57.1912 *Applicability of 45 CFR Part 74.* is removed in its entirety.

[1] Section 799A of the Public Health Service Act was redesignated as section 704 by Pub. L. 94-484; section 845 of the Public Health Service Act was redesignated as section 855 by Pub. L. 94-63.

§ 57.1913 [Redesignated as § 57.1910]

12. Section 57.1913 is redesignated as § 57.1910.

[FR Doc. 88-9106 Filed 4-25-88; 8:45 am]
BILLING CODE 4160-15-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6785]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new contruction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities will be suspended on the effective date in

the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office of the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub.L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region V—Minimal Conversions				
Minnesota: Grant County, unincorporated areas.	270549	Feb. 6, 1974, Emerg.; May 1, 1988, Reg.; May 1, 1988, Susp.	May 1, 1988	May 1, 1988.
Ohio: New London, village, of Huron County.	390284	June 12, 1975, Emerg.; May 1, 1988, Reg.; May 1, 1988, Susp.	do	Do.
Region VII				
Iowa: Russell, city of, Lucas County	190649	Oct. 26, 1976, Emerg.; May 1, 1988, Reg.; May 1, 1988, Susp.	May 1, 1988	May 1, 1988.
Nebraska: Red Willow County, unincorporated areas.	310469	June 18, 1984, Emerg.; May 1, 1988, Reg.; May 1, 1988, Susp.	do	Do.
Nebraska: Orlean, city of, Harlan County	310394	Mar. 20, 1984, Emerg.; May 1, 1988, Reg.; May 1, 1988, Susp.	do	Do.
Region I—Regular Conversions				
Maine: Benton, town of, Kennebec County	230233	Sept. 16, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	May 4, 1988	May 4, 1988.
Maine: Camden, town of, Knox County	230074	May 21, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Maine: Cherryfield, town of, Washington County.	230135	July 23, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Maine: Durham, town of, Androscoggin County.	230002	Apr. 24, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Maine: Masardis, town of, Aroostook County.	230027	Dec. 10, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Maine: Mattawamkeag, town of, Penobscot County.	230174	July 7, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region II				
New York: Owasco, town of, Cayuga County.	360120	Apr. 2, 1976, Emerg.; Feb. 6, 1984, Reg.; May 4, 1988, Susp.	May 4, 1988	May 4, 1988.
Region III				
Pennsylvania: Gilpin, township of, Armstrong County.	421306	July 25, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	May 4, 1988	May 4, 1988.
Pennsylvania: Lower Nazareth, township of, Northampton County.	422253	Jan. 3, 1977, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Pennsylvania: Perry, township of, Armstrong County.	422301	May 6, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Region IV				
Florida: Bowling Green, city of, Hardee County.	120104	Dec. 2, 1974, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	May 4, 1988	May 4, 1988.
Florida: Hardee County, unincorporated areas.	120103	Apr. 1, 1976, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Florida: Wauchula, city of, Hardee County	120105	July 28, 1975, Emerg.; June 25, 1976, Reg.; May 4, 1988, Susp.	do	Do.
Florida: Zolfo Springs, town of, Hardee County.	120106	July 2, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Kentucky: Johnson County, unincorporated areas.	210339	Oct. 30, 1978, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Mississippi: Long Beach, city of, Harrison County.	285257	June 19, 1970, Emerg.; Sept. 11, 1970, Reg.; May 4, 1988, Susp.	do	Do.
Tennessee: Claiborne County, unincorporated areas.	470212	Apr. 16, 1974, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Region V				
Wisconsin: Manawa, city of, Waupaca County.	550498	Mar. 17, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	May 4, 1988	May 4, 1988.
Wisconsin: Marion, city of, Waupaca County.	550499	Sept. 24, 1974, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Michigan: Memphis, city of, St. Clair and Macomb Counties.	260202	Sept. 26, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Michigan: Sault Ste. Marie, city of, Chippewa County.	260059	Jan. 15, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Region VI				
Arizona: Cherry Valley, city of, Cross County.	050057	June 18, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	May 4, 1988	May 4, 1988.
Louisiana: Washington County, unincorporated areas.	220230	Sept. 23, 1977, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Region X				
Washington: Columbia County, unincorporated areas.	530029	June 11, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	May 4, 1988	May 4, 1988.
Washington: Dayton, city of, Columbia County.	530030	May 30, 1975, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Washington: Starbuck, city of, Columbia County.	530031	Dec. 23, 1982, Emerg.; May 4, 1988, Reg.; May 4, 1988, Susp.	do	Do.
Region I—Regular Conversions				
Maine: Georgetown, town of, Sagadahoc County.	230209	Apr. 11, 1978, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	May 17, 1988	May 17, 1988.
Maine: Passadumkeag, town of, Penobscot County.	230114	May 20, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	do	Do.
Maine: Rome, town of, Kennebec County	230246	Apr. 16, 1976, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	do	Do.
Maine: Southport, town of, Lincoln County	230221	Oct. 23, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	do	Do.
Massachusetts: Carlisle, town of, Middlesex County.	250187	Jan. 13, 1976, Emerg.; Oct. 15, 1980, Reg.; May 17, 1988, Susp.	do	Do.
New Hampshire: Alton, town of, Belknap County.	330001	June 12, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	do	Do.
New Hampshire: Canaan, town of, Grafton County.	330049	Aug. 20, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	do	Do.
New Hampshire: Enfield, town of, Grafton County.	330052	June 19, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	do	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
New Hampshire: Farmington, town of, Strafford County.	330147	May 14, 1976, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	....do	Do.
New Hampshire: Hopkinton, town of, Merrimack County.	330116	June 27, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	....do	Do.
Vermont: Barnet, town of, Caledonia County.	500024	Aug. 28, 1974, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	....do	Do.
Vermont: Jamaica, town of, Windham County.	500131	Aug. 7, 1975, Emerg.; May 5, 1981, Reg.; May 17, 1988, Susp.	....do	Do.
Region III				
Virginia: St. Paul, town of, Wise and Russell County.	515530	June 19, 1970, Emerg.; Dec. 4, 1970, Reg.; May 17, 1988, Susp.	May 17, 1988	May 17, 1988.
Region IV				
South Carolina: Hampton, town of, Hampton County.	450100	May 14, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	May 17, 1988	May 17, 1988.
Tennessee: Pikeville, city of, Bledsoe County.	470011	Sept. 10, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	....do	Do.
Region V				
Michigan: Castleton, township of, Barry County.	260641	Sept. 26, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	May 17, 1988	May 17, 1988.
Michigan: Vernon, village of, Shiawassee County.	260524	May 28, 1982, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	....do	Do.
Region VI				
Louisiana: Abita Springs, town of, St. Tammany Parish.	220199	July 16, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	May 17, 1988	May 17, 1988.
New Mexico: Silver City, town of, Grant County.	350022	July 22, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	....do	Do.
New Mexico: Socorro, city of, Socorro County.	350077	Feb. 27, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	....do	Do.
Region X				
Washington: Spokane County, unincorporated areas.	530174	May 30, 1975, Emerg.; May 17, 1988, Reg.; May 17, 1988, Susp.	May 17, 1988	May 17, 1988.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

Issued: April 20, 1988.

[FR Doc. 88-9084 Filed 4-25-88; 8:45 am]

BILLING CODE 6718-21-M

44 CFR Part 64

[Docket No. FEMA 6786]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
North Carolina: Robbinsville, town of, Graham County.	370106	Mar. 7, 1988, emergency	June 14, 1974.
Illinois: South Wilmington, village of, Grundy County.	171013	Mar. 4, 1988, emergency; Mar. 4, 1988, regular	Mar. 4, 1988.
Pennsylvania: Eldred, township of, Monroe County.	421887	July 20, 1977, emergency; Feb. 17, 1988, regular; Feb. 17, 1988, suspension; Mar. 1, 1988, reinstatement.	Feb. 17, 1988.
Kentucky: Stamping Ground, city of, Scott County.	210261	Apr. 28, 1976, emergency; Mar. 2, 1981, regular; Feb. 17, 1988, suspension; Mar. 2, 1988, reinstatement.	Mar. 2, 1981.
Pennsylvania:			
*Pittsfield, township of, Warren County	422125	Feb. 18, 1976, emergency; Aug. 1, 1987, regular; Aug. 1, 1987, suspension; Mar. 3, 1988, reinstatement.	Aug. 1, 1987.
Standing Stone, township of, Bradford County.	421406	Mar. 9, 1977, emergency; Sept. 18, 1987, regular; Sept. 18, 1987, suspension; Mar. 3, 1988, reinstatement.	Sept. 18, 1987.
Hunker, borough of, Westmoreland County	420880	Aug. 5, 1980, emergency; Nov. 19, 1986, regular; Nov. 19, 1986, suspension; Mar. 7, 1988, reinstatement.	Nov. 19, 1986.
Georgia: Lawrenceville, city of, Gwinnett County	130099	Aug. 28, 1974, emergency; May 15, 1980, regular; Feb. 17, 1988, suspension; Mar. 7, 1988, reinstatement.	May 15, 1980.
Tennessee: Collierville, town of, Shelby County	470263	Sept. 29, 1975, emergency; Sept. 30, 1981, regular; Feb. 4, 1988, suspension; Mar. 4, 1988, reinstatement.	Oct. 1, 1982.
Kentucky:			
Lawrence County, unincorporated areas	210258	Apr. 18, 1985, emergency; Apr. 18, 1985, regular; Feb. 17, 1988, suspension; Mar. 10, 1988, reinstatement.	Apr. 17, 1984.
Russellville, city of, Logan County	210150	July 24, 1974, emergency; June 1, 1984, regular; Feb. 17, 1988, suspension; Mar. 10, 1988, reinstatement.	June 1, 1984.
Florida:			
Atlantis, city of, Palm Beach County	120193	Aug. 23, 1974, emergency; Nov. 1, 1978, regular; Feb. 4, 1988, suspension; Mar. 14, 1988, reinstatement.	Nov. 1, 1978.
Cedar Grove, town of, Bay County	120006	May 16, 1975, emergency; Jan. 25, 1980, regular; Feb. 4, 1988, suspension; Mar. 14, 1988, reinstatement.	Jan. 25, 1980.
Montana: Whitehall, town of, Jefferson County	300120	May 7, 1975, emergency; Mar. 4, 1988, withdrawn.	May 2, 1975.
Florida: Fort Lauderdale, city of, Broward County	125105	Nov. 20, 1970, emergency; Nov. 3, 1972, regular; Mar. 4, 1988, suspension; Mar. 14, 1988, reinstatement.	Dec. 15, 1982.
Kentucky: Jefferson County, unincorporated areas.	210120	Aug. 20, 1971, emergency; Apr. 16, 1979, regular; Feb. 4, 1988, suspension; Mar. 14, 1988, reinstatement.	Nov. 12, 1982.
Florida:			
Lynn Haven, city of, Bay County	120009	Sept. 6, 1974, emergency; June 1, 1977, regular; Mar. 4, 1988, suspension; Mar. 14, 1988, reinstatement.	Feb. 19, 1982.
Fernandina Beach, city of, Nassau County	120172	Aug. 16, 1974, emergency; Jan. 14, 1977, regular; Feb. 17, 1988, suspension; Mar. 15, 1988, reinstatement.	Apr. 4, 1983.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Pennsylvania: Cooper, township of, Montour County.	421920	Aug. 21, 1974, emergency; Sept. 30, 1987, regular; Sept. 30, 1987, suspension; Mar. 15, 1988, reinstatement.	Sept. 30, 1987.
Virginia: Lancaster County, unincorporated areas..	510084	Nov. 27, 1973, emergency; Mar. 4, 1988, regular; Mar. 4, 1988, suspension, Mar. 15, 1988, reinstatement.	Mar. 4, 1988.
Texas: Harrison County, unincorporated areas	480849	Mar. 18, 1988, emergency.....	Sept. 6, 1977.
Mississippi: Smithville, town of, Monroe County.....	280325	Mar. 16, 1988, emergency; Mar. 16, 1988, regular.	Mar. 16, 1988.
New Hampshire: *Sullivan, town of, Cheshire County.	330233	Dec. 24, 1975, emergency; Apr. 2, 1986, regular; Apr. 2, 1986, suspension; Mar. 17, 1988, reinstatement.	Apr. 2, 1986.
Florida: Gulf Breeze, city of, Santa Rosa County...	120275	July 10, 1970, emergency; Sept. 1, 1977, regular; Mar. 4, 1988, suspension; Mar. 18, 1988, reinstatement.	Nov. 1, 1985.
North Carolina: Washington County, unincorporated areas.	370247	Jan. 24, 1975, emergency; Aug. 19, 1985, regular; Feb. 4, 1988, suspension; Mar. 18, 1988, reinstatement.	Aug. 19, 1985.
Pennsylvania: Ulster, township of, Bradford County.	421218	July 29, 1975, emergency; Sept. 18, 1987, regular; Sept. 18, 1987, suspension; Mar. 18, 1988, reinstatement.	Sept. 18, 1987.
North Carolina: Pender County, unincorporated areas.	370344	June 28, 1977, emergency; Feb. 15, 1985, regular; Mar. 4, 1988, suspension; Mar. 21, 1988, reinstatement.	Feb. 15, 1985.
Tennessee:			
Henning, town of, Lauderdale County.....	470259	July 21, 1986, emergency; Mar. 4, 1988, regular; Mar. 4, 1988, suspension; Mar. 24, 1988, reinstatement.	Mar. 4, 1988.
Loudon County, unincorporated areas.....	470107	May 30, 1973, emergency; Aug. 15, 1978, regular, Mar. 4, 1988, suspension; Mar. 24, 1988, reinstatement.	Aug. 15, 1978.
North Carolina: Creswell, town of, Washington County.	370443	Jan. 24, 1975, emergency; Aug. 19, 1985, regular; Feb. 4, 1988, suspension; Mar. 24, 1988, reinstatement.	Feb. 4, 1987.
Florida: Flagler County, unincorporated areas.....	120085	Sept. 17, 1975, emergency; Feb. 5, 1986, regular; Mar. 4, 1988, suspension; Mar. 24, 1988, reinstatement.	Feb. 5, 1986.
Oklahoma: *Kinta, city of, Haskell County	400071	Oct. 4, 1976, emergency; Aug. 1, 1987, regular; Aug. 1, 1987, suspension; Mar. 24, 1988, reinstatement.	Aug. 1, 1987.
Texas: *Jim Hogg County, unincorporated areas...	481081	Nov. 14, 1975, emergency; Nov. 1, 1987, regular; Dec. 17, 1987, suspension; Mar. 24, 1988, reinstatement.	Nov. 1, 1987.
Pennsylvania:			
Limestone, township of, Union County	422105	Feb. 13, 1975, emergency; Mar. 4, 1988, regular; Mar. 4, 1988, suspension; Mar. 24, 1988, reinstatement.	Mar. 4, 1988.
Hamilton, township of, Monroe County.....	421888	Mar. 31, 1978, emergency; Feb. 4, 1988, regular; Feb. 4, 1988, suspension; Mar. 22, 1988, reinstatement.	Feb. 4, 1988.
Montana: Wibaux, town of, Wibaux County	300084	Sept. 26, 1974, emergency; Mar. 4, 1988, regular; Mar. 4, 1988, suspension; Mar. 25, 1988, reinstatement.	Mar. 4, 1988.
Pennsylvania:			
Dawson, borough of, Fayette County.....	420460	July 23, 1975, emergency; Mar. 4, 1988, regular; Mar. 4, 1988, suspension; Mar. 24, 1988, reinstatement.	Do.
Madison, township of, Clarion County.....	422370	Jan. 16, 1976, emergency; Sept. 30, 1987, regular; Sept. 30, 1987, suspension; Mar. 24, 1988, reinstatement.	Sept. 30, 1987.
Lower Tyrone, township of, Fayette County....	421630	May 16, 1977, emergency; Mar. 4, 1988, regular; Mar. 4, 1988, suspension; Mar. 24, 1988, reinstatement.	Mar. 4, 1988.
North Carolina: Crossnore, town of, Avery County.	370287	Jan. 14, 1980, emergency; Mar. 16, 1988, suspension; Mar. 17, 1988, reinstatement.	Aug. 5, 1977.
Virginia: Lebanon, town of, Russell County.....	510222	Jan. 24, 1975, emergency; Jan. 16, 1987, regular; Jan. 16, 1987, suspension; Mar. 28, 1988, reinstatement.	Jan. 16, 1987.
West Virginia: Worthington, town of, Marion County.	540106	May 13, 1975, emergency; Mar. 16, 1988, regular; Mar. 16, 1988, suspension; Mar. 30, 1988, reinstatement.	Mar. 16, 1988.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Kentucky:			
St. Matthews, city of, Jefferson County	210123	Dec. 3, 1971, emergency; Mar. 5, 1976, regular; Feb. 4, 1988, suspension; Mar. 31, 1988, reinstatement.	June 25, 1982.
Jeffersontown, city of, Jefferson County	210121	Dec. 23, 1971, emergency; Mar. 5, 1976, regular; Feb. 4, 1988, suspension; Mar. 31, 1988, reinstatement.	Mar. 5, 1976.
Tennessee: Obion, town of, Obion County	470253	Aug. 11, 1975, emergency; Mar. 16, 1981, regular; Mar. 4, 1988, suspension; Mar. 31, 1988, reinstatement.	Mar. 16, 1981.
Oklahoma: [1] Ramona, city of, Washington County.	400222	Apr. 16, 1976, emergency; June 2, 1986, regular; Mar. 31, 1988, suspension; Mar. 31, 1988, reinstatement.	Feb. 1, 1988.
Louisiana: Leesville, city of, Vernon Parish	220229	Oct. 17, 1974, emergency; Jan. 17, 1986, regular; Jan. 17, 1986, suspension; Mar. 18, 1988, reinstatement.	Jan. 17, 1986.
Region III—Regular Conversions			
Pennsylvania:			
Bushkill, township of, Northampton County	421929	Mar. 4, 1988, suspension withdrawn	Mar. 4, 1988.
Conewago, township of, Adams County	421248	do	Do.
Dreher, township of, Wayne County	422164	do	Do.
Hartley, township of, Union County	422102	do	Do.
Lehigh, township of, Wayne County	422167	do	Do.
Mifflinburg, borough of, Union County	420832	do	Do.
Saville, township of, Perry County	421956	do	Do.
West Pennsboro, township of, Cumberland County.	421590	do	Do.
West Virginia:			
Bridgeport, city of, Harrison County	540055	do	Do.
Fayette County, unincorporated areas	540026	do	Do.
Lost Creek, town of, Harrison County	540057	do	Do.
Lumberport, town of, Harrison County	540058	do	Do.
Region IV			
Georgia: Rockmart, city of, Polk County	130154	do	Do.
North Carolina:			
Louisburg, town of, Franklin County	370098	do	Do.
Southern Pines, town of, Moore County	370338	do	Do.
Tennessee: Clifton, city of, Wayne County	470200	do	Do.
Region V			
Illinois: Sugar Grove, village of, Kane County	170333	do	Do.
Ohio: Crooksville, village of, Perry County	390441	do	Do.
Region III—Regular Conversions			
Pennsylvania:			
Center, township of, Snyder County	422591	Mar. 16, 1988, suspension withdrawn	Mar. 16, 1988.
Lamar, township of, Clinton County	420327	do	Do.
Lower Frankfort, township of, Cumberland County.	421018	do	Do.
Perry, township of, Snyder County	422038	do	Do.
Spring, township of, Snyder County	422039	do	Do.
Virginia:			
Abingdon, town of, Washington County	510169	do	Do.
Damascus, town of, Washington County	510170	do	Do.
Glade Spring, town of, Washington County	510320	do	Do.
Russell County, unincorporated areas	510317	do	Do.
Washington County, unincorporated areas	510168	do	Do.
West Virginia:			
Barrackville, town of, Marion County	540098	do	Do.
Fairview, town of, Marion County	540100	do	Do.
Farmington, town of, Marion County	540101	do	Do.
Monongah, town of, Marion County	540105	do	Do.
Rivesville, town of, Marion County	540105	do	Do.
Shinnston, city of, Harrison County	540060	do	Do.
Region IV—Regular Conversions			
Florida: Lake Wales, city of, Polk County	120390	do	Do.
Mississippi:			
Aberdeen, city of, Monroe County	280115	do	Do.
Monroe County, unincorporated areas	280275	do	Do.
Region V			
Michigan: Cheboygan, city of, Cheboygan County.	260058	do	Do.
Minnesota: Renville County, unincorporated areas.	270634	do	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Region VI			
Louisiana:			
Broussard, town of, Lafayette Parish	220102	....do....	Do.
Breaux Bridge, town of, St. Martin Parish	220180	....do....	Do.
Texas: Jonestown, city of, Travis County	481597	....do....	Do.
Regiuon IX—Regular Conversions			
Arizona: Prescott, city of, Yavapai County	040098	....do....	Do.
California: Napa, city of, Napa County	060207	....do....	Do.

[1] The City of Ramona, Oklahoma is being reinstated into the Regular Program. This is the initial Regular Program entry.
*Minimal

Harold T. Duryee,

Administrator, Federal Insurance Administration.

Issued: April 20, 1988.

[FR Doc. 88-9083 Filed 4-25-88; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-263; RM-5676]

Radio Broadcasting Services; Biddeford, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 232B1 for Channel 232A at Biddeford, Maine, in response to a petition filed by WYJY, Inc. We shall also modify the license of Station WYJY-FM to specify operation on Channel 232B1 in lieu of Channel 232A. Canadian concurrence has been obtained for this allotment. The coordinates for Channel 232B1 are 43-29-30 and 70-27-48. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 16, 1988.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-263, adopted March 8, 1988, and released April 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Maine is amended by removing channel 232A and adding Channel 232B1 at Biddeford.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-8073 Filed 4-25-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 74

[MM Docket No. 86-112; FCC 88-125]

FM Broadcast Translator Stations and FM Broadcast Booster Stations

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: Current rules restrict noncommercial educational FM stations to rebroadcast of signals received directly over the air from their primary station or another translator. The Commission is amending these translator rules to permit noncommercial educational FM stations to use satellite, microwave or any technical means deemed suitable by the licensee, to deliver signals to translator stations assigned to reserved channels (200-220) and co-owned by the primary station. The Commission believes this rule change will facilitate the delivery of higher quality FM signals by noncommercial educational FM radio stations to their owned and operated translators, and will improve service to remote and underserved regions. The rule amendment will not alter the secondary nature of translator service, whereby in any conflicts that arise with a primary broadcast station, the translator licensee is obligated to resolve the conflicts or cease operation of the translator.

EFFECTIVE DATE: May 31, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tatsu Kondo, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in MM Docket No. 86-112, FCC 88-126, adopted March 24, 1988, and released April 15, 1988. The full text of this Commission decision, including the amendments to the rules, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of the Report and Order

1. The FM translator service was instituted in 1970 as a means to supplement the primary service provided by full facility FM stations. While the Commission recognized the benefits which would be derived from the translator service, it was concerned about the use of translators as a means to expand competitively the service area of a primary FM station. Consistent with these objectives and concerns, the Commission authorized FM translators for the specific and limited purpose of providing FM radio service to underserved areas, extending additional FM service to underserved areas, and improving service to areas within the predicted 1 mV/m contours of a primary FM station. As part of these rules, the Commission restricted both commercial and noncommercial FM translators to

rebroadcast of signals received directly over the air from their primary station or another translator.

2. In the *Notice of Proposed Rule Making* (*Notice*) in MM Docket No. 86–112, 51 FR 15026, April 22, 1986, the Commission proposed amendments to its rules to allow noncommercial educational FM stations to deliver signals by satellite, microwave, or any technical means deemed suitable by the licensee, to translator stations that are assigned to reserved channels (channels 200–220) and that are owned and operated by the primary station. This *Notice* was initiated in response to a petition for rule making filed by the Moody Bible Institute of Chicago, Inc. Twenty-two parties filed formal comments in this proceeding.

3. On the basis of the record developed in response to the Notice, the Commission concludes that authorizing use of alternative signal delivery methods by noncommercial educational FM stations to their co-owned translators assigned to reserved channels would serve the public interest by facilitating the rebroadcast of higher quality FM signals by such translators to underserved and remote areas. The existing restriction on the means of signal delivery limits the potential service areas that can be reached by primary noncommercial educational FM stations. In this respect, the range of line-of-sight reception of over-the-air signals with normal equipment is limited in most cases to areas not much beyond the predicted service area of the primary station. Although translators may be used to provide service at greater distances if the primary signal is relayed through other translators, the areas that can be reached through this method of signal delivery are limited to places within the range of other translators, and the signals relayed generally suffer some deterioration in quality. The revised rules will serve the public interest by facilitating the delivery of higher quality noncommercial educational FM programming to areas currently unable to receive satisfactory FM service because of distance or intervening terrain obstructions.

4. The rule changes adopted herein will allow improved service but will not change the fundamental nature of the translator service. In this respect, noncommercial educational FM translators will still be secondary, restricted to the rebroadcast of a primary station. Licensees of noncommercial educational FM stations also are restricted from owning translators beyond their 1mV/m contour and within the 1mV/m contour of another commercial station assigned to a different principle community. Moreover, the new rules will in no way alter the secondary status of noncommercial FM translators and the requirement that in conflicts with full service stations, the translator operator is obligated to resolve the conflict or cease operation of the translator.

5. A general freeze has been imposed on new translator applications in conjunction with our comprehensive review of our FM translator policy. *See Notice of Inquiry* in MM Docket No. 88–140, FCC 88–120, adopted March 24, 1988. However, an exception to the freeze has been provided for applications for new noncommercial educational FM translators assigned to reserved channels in order to allow implementation of the signal delivery rule change made herein.

6. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. § 605, it is certified that the adopted rule will not have a significant impact on a substantial number of small entities because the limited nature of the relaxation of the signal delivery rule change is not expected to result in a significant number of new noncommercial educational translators and therefore is not expected to alter the availability of opportunities for local FM noncommercial FM stations.

7. The rule changes adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified forms, information collection and/or record keeping, labeling, disclosure or record retention requirements; and will not increase or decrease burden hours imposed on the public.

8. Accordingly, it is ordered, that pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 74 of the Commission's Rules and Regulations IS AMENDED as set forth below. It is further ordered that applications for use of alternative delivery technologies in conjunction with noncommercial educational FM translator stations operating on reserved channels, owned and operated by the licensee of the primary section, will be accepted consistent with the interim procedures set forth herein.

List of Subjects in 47 CFR Part 74

FM Broadcast Translator Stations and FM Broadcast Booster Stations.

Part 74 of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for Part 74 continues to read as follows:

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

2. 47 CFR 74.1231 is amended by revising paragraph (b) to read as follows:

§ 74.1231 Purpose and permissible service.

* * * * *

(b) Except as set forth in paragraphs (f) and (g) of this section, an FM translator may be used only for the purpose of retransmitting the signals of a primary FM broadcast station or another translator station which have been received directly through space, converted, and suitably amplified. However, a noncommercial educational FM translator station operating on a reserved channel (Channel 200–220) and owned and operated by the licensee of the primary noncommercial educational FM station it rebroadcasts may use alternative signal delvery means, including, but not limited to, satellite and microwave facilities.

* * * * *

3. 47 CFR 74.1250 is amended by revising paragraph (a) to read as follows:

§ 74.1250 Transmitters and associated equipment.

(a) FM translator and booster transmitting apparatus used by stations authorized under the provisions of this subpart may only use transmitting apparatus that has been type accepted for such use in accordance with Subpart J of Part 2. Translator stations authorized for transmitter output power of 10 watts also may use FM broadcast transmitters notified or type accepted to operate with an output power not exceeding 10 watts under the provisions of Part 73 of the Rules for broadcast stations.

* * * * *

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–9110 Filed 4–25–88; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 53, No. 80
Tuesday, April 26, 1988

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1033 and 1046

[Docket Nos. AO-166-A57 and AO-123-A58]

Milk in the Ohio Valley and Louisville-Lexington-Evansville Marketing Areas; Decision on Proposed Amendments to Marketing Agreements and to Others

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision adopts certain changes in the pooling provisions of the Ohio Valley and Louisville-Lexington-Evansville milk orders based on industry proposals considered at a public hearing held June 30-July 1, 1987. As adopted, a pool distributing plant physically located in the Louisville-Lexington-Evansville marketing area would be regulated under that order irrespective of the market in which the plant has most of its fluid milk products distribution.

The decision also adopts another change in the Louisville-Lexington-Evansville order only. This change slightly modifies the method for accounting for excess diversions to nonpool plants. These changes are needed to reflect current marketing conditions and to insure orderly marketing.

In both markets, cooperative associations will be polled to determine whether producers who supplied milk during December 1987 favor issuance of the orders as amended.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-7311.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

This action changes the current regulatory status of a pool distributing plant that is located in the Louisville-Lexington-Evansville marketing area but is regulated by the Ohio Valley order because a greater portion of its fluid milk products distribution is in the latter order's marketing area. It would regulate such plant under the Louisville-Lexington-Evansville order. Such action is expected to equate the cost of raw milk supplies to the pool plant so situated with its principal competition. The economic impact of such action will be to increase returns to dairy farmers whose milk will be pooled under the Louisville-Lexington-Evansville order while slightly reducing returns to dairy farmers whose milk will continue to be pooled under the Ohio Valley order. The overall economic impact of the action is expected to be minimal.

Prior documents in this proceeding:

Notice of Hearing: Issued June 15, 1987; published June 19, 1987 (52 FR 23306).

Recommended Decision: Issued January 7, 1988; published January 14, 1988 (53 FR 907).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreements and orders regulating the handling of milk in the Ohio Valley and Louisville-Lexington-Evansville marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rule of practices (7 CFR Part 900), at Lousiville, Kentucky, on June 30-July 1, 1987. Notice of such hearing was issued June 15, 1987 and published June 19, 1987 (52 FR 23306).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, Agricultural Marketing Service, on January 7, 1988, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, except that three new paragraphs are added at the end of issue 1.

The material issue on the record of the hearing relate to:

1. Regulation of a distributing plant physically located in the Louisville-Lexington-Evansville marketing area but currently regulated by the Ohio Valley milk order.

2. Diversion of producer milk under the Louisville order.

3. Pool plant qualification requirements for a balancing plant operated by a cooperative association and regulated by the Ohio Valley order.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Regulation of a Distributing Plant Physically Located in the Louisville-Lexington-Evansville Marketing Area but Currently Regulated by the Ohio Valley Milk Order

Louisville-Lexington-Evansville order (Louisville order) should be amended to provide that a distributing plant which meets the pooling standards of the Louisville order and one or more other Federal orders and which is located in the Louisville order's marketing area shall be a pool plant under the Louisville order irrepective of the quantity of fluid milk products distributed in any other Federal order market. However, such pool plant status shall be accorded only as long as the Louisville order's Class I price at the plant is not less than the Class I price that would be applicable at the plant if regulated under the order for the Federal order marketing area in which the plant has the greatest route disposition.

Presently, when a distributing plant qualifies for pooling under the Louisville order and another order, it is regulated

in the market in which it has the greater route sales.

The "lock-in" provision adopted herein for the Louisville order cannot achieve its intended purpose without a corollary change in the pooling standards of the Ohio Valley order. Thus, the Ohio Valley order should provide that any plant with route sales in the Ohio Valley marketing area shall be exempt from full regulation under that order, even though it has more sales in the Ohio Valley market than in the other market, if the plant is subject to full regulation under the other order.

Both Dairymen, Inc. (DI), and Milk Marketing Inc. (MMI), proposed (proposals 1 and 2 as listed in the Notice of Hearing) that a distributing plant that is physically located in the Louisville order's marketing area (Order 46) should be regulated by that order irrespective of the quantity of such plant's route disposition in any other Federal order marketing area. Proposal No. 1 would amend Order 46 by locking in such a plant under the order and proposal No. 2 is intended to amend the Ohio Valley order (Order 33) by releasing from regulation such a plant even though such plant may have more fluid milk sales in the Order 33 area than in the Order 46 area.

A witness for DI stated that this action is necessary in order to minimize disruptive market conditions in the Kentucky supply area. The witness indicated that the proposal would only affect the Kroger Company's (Kroger) distributing plant located in Clark County, Kentucky (Order 46 marketing area), but currently regulated by Order 33. He said that the milk procurement and sales patterns of the Kroger plant establish a primary association of the plant with the Order 46 market.

The DI witness testified that the traditional method of pooling a distributing plant has always been on the basis of the market in which the plant has the most sales. The justification for this method, he said, was to ensure that all handlers having the major portion of their sales in the same order area were subject to the same minimum order prices and other regulatory provisions. He said that this principle rested on an assumption that such competing plants would be located in the same geographic area.

Also, the witness for DI said that the traditional method of pooling fluid milk plants has become outdated because of large processing plants, such as chain store plants, that have sales over wide geographical areas. The proposal, he said, better serves the principle of trying to assure that all handlers competing for milk procurement and sales in an order area are subject to the same price as their competition. He indicated the proposal would regulate a distributing plant under the order for the marketing area where it is physically located even though its route distribution was greater in another Federal order's marketing area.

The spokesman for DI said that producers supplying the Kroger plant are located within the same geographic area as producers who supply Order 46 plants and to some extent producers who supply plants regulated under the Tennessee Valley, Nashville, and Alabama-West Florida orders. He said that this proposal would minimize any blend price inequities which may occur between producers located within this same geographic supply area because a distributing plant would be regulated within the same area from which it procures its milk supply. Producers, he says, who supply other Federal order plants located in the same general area are receiving significantly different blend prices.

A witness for MMI also testified in support of proposals 1 and 2. He said that MMI cannot service the Kroger plant at competitive prices and that this problem is caused by the difference between the Order 33 blend price and blend prices in markets to the south. He stated that in order for MMI to make their members' pay prices competitive, MMI has found it necessary to charge the Kroger plant at Winchester a surcharge of 15 cents on all the milk that Kroger purchases. The MMI witness stated that the 15-cent surcharge to Kroger has helped MMI maintain a competitive position in the procurement area and that they have used that surcharge to pay for such things as subsidies to milk haulers, over-order premiums to MMI's members, and to pay extra premiums in certain competitive areas.

The spokesman for MMI said that a higher blend price is needed at the Winchester plant because the Order 33 blend price and the normal over-order charge is not sufficient to assure an adequate supply of milk at that location. He said that Federal order prices should be the prime determinant in the assurance of adequate supplies and it should not be the responsibility of suppliers to selectively determine that certain plants should pay higher over-order charges than other plants with the same Federal order Class I price. The blend price must be increased, he said, by either having a higher Class I price at that location or having the plant regulated by another market with a higher percentage of Class I utilization.

A witness for the Kroger Company (Kroger) testified in support of these proposals. The Kroger witness said that for the first 5 months of 1987, the Winchester plant's Class I sales in the Order 46 marketing area averaged more than 33 percent of its total fluid milk sales and that its fluid milk sales in the Order 33 marketing area averaged less than 50 percent of its total fluid milk sales. He said that the total in-area packaged Class I sales for Order 46, its sales represent about 16 percent of the total market and that of the total in-area packaged Class I sales for Order 33, its sales represent about 8 percent of the total. In addition, he said, that when comparing its Class I sales in each of the two order areas for the first 5 months of 1987 with the same period of 1986, sales in the Order 33 area have declined and sales in the Order 46 area have increased.

The spokesman for Kroger said that because of the recent increases in the Class I differentials in the southern markets, Winchester has not been as attractive a market outlet as before. This, he said, has contributed to the need for Kroger to pay, beginning in September 1986, an additional 15-cent per hundredweight surcharge over the regular premium price and that this surcharge amounted to approximately $439,000 for the first five months of 1987.

The Kroger witness said that these proposals would make the Winchester plant more competitive with other plants in the procurement of milk. In addition, he said that the lock-in proposals would equalize producers' pay prices under the order in the Winchester plant's procurement area and should eliminate the need for the 15-cent surcharge.

A representative for Huntington Interstate Milk Producers Association (Huntington) also testified in support of the lock-in proposals. He said that Huntington supplies Order 33 milk plants including the Winchester plant. In recent weeks, he said, Huntington had lost a few members because a supply plant at Maysville, Kentucky, was offering these producers the Order 46 weighted average price, which is higher than the Order 33 blend price.

A representative for the National Farmers Organization (NFO), which has member producers on both the Order 33 and Order 46 markets, testified in opposition to the lock-in proposals. Exhibits that were introduced by NFO showed that if the Kroger plant were to be pooled under Order 46, that order's blend price would have increased at least 11 cents and as much as 18 cents for the first 5 months of 1987. In addition, the exhibits showed that the

blend price on Order 33 for this same period would have decreased between 6 and 9 cents.

The witness for NFO said that the proposals would have the effect of penalizing producers whose milk is pooled on Order 33 in order to save some money for the Kroger plant at Winchester. The NFO witness said that the difference in blend prices for the two markets could be as much as 49 cents. He said that such disparity in blend prices between these two close-together regulated markets will create inequities among producers within the same milk shed. Furthermore, he said, the base-excess plan of Order 46 will create additional friction with Order 33 producers.

While acknowledging the uniqueness of the Kroger problem, the representative of NFO held that a plant should be regulated under the Federal order for the area in which it has the most sales. It was the position that producers in the market in which the plant has the greater proportion of its sales have a right to share in the Class I sales associated with that plant.

A brief was filed by the Louis Trauth Dairy, Inc. (Trauth) in opposition to proposals 1 and 2. In this Order 33 handler's view, the proposals represent a radical departure from the policies established for regulating plants under marketing orders. Its brief asserts that the proponents have not met their burden of proof and that the record shows that milk is regularly diverted away from the Winchester plant, thereby indicating that plant does not have a supply problem.

The testimony presented at the hearing indicates that under current marketing conditions the lock-in provision for the Louisville order as proposed by DI and MMI would apply only to Kroger's distributing plant at Winchester, Kentucky.

The adoption of the proposal is warranted because of special circumstances surrounding the operation of the Winchester plant. The plant is located in the marketing area of the Louisville order. It began operating in November 1982 and during this month the plant was a pool distributing plant under the Ohio Valley order. From December 1982 through March 1983, it was a pool city plant (pool distributing plant) under the Louisville order. Since then, the plant has continued to be pooled under the Ohio Valley order.[1]

[1] Official notice is taken of the lists of pool handlers under Federal Orders 33 and 46 as published by the respective market administrators for the months of November 1982 through September 1987.

The Winchester plant distributes fluid milk products in five Federal order markets and in unregulated areas of West Virginia and Kentucky. Most of its sales, however, are concentrated in two markets: the Ohio Valley market and the Louisville market. Data introduced into the record show that during the January–May 1987 period the Kroger plant had nearly 50 percent of its Class I distribution in the Ohio Valley market, about 34 percent in the Louisville market and about 16 percent in all other areas, including the Eastern Ohio-Western Pennsylvania, Tennessee Valley and Indiana Federal order markets.

The entire raw milk supply for the Kroger plant is obtained from DI and MMI (which includes milk of Huntington Interstate Milk Producers) and comes from producers principally located in Kentucky. The plans receives milk directly from the farms of producers and incidental or supplemental supplies from supply plants operated by MMI. Most the plant's milk supply is obtained from producers located in the same geographical area as producers supplying handlers regulated by the Louisville order and other orders south and east of the plant's location. The record indicates that in at least 18 Kentucky counties there are producers who supply the Kroger plant as well as other producers in the same counties that supply plants regulated under the following other orders: Alabama-West Florida, Georgia, Louisville, Nashville, and Tennessee Valley (southern markets).

While the Class I prices under the Louisville and Ohio Valley orders at the Kroger plant's location are identical, the uniform weighted average prices to producers under the Louisville order usually have been higher than the comparable Ohio Valley prices. For example, during the 53-month period from January 1983 through May 1987, the uniform weighted average prices to producers under the Louisville order exceeded the comparable Ohio Valley order's prices during 49 months. The amount of these differences ranged from a low of one cent to a high of 35 cents per hundredweight and averaged 14 cents for the 49 months. A similar situation exists for the Winchester plant in competing for milk supplies with handlers regulated in other southeastern order markets where both Class I prices and uniform prices to produces are substantially higher than such prices under the Ohio Valley order.

As indicated by the record evidence, the higher pay prices available to producers under the Louisville and other southeastern orders in the Kentucky supply area have created difficulties for the Kroger plant at Winchester in procuring adequate supplies. The principal difficulty cited in this regard was the impact of the present 15-cent per hundredweight additional charge by both DI and MMI on all milk purchases by Kroger. It is evident from the record evidence that this 15-cent charge, which has been in effect since September 1986, was designed to overcome the diffuculties of maintaining an adequate supply of milk for the Kroger Winchester plant as a result of producer pay price differences between the two markets in question. Although the record clearly establishes that a higher price is required at this location to attract adequate supplies, the present extra 15-cent charge used for this purpose places the Kroger Company at a competitive disadvantage with other handlers that it competes with for sales.

As noted previously, usually a distributing plant that qualifies for pooling under more than one order during the same month is regulated under the order for the area in which such plant's route distribution is the greatest. This tends to insure that all handlers having their principal sales in a market are subject to the same prices and other regulatory requirements. This condition of pooling a distributing plant is the basis for regulating the Kroger plant under the Ohio Valley order, because a greater quantity of its sales is distributed in such order's marketing area than in any other order marketing area.

The pricing problems affecting the procurement of adequate milk supplies for the Winchester plant, however, are severe enough to override the traditional basis for pooling a distributing plant that qualifies as a pool plant under more than one order during the same month. Under such circumstances, consideration must be given to regulating the Winchester plant in the market in which there is reasonable assurance that it will have available an adequate supply of producer milk. It is concluded that the Kroger Winchester plant or any other distributing plant located in the Louisville marketing area can be reasonably assured of an adequate supply if it is regulated under the Louisville order.

It should be noted that under the type of lock-in provision adopted herein, the Kroger plant or another distributing plant so situated would continue to be pooled indefinitely under the Louisville order so long as the plant meets such order's performance requirements for a pool distributing plant. This condition of pooling is intended to assure that the

Winchester plant is primarily engaged in the processing and distribution of fluid milk products to an extent that such plant's route distribution in the marketing area is a major competitive factor.

As noted earlier, under the lock-in provision adopted herein, such pool plant status is accorded a distributing plant so long as the Louisville order's Class I price applicable at such plant's location is not less than the Class I price applicable at the same plant's location under another order for a market where it has its greatest route distribution. This additional condition of pooling is intended to prevent any competitive price advantage accruing to a plant that otherwise would be locked-in under the adopted provision.

Under the lock-in provision adopted herein, the Louisville order would regulate the Winchester plant even though it had a greater proportion of its route distribution in the marketing area of the Ohio Valley order. However, the intent of this pooling arrangement is in conflict with the present pooling requirements of the Ohio Valley order since it does not have a complementary provision which will permit the plant to be locked-in under the Louisville order. As proposed by the lock-in proponents, the Ohio Valley order should be amended to provide for such a complementary provision.

In opposing the proposed lock-in provision at the hearing and in post-hearing briefs, opponents maintained that no departure should be made from the long established policy concerning regulation of a distributing plant that qualifies for pooling under two or more orders. It was the position of opponents that the record evidence did not warrant any departure from such established policy regarding the Winchester operation. Contrary to opponents' position, the pricing problems of Kroger are severe enough to warrant overriding the customary pooling provisions as related to the Kroger operation and support the adoption of the proposed lock-in provision.

NFO contended that the proposed lock-in proposal, if adopted, will widen the difference in producer pay prices between the Louisville and Ohio Valley orders to the extent that it will create inequities among producers within the same supply area. The record evidence, however, does not support this claim. Rather, adoption of the proposals will tend to provide uniformity of prices to producers within the procurement area of the Winchester plant.

In its exceptions, NFO renewed its objection to the adoption of a special pooling provision for a distributing plant located in the Louisville marketing area. Most of the points raised in this regard were a reiteration of the views expressed by the cooperative at the hearing and in its post-hearing brief. Since such were already considered in formulating the tentative decision in this matter, no basis exists for changing the decision.

Additionally, NFO argued that the Department has no statutory authority to pool a distributing plant on the basis of where it is located. In support of this argument, the cooperative cited section 608c(11) of the Act which provides the basis of determining the scope or area of regulation of an order. This section, however, is not specifically pertinent to the issue at hand.

Pooling a distributing plant in the basis of physical location is adopted pursuant to the authority set forth in section 608c(7)(D) of the Act. This subsection specifies that an order may contain various terms that are incidental to, and not inconsistent with, the terms explicitly authorized by the Act if the incidental terms are found necessary to effectuate the other provisions of the order. The special pooling arrangement adopted herein is considered essential for the assurance of adequate supplies and the maintenance of orderly marketing. Accordingly, NFO's exception on this matter is denied.

2. Diversion of Producer Milk Under the Louisville Order

Rules concerning the diversion of producer milk from pool plants to nonpool plants should be modified to provide a procedure for accounting for over-diversions to nonpool plants. On the basis of this record, however, other diversion proposals should not be adopted. Such proposals would (1) relax the delivery requirement of an individual producer to establish diversion eligibility for the months of March through August; and (2) modify the basis of determining the quantity of producer milk that may be diverted to nonpool plants during the September-February period.

Presently, the order provides that during the months of March through August at least two days' production (one delivery for a producer on every-other-day pickup) of a producer must be physically received at a pool plant each month in order for the milk of such producer to be eligible for diversion to a nonpool plant as producer milk. During the September-February period, monthly diversions of a producer's milk to a nonpool plant cannot exceed 22 days' production (11 every-other-day pickups).

NFO proposed that diversion eligibility for a producer be reduced to one day's production received at a pool plant and that diversions to nonpool plants during each of the months of September through February not exceed 60 percent of the producer milk received at a pool plant. At the hearing, however, NFO revised its diversion limitation proposal to increase the 60 percent factor to 70 percent and to permit diversion limits to be based either on 70 percent of total producer deliveries to pool plants or on the number of days of production of an individual producer that is actually delivered to a pool plant. Also, it proposed that under either option, diversion limitations should apply uniformly to both a cooperative association and a proprietary handler.

In support of its proposal to reduce the delivery requirement for an individual producer during the March-August period, a spokesman for NFO testified that the present two-day delivery requirement has occasionally caused problems when one day's production of a large producer has been picked up by two different bulk tank route trucks on succeeding days without both trucks delivering to a pool plant. According to the witness, this method of handling can result in some producer milk being depooled. The spokesman indicated that this is because the diverting handler, having assumed that all producers whose milk was on each truck met the two-day delivery requirement, would not discover the error until after the end of the month, when it was too late to correct the problem. To minimize or avoid the problem, the witness stated, it is necessary for the diverting handler to have the milk on an every-other-day truck route delivered to a pool plant at least twice a month solely to make certain that the two-day delivery requirement is met. He stated that this causes excessive hauling and handling because the additional milk delivered to the pool plant is not needed. Reducing the delivery requirement to one day, according to the witness, would eliminate this unnecessary expense and simplify monitoring producer shipments.

Also, NFO proposed that the limits on the quantity of milk that may be diverted to nonpool plants during the September-February period be based either on a percentage of a handler's total produce milk receipts at pool plants or, as presently provided, on the number of days of production of an individual producer that may be diverted to a nonpool plant. The purpose of the proposal, as stated by NFO's witness, is to provide the diverting handler with a choice in achieving efficient diversion of reserve milk

supplies to nonpool plants. Proponent's spokesman testified that basing diversion limitations only on the number of delivery days of an individual producer causes a handler unnecessary handling, pumping and hauling milk solely to maintain producer status for some of its dairy farmers. In NFO's view, the proposal would not encourage the pooling of greater quantities of producer milk under the order than is permitted now. Rather, NFO claimed that it would provide for increased efficiency in marketing reserve milk.

A spokeman for DI testified in opposition to NFO's proposals concerning diversions to nonpool plants. This witness argued that the present diversion provisions are adequate because there is every indication that the amount of milk being diverted by handlers in the market was well within the existing limits. He stated that liberalization of the diversion provisions would make less milk available to the fluid market at a time when market conditions call for greater shipments. To this end, DI offered two counter proposals which would (1) require that eight days' production of a producer be received at a pool plant during each of the months of September through February and (2) that the amount of milk that a handler may divert to nonpool plants not exceed a volume equal to one-third of the handler's producer milk physically received at or diverted from pool plants during such months.

At the hearing and in post-hearing briefs, both MMI an Kroger supported DI's position regarding diversions to nonpool plants.

Neither the delivery requirement for an individual producer or the limits on diversions to nonpool plants during September through February should be modified on the basis of this record.

The testimony presented by NFO in support of its proposal to change to a one-day delivery requirement, to a large extent, was general in nature and lacked "specificity." Its witness, for example, did not provide any evidence regarding the problem that NFO has had in meeting the order's present delivery requirement. Although the NFO witness testified that the two-day delivery requirement occasionally caused qualification problems when one day's production of a large producer was picked up in the same bulk tank truck that was also picking up 2 days' production of other producers, there was no evidence presented which indicated the number of times that this problem occurred or the quantity of milk of its member producers that was depooled. The record evidence does not demonstrate that the two-day delivery requirement is excessive or that it is not needed to demonstrate that a producer is genuinely associated with the fluid market. Accordingly, the proposal is denied.

The basic issue developed on the record with respect to NFO's other diversion proposal concerns whether to provide an alternative option of basing diversion limitations on a percentage of a handler's total producer milk supply and what constitutes reasonable diversion limits in light of the market's present supply-demand conditions so that fluid milk plants are assured of adequate milk supplies.

The record evidence indicates that Class I utilization for Order 46 averaged 59.9 percent for 1986 and ranged from a low of 50.4 percent in June to a high of 72.4 percent in September. For the first five months of 1987, Class I utilization averaged 63.0 percent compared to an average of 56.0 percent for the same period in 1986. This supply-demand situation indicates that allowing a diverting handler to divert to a nonpool plant as much as 70 percent of its total producer receipts, as proposed by NFO, would not be appropriate.

Also, the record evidence suggests that all handlers on the market are able to operate within the diversion limits as now contained in the present order. For instance, data contained in the record shows that for 1986 diverted milk, as a percentage of producer receipts, ranged from a low of 16.5 percent for September to a high of 31.5 percent in May. Also, for the first five months of 1987, diversions to nonpool plants averaged 22.1 percent compared to 26.2 percent for 1986.

Conversely, on the basis of this record there is no apparent need to limit diversions to nonpool plants to the extent proposed by DI. There was no demonstration by DI that the current limit on the amount of milk that may be diverted is causing in any way disruptive marketing conditions.

In view of these considerations, the diversion limits, as now provided in the order, are appropriate for this market, considering current supply-demand conditions. The record evidence does not provide a compelling basis for changing the present diversion limits. Accordingly, all proposals to change diversion limits are denied.

As indicated previously, the order should be revised to specify the procedure for accounting for over-diverted milk. As proposed by both NFO and DI and as herein adopted, the order is revised to provide that milk diverted in excess of the diversion limits as prescribed by the order shall not be producer milk and that the diverting handler shall designate the dairy farmers' deliveries that shall not be producer milk. Also, if the diverting handler fails to make such designation, none of the diverted milk of such handler shall be producer milk. This modification is desirable and appropriate.

Subsequent to the hearing, NFO filed a petition to have the hearing reopened in the event that the Secretary determines that DI's counter proposals that were offered in response to NFO's proposals concerning diversions to nonpool plants would be "worthy of consideration." Since DI's proposals were not adopted, the issue raised in NFO's petition is moot.

DI proposed at the hearing to amend the performance standards for a pool distributing plant. As proposed, diverted milk would be included along with milk physically received at the distributing plant as the base in calculating a plant's Class I utilization percentage. A specified minimum Class I utilization percentage is used as one of the condition's that must be met in determining the pooling status of a distributing plant under the order.

Counsel for NFO objected to the proposal on the basis that it was not included in the hearing notice and thus was outside the scope of the hearing. The Administrative Law Judge (ALJ) presiding at the hearing ruled that the proposal was not properly noticed and thus sustained the objection of NFO's counsel.

DI, in its brief, renewed the request to allow for testimony to be taken on the proposal since it was its position that the proposal was within the scope of the hearing. After a careful review of the matter, it is concluded that the ALJ's ruling in this regard was proper. Therefore, the motion to reverse the ruling of the ALJ is denied.

3. Pooling Provisions for a Plant Operated by a Cooperative Association and Regulated Under the Ohio Valley Order

As noted in the hearing notice, a proposal of NFO would have reduced from 50 percent to 40 percent the quantity of members' milk that must be delivered to pool distributing plants in order to qualify a plant operated by a cooperative association as a pool plant. At the hearing, NFO did not present any testimony in support of the proposal and in its brief NFO stated that it wanted to withdraw the proposal. Witnesses for both MMI and the Kroger Company testified in opposition to the proposal. Accordingly, no further consideration is given to the proposal in this proceeding.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Ohio Valley and Louisville-Lexington-Evansville orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreements and orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing areas, and the minimum prices specified in the tentative marketing agreements and orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the Ohio Valley and Louisville-Lexington-Evansville marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered that this entire decision and the two documents annexed hereto be published in the **Federal Register.**

Determination of Producer Approval and Representative Period

December 1987 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Ohio Valley and Louiville-Lexington-Evansville marketing areas are approved or favored by producers, as defined under the terms of the orders as amended and as hereby proposed to be amended, who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

List of Subjects in 7 CFR Parts 1033 and 1046

Milk marketing orders, Milk, Dairy products.

Signed at Washington, DC; on: April 20, 1988.

Kennet A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

Order Amending the Orders Regulating the Handling of Milk in the Ohio Valley and Louisville-Lexington-Evansville Marketing Areas

(This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.)

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Ohio Valley and Louisville-Lexington-Evansville marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas; and the minimum prices specified in the orders as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended regulates the handling of milk in the same manner, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof, the handling of milk in the Ohio Valley and Louisville-Lexington-Evansville marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the orders contained in the recommended decision issued by the Administrator, Agricultural Marketing Service, on January 7, 1988 and published in the **Federal Register** on January 14, 1988 (53 FR 907), shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein

1. The authority citation for CFR Parts 1033 and 1046 continues to read as follows:

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

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

2. Section 1033.56 is amended by revising the first sentence of paragraph (a) through the first comma and adding a new paragraph (c) to read as follows:

§ 1033.56 Plants subject to other Federal orders.

(a) Except as specified in § 1033.31 and in paragraphs (b) and (c) of this section,

* * * * *

(c) A plant qualified pursuant to § 1033.12(a) which also meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines route disposition, except filled milk, during the month in this marketing area is greater than route disposition in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

3. Section 1046.7 is amended by revising paragraph (e) to read as follows:

§ 1046.7 Pool plant.

* * * * *

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) Unless determined otherwise by the Secretary, a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act, except:

(i) A plant that qualifies as a pool plant pursuant to paragraph (a), (b), (c), or (d) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Louisville-Lexington-Evansville marketing area to other pool plants and to retail or wholesale outlets in the marketing area are regulated pursuant to such other order during the current month; and

(ii) A plant that qualifies as a pool plant pursuant to paragraph (a) of this section and which also meets the pooling requirements of another Federal order on the basis of route disposition if the plant is located in the Louisville-Lexington-Evansville marketing area and this order's Class I price applicable at the plant is not less than the Class I price that would be applicable at the plant if regulated under the order for the Federal order marketing area in which the plant has the greatest route disposition; and

(3) A plant that qualifies as a pool plant pursuant to paragraph (a) of this section and which also meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines route disposition, except filled milk, during the month in this marketing area is greater than route disposition in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

4. Section 1046.13 is amended by sending by adding a new paragraph (c)(4) to read as follows:

§ 1046.13 Producer milk.

* * * * *

(c) * * *

(4) Any milk diverted in excess of the limits prescribed in paragraph (c)(3) of this section shall not be producer milk. The diverting handler shall designate the farmer deliveries that shall not be producer milk. If the handler fails to make such designation, no milk diverted by such handler pursuant to this paragraph shall be producer milk.

* * * * *

Marketing Agreement Regulating the Handling of Milk in the Ohio Valley and Louisville-Lexington-Evansville Marketing Areas

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§____ [1] to ____)[1], all inclusive, of the order regulating the handling of milk in the (_____ marketing area (7 CFR Part [2]) which is annexed hereto; and

II. The following provisions:

§__[3] Record of milk handled and authorization to correct typographical errors.

(a) Record of milk handled. The undersigned certifies that he handled during the month of December 1987, hundredweight of milk covered by this marketing agreement.

(b) Authorization to correct typographical errors. The undersigned hereby authorizes the Director, or Acting Director, Dairy Division, Agricultural Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§__[3] Effective date. This marketing agreement shall become effective upon the execution of a counterpart hereof by the Secretary in accordance with § 900.14(a) of the aforesaid rules of practice and procedure.

In Witness Whereof, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[FR Doc. 88-9150 Filed 4-25-88; 8:45 am]

BILLING CODE 3410-02-M

[1] First and last sections of the respective orders.

[2] Appropriate part number.

[3] Next consecutive section number.

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7 CFR Part 1944

Farmers Home Administration

Section 502 Rural Housing Loan Policies, Procedures and Authorizations; Interest Credit Continuation

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Section 502 Rural Housing loan regulations. This action is taken to implement a provision of law. The intended effect is to remove program restrictions on the provision of interest credit assistance.

DATES: Comments must be received by June 27, 1988.

ADDRESSES: Send comments in duplicate to the Office of the Chief, Directives and Forms Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348-S, 14th and Independence Avenue SW., Washington, DC 20250. All written comments will be available for public inspection during normal working hours at the above address.

FOR FURTHER INFORMATION CONTACT: Joyce M. Halasz, Loan Specialist, Single Family Housing Processing Division, Farmers Home Administration, U.S. Department of Agriculture, Room 5338-S, 14th and Independence Avenue SW.,

Washington, DC 20250, Telephone: (202) 382–1474.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291 and has been classified as "nonmajor." This action will result in an annual effect on the economy of less than $100 million and will neither result in a major increase in cost or prices, nor adversely affect competition, employment, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets. There is no impact on budget levels, and funding allocations will not be affected because of this action.

Discussion

Section 1944.34 of 7 CFR Part 1944 establishes the procedures for granting interest credit subsidy on section 502 (single family) rural housing loans. A borrower whose household income exceeds the published moderate limit loses the subsidy, regardless of the impact on the family budget. The abrupt cancellation of interest credit often results in a large increase in the monthly payment, severely curtailing loan repayment ability and placing the borrower in danger of losing the home.

Section 309 of the Housing and Community Development Act of 1987 provides that, "with respect to a loan under section 502 [of the Housing Act of 1949], the Secretary may not reduce, cancel, or refuse to renew the assistance due to an increase in the adjusted income of the borrower if the reduction, cancellation, or nonrenewal will cause the borrower to be unable to reasonably afford the resulting payments required under the loan."

FmHA has considered means of ascertaining whether the borrower could reasonably afford the monthly payments. This could be based on the completion of a family budget, requiring a significant amount of time and effort on the parts of both borrower and field personnel, and, due to its subjectivity, would likely result in numerous appeals if used as a basis for adverse decisions. A debt-to-income ratio could be used; however, this would not allow for variations in spending habits among different families. Neither system could take into consideration the disparity between families with different size debt loads, and might even be more favorable to the family with a pattern of excessive spending. The Agency considered changing the formula, establishing a lesser amount of interest credit for above-moderate-income borrowers. This would require developing a new formula, revising a form, and changing or adding new accounting system design requirements. The time required to correctly implement these changes would result in excessive delay in providing the available benefits to FmHA borrowers. We are proposing to continue the assistance to any borrower whose income exceeds the moderate limit, using the formula itself as the test of affordability, until the interest credit to which a borrower is entitled is less than $5.00 per month or less than $60.00 per year. This alternative would meet the intent of the law, with minimal impact on borrowers, field personnel and Agency logistics. It also provides a reasonable, supportable basis for Agency decisions.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.410. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, it is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

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.

The Regulatory Flexibility Act, Pub. L. 96–354, requires the Agency to examine the impact of a proposed rule on small entities. Vance L. Clark, Administrator of the Farmers Home Administration has determined that this proposed action will not have a significant economic impact on a substantial number of small entities because it deals with the extension of subsidy assistance only to individual Farmers Home Administration single family housing borrowers.

List of Subjects in 7 CFR Part 1944

Home improvement, Loan programs—Housing and community development, Low and moderate-income housing—Rental, Mobile homes, Mortgages, Rural housing, Subsidies.

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

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

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

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

2. Section 1944.34(g)(2)(i)(C) is amended by removing the last sentence.

3. In § 1944.34 paragraphs (i)(1)(ii), (i)(3)(i) and (l) are revised to read as follows:

§ 1944.34 Interest credit.

* * * * *

(i) * * *

(1) * * *

(ii) Interest credit will not be renewed if the amount of interest credit for which the borrower qualifies is less than $5.00 monthly or $60.00 annually.

* * * * *

(3) * * *

(i) *Increased adjusted income.* If the County Supervisor determines that the borrower's adjusted income has increased to the level where the interest credit is less than $5.00 monthly or $60.00 annually, the interest credit will be cancelled effective the date the County Supervisor becomes aware of the situation. The borrower will be notified in accordance with paragraph (1) of this section.

* * * * *

(l) Applicant or borrower notice of right to appeal. All applicants or borrowers who request and are denied interest credit or whose interest credits are reduced, cancelled, or not renewed, will be notified of their appeal rights as required by § 1900.56 of Subpart B of Part 1900 of this chapter.

* * * * *

Dated: April 1, 1988.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 88–9153 Filed 4–25–88; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

High-Level Waste Licensing Support System Advisory Committee (Negotiated Rulemaking); Seventh Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of seventh meeting.

SUMMARY: The Nuclear Regulatory Commission will hold the seventh

meeting of the High-Level Waste Licensing Support System Advisory Committee on May 18–19, 1988. The Committee, established under authority of the Federal Advisory Committee Act (FACA), is tasked with developing recommendations for revision of the Commission's Rules of Practice in 10 CFR Part 2 related to the adjudicatory proceeding for the issuance of a license for a geologic repository for the disposal of high-level waste (HLW). The Committee is attempting to negotiate a consensus on proposed revision related to the submission and management of records and documents for the HLW licensing proceeding.

DATE: The seventh meeting of the HLW Licensing Support System Advisory Committee will be held May 18–19, 1988.

ADDRESSES: The location of the May 18–19, 1988 meeting of the HLW Licensing Support System Advisory Committee is the Conservation Foundation, 1250 Twenty-Fourth St., NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The seventh meeting of the HLW Licensing Support System Advisory Committee ("negotiating committee") is scheduled to include continued discussion of substantive issues related to a high-level waste licensing support system and draft language for a possible proposed rule.

The following are the remaining meetings of the negotiating committee that are scheduled as of the date of this notice: June 29–30, 1988—Reno, Nevada.

Dated at Bethesda, Maryland, this 21st day of April, 1988.

For the Nuclear Regulatory Commission.

David L. Meyer

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 88–9118 Filed 4–25–88; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R–0633]

Regulation T; Credit by Brokers and Dealers; Foreign Sovereign Debt Securities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing for public comment an amendment to Regulation T that will permit broker-dealers to extend good faith loan value on long-term debt securities issued or guaranteed by a foreign sovereign, its provinces or states, or a supranational entity if there is available an explicit or implicit rating in one of the two highest rating categories by a nationally recognized statistical rating organization.

DATE: Comments should be received on or before May 27, 1988.

ADDRESS: Comments, which should refer to Docket No. R–0633, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551, or delivered at the C Street Entrance between 8:45 a.m. and 5:15 p.m. weekdays to Room B–2223. Comments may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Scott Holz, Attorney, Division of Banking Supervision and Regulation, (202) 452–2781. For the hearing impaired *only*, Telecommunications Service for the Deaf, Earnestine Hill or Dorothea Thompson, (202) 452–3544.

SUPPLEMENTARY INFORMATION: The Board has received requests from two major broker-dealers to expand the definition of "OTC margin bond" in Regulation T to include long-term nonconvertible debt securities issued or guaranteed by foreign sovereigns, their provinces or states, or supranational entities. While these securities are currently eligible for "good faith loan value" at banks, foreign broker-dealers, and other lenders, U.S. broker-dealers are unable to extend any credit on these instruments unless they are registered with the Securities and Exchange Commission or the customer pledges that the borrowed funds will not be used to purchase or carry securities.

The provisions of the definition of "OTC margin bond" that currently preclude marginability for most foreign sovereign debt securities are the requirements that the securities have been issued in an offering registered under the Securities Act of 1933 and that the issuer file reports under the Securities Exchange Act of 1934. Last year the Board amended the definition of OTC margin bond to include any "mortgage related security" as defined in the Secondary Mortgage Market Enhancement Act of 1984. The amendment had the effect of making privately placed mortgage related securities eligible for good faith loan value at broker-dealers. This was the first time nonexempt securities not registered with the SEC were allowed as collateral for securities-related loans at broker-dealers. Congress' definition of mortgage related security includes a requirement that the security be rated in one of the two highest rating categories by a nationally recognized statistical rating organization. The current proposal contemplates marginability only where a similarly high explicit or implicit rating is available.

A discussion of the terms used in the proposed amendment follows:

Implicit ratings. Issues, not issuers, are rated. Part of the review of a private issue involves the evaluation of the country's creditworthiness, with the sovereign's evaluation providing a ceiling for any issuer resident in that country. Therefore, if any private issuer in a country is rated in the highest rating category, the sovereign must also be rated in the highest rating category. This is known as an "implicit" rating of the sovereign.

Supranational entities. "Supranational entity" is generally understood to mean an institution organized for a specific purpose by two or more sovereign governments. The long-term debt securities of some supranational entities, such as the International Bank for Reconstruction and Development (the World Bank), the Inter-American Development Bank, African Development Bank, and Asian Development Bank are exempted securities for purposes of the Securities Exchange Act of 1934 and therefore already marginable on a good faith basis. Other supranationals would be treated the same as foreign sovereigns under this proposal. The Board has previously published a list of exempt foreign, international, and supranational entities in connection with time deposits under Regulation D (see 12 CFR 204.125; FRRS 2–280). Supranationals named in this list, as well as other supranational entities including the Nordic Investment Bank and Eurofima, will be covered by the proposed amendment. Guidance from the Board or its staff should be sought as to the eligibility of other supranational entities.

Nationally recognized statistical rating organizations. At the present time, the SEC considers the following organizations to be "nationally recognized statistical rating organizations": Duff and Phelps, Inc.; Fitch Investors Services, Inc.; Moody's Investors Services, Inc.; McCarthy,

Crisanti & Maffei; and Standard & Poor's Corporation (see Securities Exchange Act Release No. 34–2448 (May 5, 1987) at n. 2). These five organizations, however, are not all involved in rating foreign issues.

Long-term debt. "Long-term debt" is understood to mean having an original maturity date more than 365 days from the date of issuance.

Regulatory Flexibility Act

The Board believes there will be no significant economic impact on a substantial number of small entities if this proposal is adopted. Comments are invited on this statement.

Paperwork Reduction Act

No additional reporting requirements or modification to existing reporting requirements are proposed.

List of Subjects in 12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

For the reasons set out in this Notice, and pursuant to the Board's authority under sections 3, 7, 8, 17, and 23 of the Securities Exchange Act of 1934, as amended, (15 U.S.C. 78c, 78g, 78h, 78q and 78w), the Board proposes to amend 12 CFR Part 220 as follows:

PART 220—[AMENDED]

1. The authority citation for Part 220 continues to read as follows:

Authority: 15 U.S.C. 78c, 78g, 78h, 78q, and 78w.

2. A new paragraph (r)(4) is proposed to be added to § 220.2 as follows:

§ 220.2 Definitions.

* * * * *

(r) "OTC margin bond" means: * * *

(4) A debt security issued or guaranteed as a general obligation by the government of a foreign country, its provinces or states, or a supranational entity, if at the time of the extension of credit one of the following is rated in one of the two highest rating categories by a nationally recognized statistical rating organization:

(i) the issue,

(ii) the issuer or guarantor (implicitly), or

(iii) other outstanding unsecured long-term debt securities issued or guaranteed by the government or entity.

* * * * *

Board of Governors of the Federal Reserve System, April 20, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88–9066 Filed 4–25–88; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–ANE–13]

Airworthiness Directives; Hamilton Standard 14SF–5 and 14SF–7 Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD) which requires inspections for cracks, and replacement when needed, of the plastic "Rynite" blade retaining rings on Hamilton Standard 14SF–5 and 14SF–7 propellers. This proposed AD retains the inspections of AD 87–10–05, Amendment 39–5609 (52 FR 17551; May 11, 1987), until required replacement of the plastic "Rynite" rings with metal aluminum rings is accomplished. This amendment will eliminate the need for repetitive inspections of the plastic rings.

DATE: Comments must be received on or before June 15, 1988.

ADDRESSES: Comments on the proposed may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket Number 87–ANE–13, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket Number 87–ANE–13".

Comments may be inspected at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable service bulletins may be obtained from Hamilton Standard, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096.

A copy of the service bulletins is contained in Rules Docket Number 87–ANE–13, in the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Francis X. Walsh, Systems and Propulsion Branch, ANE–153, Boston Aircraft Certification Office, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7066.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contract, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 87–ANE–13". The postcard will be date/time stamped and returned to the commenter.

This notice proposes to supersede AD 87–10–05, Amendment 39–5609 (52 FR 17551; May 11, 1987), which requires an initial and repetitive visual inspections for cracks, and replacement when needed, of the plastic "Rynite" blade retaining rings on Hamilton Standard 14SF–5 and 14SF–7 propellers.

The FAA has determined that replacement of the plastic "Rynite" blade retaining rings with metal aluminum retaining rings would eliminate the need for repetitive visual inspections of the plastic "Rynite" rings for cracks. Consequently, the FAA proposes to supersede AD 87–01–05 to require replacement of the plastic "Rynite" blade retaining rings.

Conclusion

The FAA has determined that this proposed regulation involves approximately 80 propellers with negligible cost to operators. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 6, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR Part 39

Propellers, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85.

2. By adding to § 39.13 the following new airworthiness directive (AD) which would supersede AD 87–10–05, Amendment 39–5609 (52 FR 17551; May 11, 1987), as follows:

§ 39.13 [amended]

Hamilton Standard: Applies to Hamilton Standard Model 14SF–5 and 14SF–7 propellers equipped with plastic "Rynite" retaining rings, P/N 785540–1, installed on, but not limited to, DeHavilland Dash 8 and Aerospatiale/Aeritalia ATR–42 aircraft.

Compliance is required as indicated, unless already accomplished.

To prevent loss of the plastic "Rynite" blade retaining rings, P/N 785540–1, and severe damage to the blade retention system with resultant propeller unbalance, accomplish the following:

(a) Within the next 50 hours time in service after May 21, 1987, and thereafter at intervals not to exceed 200 hours time in service, until accomplishment of paragraph (c), inspect the plastic "Rynite" blade retaining rings, P/N 785540–1, on all four blades in accordance with Hamilton Standard Alert Service Bulletin (ASB) 14SF–61–A21, Revision 2, dated March 27, 1987.

(b) If any evidence of cracks is discovered as a result of an inspection required by paragraph (a), prior to further flight remove from service both halves of blade retaining rings and install new or servicable retaining ring halves in accordance with Hamilton Standard ASB 14SF–61–A21, Revision 2, dated March 27, 1987.

(c) Replace, not later than July 31, 1989, the plastic "Rynite" blade retaining rings, P/N 785540–1, with metal aluminum blade retaining rings, P/N 794351–1, on all four blades in accordance with Hamilton Standard Service Bulletin 14SF–61–17, Revision 1, dated October 1, 1987.

(d) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(e) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Boston Aircraft Certification Office, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

(f) Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Boston Aircraft Certification Office, may adjust the compliance time specified in this AD.

The FAA will request the approval of the Federal Register to incorporate by reference the manufacturer's service documents identified and described in this document.

This proposed AD will supersede AD 87–10–05, Amendment 39–5609, (52 FR 17551; May 11, 1987).

Issued in Burlington, Massachusetts, on April 15, 1988.

Lawrence C. Sullivan,

Acting Director, New England Region.

[FR Doc. 88–9044 Filed 4–25–88; 8:45am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 88–ANE–10]

Airworthiness Directives; Textron Lycoming O–320–A series, –B series, –C series, –D series, –E series; O–320–H2AD; IO–320–B1A, –B1C, –B1D, –B2A, –D1A, –E2A; LIO–320–B1A; A10–320–A1B, –B1B; AEIO–320– E1B, E2B; O–340–A1A, –A1B, –A2A; O–360–A series, –B series, –C series, –D series; O–360–F1A6; AEIO–360–B1G6, –H1A; HO–360–A1A, –B1A, B1B; HIO–360–B1A; O–360–E1A6D; LO–360–E1A6D; LO–360–A1G6D; IO–360–B series; IO–360–E1A; O–540–A series; –B series, –E series, –F series, –G series, –H series, –J series; O–540–W1A5D; AEIO–540–D4A5, –D4B5; IO–540–C series, –D series, –N series, –T series; and IO–540–W1A5D Model Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) applicable to all Textron Lycoming reciprocating model engines of the parallel valve cylinder head design which incorporate Textron Lycoming (hereinafter called "Lycoming") Part Number (P/N) 75068 or P/N 74541 exhaust valves and/or their FAA Parts Manufacturer Approval (PMA) replacements. This proposed AD would require repetitive inspections of the exhaust valve to exhaust guide clearance and the exhaust valve condition with repair and/or replacement as necessary. This proposed AD will also require replacement of the P/N 75068 and P/N 74541 exhaust valves prior to accumulating 2,000 hours time in service since new, with a new or serviceable exhaust valve.

The proposal is prompted by increasing numbers of exhaust valve failures and at least 68 incidents of unscheduled landings. This increase in service difficulties is partially attributed to the extensive use of higher-leaded aviation gasoline especially in the lower compression ratio engines which previously used 80/87 octane aviation fuel. The proposed AD is needed to prevent loss of engine power due to exhaust valve failure which could result in an emergency landing with resultant aircraft damage and personal injury.

DATE: Comments must be received on or before June 15, 1988.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of the Regional Counsel, Attn: Rules Docket No. 88–ANE–10, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket No. 88–ANE–10".

Comments may be inspected at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable Textron Lycoming Service Bulletin (SB) No. 388A, dated April 14, 1978, and SB No. 404, dated September 17, 1976, may be obtained from Textron Lycoming, Williamsport Plant, 652 Oliver Street, Williamsport, Pennsylvania 17701.

A copy of the Service Bulletins is contained in Rules Docket No. 88–ANE–10, at the Federal Aviation

Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Roy Hettenbach, Propulsion Branch, ANE-174, New York Aircraft Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-7421.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. Lycoming estimates that it will require 1 manhour to perform the inspection required by Lycoming SB No. 404, 3 manhours (4 cylinder engine) and 5 manhours (6 cylinder engine) to perform the inspections required by Lycoming SB No. 388A. The FAA estimates that up to 128,331 engines will be affected by this proposed AD. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 88-ANE-10". The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that P/N's 75068 and 74541 exhaust valves experience an unacceptable number of failures before completing the full engine time between overhaul life. Since this condition is likely to exist or develop on other Lycoming reciprocating engines incorporating exhaust valves of the same design, the proposed AD would require repetitive inspections to determine exhaust valve condition, and if excessive exhaust valve to exhaust guide clearances exist, replacement as necessary in accordance with the Lycoming Service Bulletins previously specified. Also, a service life limit of 2,000 hours total operating time is specified for these exhaust valves and their FAA-PMA approved replacement parts.

Conclusion

The FAA has determined that this proposed regulation could affect 927,748 exhaust valves. Considering that both 4 and 6 cylinder engines are involved, the FAA estimates that up to 128,331 engines must comply with the repetitive inspections at an approximate average cost of $100 per year, per engine. The total average cost of complying with this AD, including inspections and any valve replacements found necessary by the inspections, is not expected to exceed $13.0 million. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal; and (4) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85.

2. By adding to § 39.13 the following new airworthiness directive (AD):

§ 39.13 [Amended]

Textron Lycoming: Applies to O-320-A series, -B series, -C series, -D series, -E series; O-320-H2AD; IO-320-B1A, -B1C, -B1D, -B2A, -D1A, -E2A; LIO-320-B1A; AIO-320-A1B, -B1B; AEIO-320-E1B, -E2B; O-340-A1A, -A1B, -A2A; O-360-A series, -B series, -C series, -D series; O-360-F1A6; AEIO-360-B1G6, -H1A; HO-360-A1A, -B1A, -B1B; HIO-360-B1A; O-360-E1A6D; LO-360-E1A6D; LO-360-A1G6D; IO-360-B series; IO-360-E1A; O-540-A series, -B series, -E series, -F series, -G series, -H series, -J series; O-540-W1A5D; AEIO-540-D4A5, -D4B5; IO-540-C series, -D series, -N series, -T series; and IO-540-W1A5D model reciprocating engines which incorporate Textron Lycoming Part Number (P/N) 75068 and P/N 74541 exhaust valves and/or their FAA Parts Manufacturer Approval (PMA) replacement.

Compliance is required as indicated, unless already accomplished.

To prevent loss of engine power due to exhaust valve failure, accomplish the following:

(a) Within the next 50 hours time in service for fixed wing aircraft reciprocating engines, and within 25 hours time in service for helicopter reciprocating engines, after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours time in service or at each annual inspection, whichever occurs first, inspect the exhaust valves in accordance with the inspection procedure, page 2, described in Textron Lycoming Service Bulletin (SB) No. 404, dated September 17, 1976. Any valve that shows indications of being cracked or shows indications of localized heating is to be replaced with a new or serviceable exhaust valve prior to the next flight.

(b) Within the next 50 hours time in service for fixed wing aircraft reciprocating engines, and within 25 hours time in service for helicopter reciprocating engines, after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 300 hours time in service or at every third annual inspection, whichever occurs first: (1) Inspect to determine all exhaust valve to exhaust guide clearances in accordance with the procedure described in Part I or Part II of Textron Lycoming SB No. 388A, dated April 14, 1978; and (2) inspect the exhaust valves in accordance with the requirements of Part I paragraph 18, page 4 of SB No. 388A. If the valve to guide clearance exceeds the maximum gap specified in the table on page 4, and/or the exhaust valve exhibits erosion, cracking, or "necking" of the area of the valve between the guide and the valve seat, replace both the affected exhaust valve and exhaust valve guide with new or serviceable parts prior to the next flight.

Note.—Affected engines manufactured by Textron Lycoming after June 12, 1984, provided the exhaust valves have not been replaced with the subject part number valves or their FAA-PMA replacements, are exempt from the requirements of this AD.

(c) If the part number of the exhaust valves is not known or cannot be determined, then it

shall be assumed that the P/N 75068 or P/N 74541 exhaust valves are installed in the affected engines and the engine is required to conform to the requirements of this AD.

(d) Replace the P/N 75068 or P/N 74541 exhaust valves and their FAA-PMA replacements where applicable, prior to accumulating 2,000 hours time in service since new, with a new or serviceable exhaust valve. If on the effective date of the AD, the hours in service of the subject exhaust valves exceed the above life limit then an additional 50 hours time in service is authorized for compliance with this paragraph only. If the exhaust valve total time in service is not known or cannot be positively determined, then the exhaust valve must be removed within the next 50 hours time in service and replaced with a new or serviceable exhaust valve.

(e) If the total operating time for replacement P/N's 75068 and 74541 exhaust valves or FAA-PMA replacements is not known or cannot be positively determined, these valves are to be considered unserviceable and may not be installed in a flight engine.

(f) When corrective action requires the installation of a new exhaust valve, then new lock keys and valve stem caps shall also be installed.

(g) The results of the inspections and corrective actions required by paragraphs (a), (b), (d), and (e), including the part numbers of the replaced parts and the newly installed parts, shall be noted in the aircraft engine logbook.

(h) Replacement of the affected part number exhaust valves with Textron Lycoming P/N LW19001 exhaust valve, or subsequent FAA approved exhaust valve, will constitute terminating action for this AD.

Note.—Textron Lycoming no longer supplies the P/N 75068 and P/N 74541 exhaust valves.

(i) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(j) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, New York Aircraft Certification Office, ANE-170, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

(k) Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, New York Aircraft Certification Office, ANE-170, may adjust the compliance time specified in this AD.

The FAA will request the approval of the **Federal Register** to incorporate by reference the manufacturer's Service Bulletins identified and described in this document.

Issued in Burlington, Massachusetts, on April 15, 1988.

Lawrence C. Sullivan,

Acting Director, New England Region.

[FR Doc. 88-9043 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASW-57]

Proposed Removal of Transition Area; Foraker, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to remove the transition area located at Foraker, OK. The cancellation of the standard instrument approach procedure (SIAP) serving the McKinney Ranch Airport has made this proposed removal necessary. The intended effect of this proposal is to return that controlled airspace no longer required for aircraft executing the SIAP to the airport. Coincident with this proposed action, the status of the McKinney Ranch Airport will change from instrument flight rules (IFR) to visual flight rules (VFR).

DATE: Comments must be received on or before June 2, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87-ASW-57, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASW-57." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by removing the transition area located at Foraker, OK. The cancellation of the existing SIAP to the McKinney Ranch Airport, thus negating the need for a 700-foot transition area, has necessitated this proposed removal. The intended effect of this proposal is to release that controlled airspace no longer required for aircraft executing the SIAP to the airport. Coincident with this proposed action the status of the McKinney Ranch Airport will change from IFR to VFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D dated January 1, 1988.

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, when promulgated, will not have a significant 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.

The Proposed Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 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:

Foraker, OK [Removed]

Issued in Fort Worth, TX, on April 14, 1988.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88-9045 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 88-ASO-4]

Proposed Revision of Transition Area; Lawrenceville, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Lawrenceville, Georgia, Transition Area by correcting the geographic position coordinates of the airport, changing the airport name from Gwinnett County to Gwinnett County-Briscoe Field Airport, deleting the extension either side of the Norcross VORTAC 077° radial and adding a new extension to provide controlled airspace for aircraft executing a new VOR/DME standard instrument approach procedure utilizing the Peachtree VOR/DME.

DATE: Comments must be received on or before May 25, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 88-ASO-4, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-ASO-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the Docket No. 88-ASO-4 notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the Lawrenceville, Georgia, Transition Area. This action will correct the airport geographic position coordinates, change the airport name, delete the extension along the Norcross VORTAC 077° radial and add an extension to provide controlled airspace for aircraft executing a new standard instrument approach procedure utilizing the Peachtree VOR/DME. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6D dated January 4, 1988.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area

The Proposed Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 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:

Lawrenceville, Georgia [Revised]

By deleting the existing description and substituting the following: "That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County-Briscoe Field Airport (latitude 33°58'47" N., longitude 83°57'50" W.); within two miles either side of the Peachtree VOR/DME (latitude 33°52'32" N., longitude 84°17'56" W.) 069° radial, extending from the 6-mile radius area to 9 miles west of the airport."

Issued in East Point, Georgia, on April 12, 1988.

William D. Wood,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 88-9046 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

(FRL-3369-4)

Approval and Promulgation of Implementation Plans, Arizona State Implementation Plan Revision, Pima County Carbon Monoxide Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice announces EPA's proposed action to approve State Implementation Plan (SIP) revisions submitted by Arizona on January 6, 1988 to its carbon monoxide (CO) plan for the Tucson Arizona CO Planning Area (Pima County). This proposal is based on EPA's proposed conclusion that the control measures and attainment demonstration submitted with the Plan meet the requirements of Section 110 and Part D of the Clean Air Act and strengthen the existing SIP. EPA believes that the Pima CO Plan includes a persuasive demonstration of attainment of the CO standard by 1990 using all reasonably available control measures as expeditiously as practicable. The 1990 attainment deadline is consistent with the three year attainment timeframe set out in the proposed post-1987 ozone and CO policy (52 FR 45044, November 24, 1987). EPA is also proposing to lift the construction ban on major new stationary sources and major modifications of CO sources imposed on September 23, 1986 (51 FR 33746).

DATE: Comments must be submitted to EPA at the address below by May 26, 1988.

ADDRESSES: Comments on this proposal should be sent to: Regional Administrator, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: State Liaison Section (A-2-2), Air Management Division.

Copies of the submitted Plan and EPA's technical evaluation of the Plan are available at the above address for public inspection during normal working hours.

Copies of the submitted Plan are also available at the County and state offices listed below:

Arizona Department of Environmental Quality, Office of Air Quality, 2005 North Central Avenue, Phoenix, AZ 85004

Pima Association of Governments, 405 Transamerica Building, Tucson, AZ 95701

Pima County Health Department, Air Quality Control District, 150 West Congress, Tucson, AZ 85701.

FOR FURTHER INFORMATION CONTACT: Wallace Woo, Chief, State Liaison Section (A-2-2), Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7634, FTS: 454-7634.

SUPPLEMENTARY INFORMATION

Background

The Clean Air Act (CAA) amendments of 1977 required states to revise their SIPs by certain times for all areas that had not then attained the National Ambient Air Quality Standards (NAAQS). Generally, the states containing these designated "nonattainment areas" had to submit revised plans by January 1, 1979. The 1979 SIP revisions were to provide for attainment of the NAAQS by December 31, 1982. An extension of the attainment date for ozone or CO to no later than December 31, 1987 was available under section 172 if the state could demonstrate as part of its 1979 SIP revision that attainment by the end of 1982 was not possible, despite the implementation of all reasonably available control measures. For areas that obtained an attainment date extension from EPA, states were required to submit to EPA by July 1, 1982 an additional SIP revision that provided for attainment no later than December 31, 1987 and that complied with all other requirements of Part D of the CAA.

1. *SIP disapproval.*

A large portion of Pima County was designated as nonattainment for CO on March 3, 1978 [43 FR 8970] and the State submitted Pima County's initial nonattainment area plan for CO in 1978. On May 24, 1982, the State submitted a request to EPA to extend the CO attainment date in Pima County to December 31, 1987.

On July 7, 1982 [47 FR 29532], EPA took final action to approve the 1978 SIP revision on the condition that the State submit revised regulations for Pima County to meet EPA's New Source Review (NSR) requirements. Just before EPA took this action, however, the State indicated to EPA that it needed to submit a supplement to its 1978 CO Plan for the Pima area. EPA reviewed the supplement from the State in 1983 and 1984. On March 1, 1985 [50 FR 8346], EPA proposed to approve and incorporate into the SIP certain CO control measures submitted by the State in 1984 but deferred action on whether the attainment demonstration and new measures met the requirements of Part D.

On July 16, 1985 the Pima County Health Department (PCHD) adopted new NSR rules and on May 9, 1986 [51 FR 17210], EPA proposed to approve the Pima rules if the State and the PCHD submitted additional revisions to their rules to remedy certain deficiencies. The deficiencies in the NSR rules described by EPA in the May 9 proposal include incorrect stack height reference, overly broad exemptions from offsetting and permitting requirements, improper netting procedures, and certain inadequate definitions. For certain subareas of the Tucson CO Air Planning Area not subject to the NSR rules, EPA disapproved the CO SIP and imposed the construction moratorium, 51 FR 3335 [January 27, 1986]. On August 4, 1986 [51 FR 27843], EPA approved the State's request to redesignate those subareas from nonattainment to attainment for CO, thereby removing those subareas from the coverage of Part D and removing the construction ban in those areas.

On January 27, 1986 [51 FR 3346] EPA proposed (1) to find that the Pima County CO Plan, as revised in 1984, did not demonstrate attainment of the CO standard as expeditiously as practicable as required by section 172 of the CAA, and (2) based on that finding, to impose a moratorium under section 110(a)(2)(I) of the Act on major new construction and major modification of stationary sources of CO in the Tucson CO Air Planning Area. EPA's proposed finding was based upon significant deficiencies in the State's modeling demonstration and lack of detailed feasibility analyses of potential transportation control measures (TCMs). In addition, EPA proposed to deny the State's request for an attainment date extension to December 31, 1987.

On September 23, 1986 [51 FR 33746], EPA published a final notice disapproving the CO Plans for both the Maricopa and Pima Counties Nonattainment Areas, and imposing a construction ban on major new sources and major modifications to sources of CO in the two areas. EPA did not take final action on the State's attainment date extension request.

2. *U.S. District Court Order.*

On August 10, 1987, the U.S. District Court for the District of Arizona ordered EPA to promulgate a federal implementation plan (FIP) under section 110(c) of the Act for CO in the Maricopa and Pima Counties Nonattainment Areas. The Court found that EPA's duty to promulgate a FIP arose when EPA found the State Plans were inadequate. The Court Order is the result of a citizen suit brought against EPA on April 8, 1985, by the Arizona Center for Law in the Public Interest (ACLPI). The timeframe specified in the Court Order for EPA to promulgate a FIP was 6 months, following either the formal submittal of the Pima CO Plan or September 30, 1987, whichever came first. *McCarthy v. Thomas*, D. Ariz. No. CIV–85344–TUC–1WDB. The Court left open the possibility that EPA could file a motion requesting an extension of this time period if necessary.

EPA outlined its intended approach to comply with the Court Order to promulgate a FIP for Maricopa and Pima Counties in an Advance Notice of Proposed Rulemaking (ANPRM) [52 FR 45466] published on November 30, 1987. In the ANPRM, EPA explained that to promulgate a FIP for these two areas, EPA must select control measures that fill whatever gaps are left by approved portions of the State Plans. The ANPRM also discussed a draft Pima County CO Plan, which had been submitted by the Pima County Association of Governments (PAG) in October 1987.

The draft Pima Plan contained the Arizona inspection and maintenance program (I/M) as expanded through 1987 and a commitment that the local governments in the Pima area would adopt an employer-based trip reduction ordinance and additional ride-sharing, transit and flow improvements. The Plan indicated that the area would attain the CO standard by approximately 1990. In the ANPRM, EPA stated its belief that, if the final Plan supported the attainment and maintenance demonstration of the Draft, a FIP for Pima County would not be necessary.

Section 110(c)(1) of the Act provides that the Administrator shall promulgate a FIP within the statutory schedule unless, prior to such promulgation, the state has adopted and submitted a plan which the Administrator determines to be in accordance with the requirements of section 110. Thus, EPA believes that it would be relieved of its obligation to promulgate a FIP for Pima if the State submitted an adequate SIP before the FIP promulgation. As noted in the ANPRM, since the timeframe for FIP promulgation in the Court Order was dependent on the Pima Plan submittal, EPA believes that the Court wanted EPA to analyze the Pima CO Plan before determining whether promulgation of a Pima FIP was necessary.

On January 6, 1988, the State submitted the final Pima CO Plan, which contains a demonstration of attainment by 1990. On March 14, 1988, EPA moved the Court to extend the period for EPA to promulgate a FIP for the Maricopa and Pima areas until December 30, 1988. EPA stated in its motion its intention to complete action on the State Plan for the Pima area within several months. That motion is still pending.

Findings and Actions

1. *EPA Approach.*

EPA proposes to find that the control measures adopted by the State and PAG and the attainment demonstration meet the requirements of Section 110 and Part D of the Act and, therefore, proposes to approve the final CO Plan for Pima County. As discussed below, EPA believes that the Pima CO Plan provides for the implementation of all reasonably available control measures so as to provide for attainment of the CO standard as expeditiously as practicable, but no later than a fixed near-term date. As explained below, that is the critical test, in EPA's view, for whether a plan is approvable under the Clean Air Act after passage of the December 31, 1987 attainment date.

EPA believes that it is unnecessary to take action on the State's request for an extension of the attainment date to December 31, 1987. Since that date has passed and the final CO Plan contains the vehicle emission control I/M program as well as the other measures needed to meet the Section 172 requirements applicable to attainment date extension area plans, EPA believes that the State's extension request is now moot.

Arizona has not submitted the revisions to its NSR rules necessary to cure the deficiencies that EPA identified in the May 9, 1986 notice. Therefore, technically the Pima CO Plan does not meet all of the applicable statutory requirements. EPA is currently reviewing the deficiencies outlined in the May 9, 1986 notice to determine whether the NSR rules can be approved in their current form. If EPA determines that additional provisions are necessary for a fully approvable NSR program, EPA will propose federal NSR provisions in a subsequent notice. At this time, the State does not anticipate any new major sources of CO in the Tucson area. Consequently, any NSR program will likely serve solely as a component of the maintenance plan for the area.

2. *EPA Criteria.*

In an April 4, 1979 notice [44 FR 20372], EPA published criteria for approval of the Part D SIP revisions that the Act required States to submit in 1979. On January 22, 1981 [46 FR 7182], EPA published criteria for evaluating the supplemental SIP revisions for extension areas due in mid-1982. EPA believes that the Pima CO control measures and attainment demonstration meet in substantial part these criteria for approval under Part D of the Act.

The Act does not specify the timeframe within which a plan approved after December 31, 1987 must provide for attainment of the CO NAAQS. As described fully in proposed policy issued on November 24, 1987 [52 FR 45044], EPA interprets the Act to require that any SIP approved after December 31, 1987 must demonstrate attainment of the standard as expeditiously as practicable but no later than the date derived from analogy to the attainment periods set forth in Sections 110(a)(2)(A) and 110(e) of the CAA. Section 110(a)(2)(A) requires a demonstration of attainment as expeditiously as practicable but (subject to Section 110(e)) in no case later than 3 years from the date of EPA's approval of the SIP. Section 110(e) provides an extension of up to 2 years beyond the 3 year period where, in essence, the State has applied all "reasonably available alternative means" (RAAM) to bring about attainment and has demonstrated that attainment can not be achieved within 3 years. As EPA explained in its November proposal, the history of the CAA planning requirements suggests that in post-87 attainment planning, Congress would have chosen to apply the 3- and 5-year periods in Section 110 rather than requiring a demonstration of immediate attainment.

3. EPA's Proposed Conclusions.

The Pima CO Plan provides for attainment of the CO standard with reasonably available control measures by 1990, well within the 3-year period (which would be 1991 assuming EPA approval in 1988). The trip reduction ordinances, mass transit expansion and other control measures adopted by Pima County jurisdictions, as well as the I/M program adopted today and Federal

Motor Vehicle Control Program (FMVCP), would result in attainment of the standard by 1990 and maintenance beyond the ten year maintenance period described in EPA's November 24, 1987 proposal on post-1987 planning. EPA is not now prepared to find that other technologically available measures, such as an oxygenated fuels program, are both certainly practicable for the Tucson area and would advance the attainment date for the area. Moreover, EPA does not believe that any other measures that might be practicable would in fact advance the attainment date. Thus, the 1990 attainment date satisfies the CAA requirement that attainment occur as expeditiously as practicable. As described above, the maintenance demonstration in the Pima CO Plan meets all EPA and CAA Part D criteria, including the proposed post-1987 policy, which would require a maintenance demonstration of 10 years from the SIP due date.

EPA Evaluation

Inspection and Maintenance Program

EPA approved Arizona's motor vehicle inspection and maintenance (I/M) program on August 4, 1978 (43 FR 34470). On August 11, 1980 (45 FR 53145) changes to the program, which corrected certain deficiencies in the SIP and satisfied certain requirements under Part D of the Clean Air Act concerning I/M in Maricopa and Pima Counties, were approved as Arizona SIP revisions. Further revisions to the program were approved on April 23, 1982 (47 FR 17483).

On October 5, 1987 the Arizona Department of Environmental Quality (ADEQ) submitted, as SIP revisions, I/M program changes which are based on 1985 and 1986 legislation. These new or modified measures have strengthened the program to the extent that the emission reductions being achieved substantially exceed the levels EPA has proposed for I/M programs for post-1987 ozone and CO nonattainment areas. A summary of the Arizona I/M program and the major revisions made to the program can be found in the technical support document (TSD).

EPA is proposing today to approve the following rules which were submitted as SIP revisions on October 5, 1987: R9–3–1001 Definitions; R9–3–1003 Vehicles to be inspected by the mandatory vehicular emissions inspection program; R9–3–1005 Time of inspection; R9–3–1006 Emissions test procedure; R9–3–1008 Procedure for issuing certificates of waiver; R9–3–1009 Tampering repair requirements; R9–3–1010 Low emissions tune-up; R9–3–1011 Vehicle inspection report; R9–3–1013 Reinspections; R9–3–1016 Licensing of inspectors; R9–3–1018 Certificate of inspection; R9–3–1019 Fleet station procedures and permits; R9–3–1025 Inspection of state stations; R9–3–1026 Inspection of fleet stations; R9–3–1027 Registration of emission analyzers and opacity meters; R9–3–1028 Certification of users of registered analyzers and analyzer repair persons; R9–3–1030 Visible emission: mobile sources; R9–3–1031 Standards for evaluating aftermarket catalytic converters.

EPA is also proposing to approve the following portions of 1987 Arizona State legislation (Senate Bill 1360), submitted as a SIP revision on March 23, 1988: Section 6: ARS 15–1444–C (added); Section 7: QRS 15–1627–F (added); Section 21: ARS 49–542—A (amended); Section 21: ARS 49–542–E (added); Section 21: ARS 49–542–J.3.(b) (amended); and Section 23: ARS 49–550–E (added).

Senate Bill 1360 mandates the following enhancements to the I/M program: a) a requirement that vehicles registered outside a nonattainment area but used to commute to the driver's place of employment located within a nonattainment area be subject to the program; b) a requirement that vehicles owned by an out-of-county or out-of-state student attending a college or university located in a nonattainment area be subject to the program; and c) an increase in the repair cost limit for 1975 through 1979 model year vehicles from $100 to $200. These provisions will achieve emission reductions since a greater number of vehicles will be subject to the I/M program and more 1975 through 1979 model year vehicles should be repaired to the standards.

EPA is allowing credit for Senate Bill 1360 emissions reductions based upon the legislation, because the legislation provides specific and enforceable amendments to the State's I/M program. While the provisions of Senate Bill 1360 are already being implemented, the State is expected to submit to EPA as a SIP revision changes to the State's regulations conforming to the legislation. These regulations will be approved in a separate Federal Register action.

Emission Factor Methodology

At the request of EPA, Region IX, EPA's Office of Mobile Sources (OMS) reviewed the MOBILE3 emission factor modeling performed in the SIP submittal. In general, the analysis is technically correct and consistent with established EPA guidelines. Therefore, EPA finds the MOBILE3 emission factor modeling adequate to support the SIP. A March 18, 1988 memorandum from OMS to EPA, Region IX, which is part of the TSD, gives a more detailed explanation of the factors considered in this review.

Attainment Demonstration

The baseline and projected emission inventories are adequate to support the modeling analysis. The attainment demonstration is based on a hybrid model, with a hot spot component to establish the micro-scale impacts and a trajectory component to establish the regional scale impacts at the control site. The modeling analysis is adequate to support the attainment demonstration. Attainment is demonstrated by early 1990 with maintenance shown beyond the ten year maintenance period described in EPA's November 24, 1987 proposal on post-1987 planning.

The data from a supplementary monitoring program used to support the modeling analysis indicates that the maximum CO concentrations are not being measured at the permanent monitoring sites. Therefore, two more permanent monitoring sites should be established at the intersections of Broadway and Craycroft and Grant and Campbell, where two of the supplementary monitors were located. This will enable better tracking of the peak CO levels in the area.

Attainment is demonstrated with the Federal Motor Vehicle Control Program, the State's Inspection and Maintenance Program, existing traffic flow improvements, and programmed roadway improvements. For maintenance, the Plan addresses twelve categories of transportation control measures. Major measures in the maintenance strategy include trip reduction ordinances (TRO), rideshare programs, and transit improvement. All five jurisdictions have also recently adopted a TRO and committed to fund and staff its implementation. Other measures are described in the Plan and in the technical support document. The Plan contains further commitments to implement control strategies from the five jurisdictions in the Pima County CO nonattainment area; Tucson, South Tucson, Marana, Oro Valley, and Pima County.

Conformity

EPA's 1981 policy establishing criteria for approval of 1982 Plan revisions (46 FR 7182, January 22, 1981) required inclusion of procedures to comply with requirements under Section 176(c) of the Clean Air Act to assure that federally funded or approved projects conform to the SIP. Although the Pima plan does include procedures that can be used for

conformity review, the TSD describes additional criteria that the State should add to its program to fully conform to EPA's 1981 guidance. EPA's proposed policy on post-1987 attainment planning (52 FR 45044, November 24, 1987) established additional conformity requirements that EPA proposed to require for all post-1987 plans. EPA does not propose to require that Arizona meet the additional conformity requirements contained in the post-1987 policy, since the Pima plan was prepared before the post-1987 policy was proposed, and in any event, EPA has not decided whether it should impose those additional requirements generally after 1987. However, EPA will work with Pima County to encourage incorporation of procedures and criteria incorporating EPA's guidance of 1980, 1981, and the post-1987 proposal.

Public Participation

The Clean Air Act Amendments of 1977 clearly emphasize the need for public and elected official input to SIP development. Section 17(9b)(9) requires public involvement and consultation. This section requires nonattainment plans to evidence public, local government, and State legislative involvement and consultation in accordance with section 174 and include (a) an identification and analysis of plan effects and alternatives considered by the State and (b) a summary of the public comment on such analysis. Section 110 and 172(b)(1) of the Act require a "reasonable notice and public hearing" prior to adoption and submittal of the SIP.

Based on PAG's public participation program, EPA has determined that the above criteria have been fulfilled. In addition to two public hearings, two legal notices and three press releases, PAG utilized three established environmental citizen participation committees, totalling over 100 members. Committees included the Environmental Planning Advisory Committee, the Environmental Planning and Air Quality Committee, and the Technical Advisory Committee for Carbon Monoxide Monitoring and Modeling. PAG was also instrumental in forming the Air Quality Executive Committee, composed of elected officials of the jurisdictions of eastern Pima County and the Chairman of the State Transportation Board.

Comments and the Public Docket

EPA solicits comments on all aspects of today's proposal from all interested parties. Wherever applicable, full supporting data and detailed analyses should also be submitted to allow EPA to make maximum use of the comments. Commenters are especially encouraged to provide specific suggestions for changes to any aspects of the proposal that they believe need to be modified or improved. All comments should be directed to Mr. Wallace Woo at the address listed above.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. Final approval of this plan would merely approve requirements that the State has already adopted. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

Air pollution control, carbon monoxide, hydrocarbons, intergovernmental relations, Ozone, Reporting and Recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Date: April 15, 1988.

Daniel W. McGovern,

Regional Administrator.

[FR Doc. 88–9069 Filed 4–25–88; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 252

[Docket No. R–117]

Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in World-Wide Services

AGENCY: Maritime Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Maritime Administration (MARAD) proposes to amend the procedure by which subsidy for the operation of bulk cargo vessels in the foreign commerce of the United States is determined. The proposed change would permit the regression by one year of the U.S./foreign cost relationship used in the determination of wage subsidy rates, and would adjust the period of exchange rate experience used in wage rate calculations.

DATE: Comments must be received on or before the close of business June 27, 1988.

ADDRESS: Send original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. To expedite review of the comments, the agency requests, but does not require, submission of ten (10) additional copies of the comments. All comments will be made available for inspection during normal business hours at the address above. Commenters wishing MARAD to acknowledge receipt should enclose a stamped, self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Maritime Administration, Washington, DC 20590. Tel. (202) 366–2323.

SUPPLEMENTARY INFORMATION: The determination of operating-differential subsidy (ODS) for bulk cargo vessels engaged in world-wide services is governed by the regulations at 46 CFR Part 252. Section 252.31(f) requires that wage subsidy rates be established on the basis of a comparison of U.S. and foreign wage costs as of January 1 of the subsidized fiscal year. The procedures provide that the foreign currencies applicable to the foreign wage cost determinations be converted into U.S. dollars by using, generally, the average end-month exchange rates for July through January of the subsidized fiscal year.

MARAD has recalled permanently its Foreign Maritime Representatives whose responsibilities included, among other duties, the collection of foreign wage cost information used in the calculation of wage subsidy rates. The elimination of MARAD's foreign posts will delay the collection of foreign wage cost data applicable to the annual subsidy rate calculations.

To avoid potential delays in the finalization of wage subsidy rates while continuing to maintain a fair and reasonable determination of the U.S./foreign wage cost differential, MARAD is proposing to amend § 252.31(f) to provide for the comparison of U.S. and foreign wage costs as of January 1 of the fiscal year preceding the subsidized fiscal year. The percentage relationship of foreign to U.S. wage costs resulting from the comparison would be applied to the full U.S. wage costs determined as of January 1 of the subsidized fiscal year to derive the corresponding foreign wage amount used in the subsidy rate calculation. Foreign-flag competition would continue to be identified on the basis of data as of January 1 of the year preceding January 1 of the subsidized year.

MARAD further proposes that the exchange rates used to convert the foreign wage cost estimates into U.S. dollars be the average end-month exchange rates for the period July

through June that includes the January 1 for which the foreign costs are determined. The regulation presently provides a seven-month period for exchange rates to permit timely ODS rate calculations. However, the regression of the U.S./foreign wage cost comparison be one year would permit the use of exchange rates for a twelve-month period without delaying final rate calculations. MARAD considers the use of twelve months of exchange rates preferable to the shorter seven-month period.

E.O. 12291, Statutory and DOT Requirements

The Maritime Administrator has determined that this proposed rulemaking is not major, as defined in E.O. 12291, and is not significant under DOT regulatory policies and procedures (49 FR 11034; February 26, 1979). This proposed rulemaking would merely effect minor changes in the methodology for determining wage subsidy rates for subsidized bulk cargo vessels that would result in no appreciable change in ODS receipts and obligations.

Since this proposed rulemaking effects principally ship operators with substantial annual revenues, the Maritime Administrator certifies that this rulemaking, if finalized, would not exert a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*). It does not include new information collection requirements.

List of Subjects in 46 CFR Part 252

Grant programs, Transportation, Maritime carriers, Reporting and recordkeeping requirements.

PART 252—[AMENDED]

1. The authority citation for Part 252 continues to read as follows:

Authority: Secs. 204(b), 603, 606 Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1173, 1176) and 49 CFR 1.66.

2. Section 252.31(f) introductory text, (f)(2) and (f)(3) introductory text are revised to read as follows:

§ 252.31 Wages of officers and crews.

* * * * *

(f) *Method of calculating foreign wage costs.* The foreign wage cost (FC) of the principal foreign-flag competitors and the comparable WC of the subsidized vessel are matched as of January 1 of the last fiscal year preceding the subsidized fiscal year for purposes of determining the wage cost of the principal foreign flags. The following procedures are used:

* * * * *

(2) *Method.* The method of calculating FC shall be the same as that used for WC, provided that it is possible to obtain foreign cost data on the same basis as wage cost data. Preference shall be given to pricing out for fixed costs and to cost experience for variable costs. Where applicable, foreign currencies shall be converted into U.S. currency equivalents by using the average of end-month exchange rates for the period July through June that includes the January 1 for which FC is calculated. The exchange rates shall be obtained from the publication, "International Financial Statistics", published monthly by the International Monetary Fund. If exchange rates for particular foreign currencies are not available in this publication, they shall be obtained from the United States Department of the Treasury.

(3) *Foreign wage costs.* The per diem composite foreign wage cost is determined by multiplying the per diem WC for the U.S. ship type, calculated as of January 1 of the subsidized fiscal year, by the ratio of FC to WC, calculated as of January 1 of the last fiscal year preceding the subsidized fiscal year. The following is a sample calculation of the foreign cost percentage.

By order of the Maritime Subsidy Board/ Maritime Administrator.

Dated: April 14, 1988.

James E. Saari,

Secretary.

[FR Doc. 88-8676 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-81-M

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46 CFR Part 282

[Docket No. R-118]

General Procedures for Determining Operating-Differential Subsidy for Liner Vessels

AGENCY: Maritime Adminsitration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Maritime Administration (MARAD) proposes to amend the procedure by which subsidy for the operation of liner vessels in the foreign commerce of the United States is determined. The proposed change would permit the regression by one year of the U.S./foreign cost relationship used in the determination of wage subsidy rates, and would adjust the adjust the period of exchange rate experience used in wage rate calculations.

DATE: Comments must be received on or before the close of business June 27, 1988.

ADDRESS: Send original and two copies of comments to the Secretary, Maritime Adminsitration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. To expedite review of the comments, the agency requests, but does not require, submission of ten (10) additional copies of the comments. All comments will be made available for inspection during normal business hours at the address above. Commenters wishing MARAD to acknowledge receipt should enclose a stamped, self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Maritime Administration, Washington, DC 20590. Tel. (202) 366-2323.

SUPPLEMENTARY INFORMATION: The determination of operating-differential subsidy (ODS) for liner vessels engaged in essential services of the foreign commerce of the United States is governed by the regulations at 46 CFR Part 282. Section 282.12(f) requires that wage subsidy rates be established on the basis of a comparison of U.S. and foreign wage costs as of January 1 of the subsidized fiscal year. The procedures provides that the foreign currencies applicable to the foreign wage cost determinations be converted into U.S. dollars by using, generally, the average end-month exchange rates for July through January of the subsidized fiscal year.

MARAD has recalled permanently its Foreign Maritime Representatives whose responsibilities included, among other duties, the collection of foreign wage cost information used in the calculation of wage subsidy rates. The elimination of MARAD's foreign posts will delay the collection of foreign wage cost data applicable to the annual subsidy rate calculations.

To avoid potential delays in the finalization of wage subsidy rates while continuing to maintain a fair reasonable determination of the U.S/ foreign wage cost differential, MARAD is proposing to amend § 282.21(f) to provide for the comparison of U.S. and foreign wage costs as of January 1 of the fiscal year preceding the subsidized fiscal year. The percentage relationship of foreign to U.S. wage costs resulting from the comparison would be applied to the full U.S. wage costs determined as of January 1 of the subsidized fiscal year to derive the corresponding foreign wage amount used in the subsidy rate

calculation. The foreign flags for which the wage cost determinations are made would continue to be those flags identified on the basis of data from the penultimate calendar year preceding January 1 of the subsidized year.

MARAD further proposes that the exchange rates used to convert the foreign wage cost estimates into U.S. dollars be the average end-month exchange rates for the period July through June that includes the January 1 for which the foreign costs are determined. The regulation presently provides a seven-month period for exchange rates to permit timely ODS rate calculations. However, the regression of the U.S./foreign wage cost comparison by one year would permit the use of exchange rates for a twelve-month period without delaying final rate calculations. MARAD considers the use of twelve months of exchange rates preferable to the shorter seven-month period.

E.O. 12291, Statutory and DOT Requirements

The Maritime Administrator has determined that this proposed rulemaking is not major, as defined in E.O. 12291, and is not significant under DOT regulatory policies and procedures (49 FR 11034; February 26, 1979). This proposed rulemaking would merely effect minor changes in the methodology for determining wage subsidy rates for subsidized liner vessels that would result in no appreciable change in ODS receipts and obligations.

Since this proposed rulemaking affects principally ship operators with substantial annual revenues, the Maritime Administrator certifies that this rulemaking, if finalized, would not exert a significant economic impact on a substantial number of small entities under the Regultory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*). It does not include new information collection requirements.

List of Subjects in 46 CFR Part 282

Administrative practice and procedure, Grant programs, transportation, Maritime carriers, Reporting and recordkeeping requirements.

PART 282—[AMENDED]

1. The authority citation for Part 282 continues to read as follows:

Authority: Secs. 204(b), 603, 606 Merchant Marine Act, as amended (46 U.S.C. 1114(b), 1173, 1176) and 49 CFR 1.66.

2. Section 282.21 (f) introductory text, (f)(2) and (f)(3) introductory text are revised to read as follows:

§ 282.21 Wages of officers and crew.

* * * * * *

(f) *Method of calculating foreign wage costs.* The foreign wage cost (FC) of the principal foreign-flag competitors and the comparable WC of the subsidized vessel are matched as of January 1 of the last fiscal year preceding the subsidized fiscal year for purposes of determining the wage cost of the principal foreign flags. The following procedures are used:

* * * * * *

(2) *Method.* The method of calculating FC shall be the same as that used for WC, provided that it is possible to obtain foreign cost data on the same basis as wage cost data. Preference shall be given to pricing out for fixed costs and to cost experience for variable costs. Where applicable, foreign currencies shall be converted into U.S. currency equivalents by using the average of end-month exchange rates for the period July through June that includes the January 1 for which FC is calculated. The exchange rates shall be obtained from the publication, "International Financial Statistics", published monthly by the International Monetary Fund. If exchange rates for particular foreign currencies are not available in this publication, they shall be obtained from the United States Department of the Treasury.

(3) *Foreign wage costs.* The per diem composite foreign wage cost is determined by multiplying the per diem WC for the U.S. ship type, calculated as of January 1 of the January 1 of the subsidized fiscal year, by the ratio of FC to WC, calculated as of January 1 of the last fiscal year preceding the subsidized fiscal year. The following is a sample calculation of the foreign cost percentage.

By order of the Maritime Subsidy Board/ Maritime Administrator.

Dated: April 14, 1988.

James E. Saari,

Secretary.

[FR Doc. 88-8677 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 88-161; FCC 88-133]

Public Land Mobile Services; Cellular Service

AGENCY: Federal Communications Commission (FCC).

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to revise Part 22 of the Commission Rules regarding the number and form of copies of Mobile Services Division applications to be filed with the Commission and the filing of FCC Form 430. This proposal recommends that applications and related materials be filed on microfiche and that Form 430 be eliminated. The intent of this proposal is to save space, avoid the need for additional reference areas, reduce the need for additional personnel, and reduce the volume of applications currently stored in the Mobile Services Division.

DATES: Comments must be received on or before June 6, 1988. Reply comments must be received on or before June 20, 1988.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sandra Donnell, Mobile Services Division Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* adopted March 30, 1988, and released April 15, 1988. The full test of this action is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this action may also be purchased from the Commission's copy contractors, International Transcription Services, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. This notice proposes that all Mobile Services Division applications amendments, correspondence, exhibits and attachments be filed on microfiche and that FCC Form 430 be eliminated. Non-cellular applicants and non-initial cellular applicants would be required to submit the original application as well as three microfiche copies. Initial cellular applicants would initially have to submit only two microfiche copies. Since cellular applications are discarded following the lottery, cellular applicants would no longer be initially required to submit the original application. Only the winning cellular applicants would have to file two hard copies and a third microfiche copy. With respect to Form 430, since the staff seldom uses the information requested in the form and since the information is essentially

duplicated in Schedule A of FCC Form 401, the Commission proposes that Form 430 should be eliminated.

This proposal was initiated to save space, avoid the need for additional reference areas, reduce the necessity to continually add personnel to cope with the volume of work, and reduce the volume of the applications currently stored in the Mobile Services Division.

2. *Ex Parte*: This is a non-restricted notice and comment rule making proceeding. *See* §§ 1.1202, 1203, 1206 of the Commission's Rules, 47 CFR 1.1202, parts 1203 and 1206 for rules governing permissible *ex parte* contacts.

3. *Initial Regulatory Flexibility Analysis:* Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603(a), the Commission notes that adoption of this proposal will uniformly effect all entities with a minimal cost associated with the filing of applications, amendments, correspondance, exhibits and attachments in microfiche form. We are considering exempting submissions of two pages or less from this requirement.

4. *Paperwork Reduction.* The collection of information requirement contained in this proposed rule has been submitted to OMB for review under Section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Management and Budget, Washington, DC 20503, Attention Desk Officer for Federal Communications Commission.

5. *Service List.* A copy of this *Notice* shall be sent to the Chief, Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-9111 Filed 4-25-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-118); FCC 88-103]

Radio Broadcasting Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a proposal to modify § 73.3573(a)(1) of the Commission's Rules to permit the downgrading in an FM allotment to be effectuated by application. Currently, § 73.3573(a)(1) requires an applicant to file a petition for rule making to either upgrade or downgrade an FM allotment.

DATES: Comments must be filed on or before June 6, 1988, and reply comments on or before June 21, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-118, adopted March 11, 1988, and released April 15, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this document may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

This is a nonrestricted notice and comment rule making proceeding. See § 1.231 of the Commission's Rules.

This Notice includes an Initial Regulatory Flexibility Analysis (IRFA) which determined that this proposal will lessen the burden on stations by eliminating the requirement for a petition for rule making. The IRFA is subject to public comment.

This proposal has been analyzed with respect to the Paperwork Reduction Act of 1980 and found not to increase burden hours imposed upon the public.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-9112 Filed 4-25-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 680

[Docket No. 80471-8071]

Western Pacific Precious Corals

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

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement Amendment 1 to the Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region (FMP), adopted by the Western Pacific Fishery Management Council (Council) at its 61st meeting in Honolulu, Hawaii on February 25-26, 1988. Amendment 1 would (1) include the E.E.Z. around the U.S. Pacific island possessions as a combined single exploratory area with a 1,000 kg annual harvest quota for all species of precious corals combined, (2) expand the management unit species to include all precious coral in the genus *Corallium*, and establish an experimental fishing permit (EFP) under the FMP for fishing in exploratory areas. The intent of the amendment is to establish Council management authority over the full range of precious coral resources in the EEZ and encourage domestic exploratory fishing for precious coral under controlled conditions.

DATE: Written comments must be submitted on or before June 6, 1988.

ADDRESS: Send comments to E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. A copy of the amendment may be obtained by contacting the Western Pacific Fishery Management Council (Council), 1164 Bishop Street, Suite 1406, Honolulu, Hawaii 96813, 808/523-1368. Comments on the proposed information collections should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: Doyle E. Gates, Administrator, Western Pacific Program Office, 2570 Dole St., Room 106, Honolulu, Hawaii, 96822-2396, 808/955-8831.

SUPPLEMENTARY INFORMATION: The domestic and foreign fisheries for precious coral in the exclusive economic zone (EEZ) adjacent to the State of Hawaii and the territories of Guam and American Samoa are managed under the Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region (FMP). The FMP was developed by the Western Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act), approved by the Secretary of Commerce on May 20, 1980, and implemented September 29, 1983 (48 FR 39229; August 30, 1983).

U.S. Possessions

When the FMP was first approved in 1980, the jurisdiction of the Council, as defined by the Magnuson Act, did not extend to the EEZ around the U.S. possessions in the western Pacific. As such, the Precious Coral FMP management area included the EEZ around Hawaii, Guam, and American Samoa, only. With the passage of Public Law 97–453 in 1983, the Magnuson Act was amended to extend Council jurisdiction to the EEZ around the U.S. Pacific possessions.

Amendment 1 would formally incorporate the EEZ around the U.S. possessions into the FMP management area and create a new combined, single exploratory area (X–P–PI) for the U.S. possessions. The new exploratory area would have a 1,000 kg annual harvest quota for all species of precious corals combined. The areas affected by this action include the EEZ around Wake Island, Johnston Atoll, Kingman Reef and Palmyra Island, Jarvis Island, and Howland and Baker Islands. The management measures proposed for the possessions are consistent with the regulations currently in place for the other exploratory areas defined in the FMP.

Redefine the Management Unit Species

Amendment 1 proposes to expand the definition of precious coral covered under the FMP to include all species of the genus *Corallium*. The management unit species, as defined in the regulations, cover twelve species of coral, three of which are pink (or red) coral in the genus *Corallium*. The Council determined that this definition is unnecessarily restrictive in that it fails to recognize present taxonomic uncertainties that surround the recently discovered Midway deepsea coral (*Corallium* sp. nov.), and does not provide automatic FMP management authority in the event new species of *Corallium* precious corals are discovered in the EEZ. In order to circumvent these taxonomic problems, the Council proposes to expand the definition of precious coral to include all species of coral in the genus *Corallium*. Harvest quotas established for the exploratory areas remain unchanged. However, harvests of any new species of *Corallium* will count toward the established quotas.

Experimental Fishing Permit (EFP)

The original goal of the FMP was to obtain optimum yield from the precious coral fishery in the EEZ by striking a balance among several objectives. These objectives included, among others, (1) encouraging development of a domestic fishery for precious coral, (2) generating new information needed for resource management, and (3) preventing overfishing and wastage of the resource. That goal has not been achieved.

The original FMP established a harvest quota of 1,000 kg of precious coral for each of the three exploratory areas defined in the FMP. It was believed that a 1,000 kg quota would provide sufficient incentive to stimulate exploration and discovery of new coral beds.

Rather than stimulate exploratory fishing for precious coral, the 1,000 kg quota has proven to be too low to justify the financial investments required by domestic fishermen to explore for and harvest precious coral. As such, there has been no legal fishing for precious coral by domestic or foreign fishermen since the FMP first went into effect. Furthermore, the absence of domestic or foreign fishing has prevented the Council and NMFS from obtaining any new information on precious coral resources which could be used to refine the current management program. Neither State nor Federal fishery research budgets currently are able to finance a new research initiative focused on precious coral.

In order to address these problems, the Council has proposed the establishment of an experimental fishing permit (EFP). An EFP would allow fishermen to harvest precious coral in exploratory areas above current quota levels under tightly controlled conditions. Harvest quotas would be assigned on a case-by-case basis to each vessel fishing under an EEP at a level that would be more directly related to the cost of undertaking an exploratory fishing venture for precious coral and that would produce the type of scientific information needed to better manage the resource. An EFP application and review process is established which defines the application requirements, review criteria, and operating conditions which may be attached to an EFP in order to protect precious coral beds. An opportunity for public comment on EFP applications is provided. In addition, the Council will develop guidelines for its use in evaluating EFP applications and making recommendations to the Regional Director.

The Council recognizes the need to increase harvest quotas in order to stimulate domestic fishing and generate information needed for accurate resource assessment. However, because of limited information available on the size and reproductive condition of precious coral beds, the Council was reluctant to propose and unable to justify a permanent increase in harvest quotas. Controlled fishing under an EFP was the preferred alternative to accomplish these objectives. Information generated by vessels fishing under an EFP will allow the Council to develop future harvest quotas which are more in line with resource abundance.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Pub. L. 99–659, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 15 days of receipt of any amendment to an FMP. At this time, the Secretary has not determined that the FMP amendment that these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and the other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment as a part of the FMP amendment and initially determined that there will be no significant impact on the environment as a result of this rule.

The Under Secretary of NOAA determined that this is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The present action will not have a cumulative effect on the economy of $100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises are anticipated.

The Council prepared a regulatory impact review which concludes that this rule will have a positive impact on small business entities. Current FMP regulations and harvest quotas have effectively prevented any domestic fishing for precious coral, particularly in the Hawaii exploratory area. The proposed rule is expected to provide new harvesting opportunities for domestic fishermen.

This proposed rule is exempt from the review procedures of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 99–659, require the Secretary to publish this proposed rule 15 days after its receipt. The proposed

rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small businesses. Because there are no domestic vessels currently operating in the fishery, addition of the U.S. Pacific possessions and all species of *Corallium* under the FMP, will not have an impact on small businesses. The provision for an Experimental Fishing Permit system could have minor, but positive effects if small entities begin to participate in the fishery on a limited basis. As a result a regulatory flexibility analysis was not prepared.

This rule contains a collection of information requirements subject to the Paperwork Reduction Act. Information will be collected from interested persons applying for experimental fishing permits as required by the FMP. The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Act.

The Council has initially determined that the measures established in Amendment 1 are consistent to the maximum extent practicable with the approved coastal zone management programs of American Samoa, Guam, and Hawaii. Letters requesting concurrence with this finding have been forwarded to the responsible agency within each government.

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

List of Subjects in 50 CFR Part 680

Fisheries, Reporting and recordkeeping requirements.

Dated: April 20, 1988.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

Accordingly, 50 CFR Part 680 is proposed to be amended as follows:

PART 680—[AMENDED]

1. The authority citation for 50 CFR Part 680 continues to read as follows:

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

2. In § 680.1, paragraph (b) is revised to read as follows:

§ 680.1 Purpose and scope.

* * * * *

(b) These regulations govern fishing for precious coral by fishing vessels of the United States within the exclusive economic zone seaward of Hawaii, Guam, American Samoa, and the U.S. Pacific Island possessions in the western Pacific.

* * * * *

3. In § 680.2, the definition for *Fishery conservation zone* (FCZ) is removed and a new definition for *Exclusive economic zone* (EEZ) is added in alphabetical order, and the definitions of *Management area*, the introductory text of *Permit area*, and the introductory text of *Precious coral* are revised and paragraph (d)(4) is added to the definition of *Permit area* to read as follows:

§ 680.2 Definitions.

* * * * *

Exclusive economic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

* * * * *

Management area means the EEZ of the United States seaward of the State of Hawaii, the Territory of Guam, the Territory of American Samoa, and the U.S. possessions in the western Pacific.

* * * * *

Permit area is used to describe each precious coral bed in the management area. Each bed is designated by a permit area code and assigned to one of the following four categories:

* * * * *

(d) * * *

(4) Permit Area X–P–PI includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of the U.S. possessions in the western Pacific.

* * * * *

Precious coral means any coral of the genus *Corallium* in addition to the following species of corals:

* * * * *

4. In Subpart A of Part 680, a new § 680.10, *Experimental fishing permits (EFP)*, is added as follows:

§ 680.10 Experimental fishing permits (EFP).

(a) *General.* The Secretary may authorize the direct or incidental harvest of precious coral managed by the FMP which would otherwise be prohibited by this part. No experimental fishing may be conducted unless authorized by an experimental fishing permit (EFP) issued by the Secretary in accordance with the criteria and procedures specified in this section. EFP's will be issued without charge.

(b) *Application.* An applicant for an EFP must submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;

(4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;

(5) For each vessel to be covered by the EFP:

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage;

(vii) Gross tonnage;

(viii) Radio call sign;

(ix) Engine horsepower; and

(x) Approximate fish hold capacity.

(6) A description of the species (directed and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant. The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An application will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(c) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the **Federal Register** with a brief description of the

proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agency of the affected State.

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council, the U.S. Coast Guard, and the Director of the affected State fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered, and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (c)(2) of this section, or as soon as practicable thereafter, the Secretary will notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant has failed to disclose information or has made false statements as to any material fact, in connection with his or her application; or

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way; or

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the FMP; or

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The Secretary will publish a notice in the **Federal Register** announcing the decision to grant or deny an EFP. If the permit is granted, the **Federal Register** notice will describe the experimental fishing to be conducted under the EFP. The Secretary may attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to the following:

(i) The maximum amount of each species which can be harvested and landed during the term of the EFP, including trip limits, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP;

(iii) The time(s) and place(s) where experimental fishing may be conducted;

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operated under an EFP;

(vi) Data reporting requirements; and

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(d) *Duration.* The effective period of the permit will be specified by the Secretary in the terms of the EFP. An EFP may be renewed by following the application procedures in this section.

(e) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(f) *Transfer.* EFPs issued under this part are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(g) *Inspection.* Any EFP issued under this part must be carried aboard the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(h) *Surrender.* Upon issuance of an EFP the applicant must surrender to the Regional Director any permit to fish for precious coral that was issued under § 680.4 of this part.

(i) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, the provisions of Subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated under this Act, will be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP for enforcement reasons will be governed by 15 CFR Part 904 Subpart D.

(j) *Permit modification.* Where circumstances have changed such that a permittee desires to modify any term or condition of an EFP, the permittee must submit, to the Regional Director, a written request which provides full justification and supporting information for the proposed modification. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in paragraph (c) of this section. Modifications to an EFP which are of a technical nature, only, and do not affect the substance of the fishing activity authorized by the EFP may be approved by the Regional Director without the notice and consultation provided for in paragraphs (c) (1) and (2) of this section.

(k) *Appeals of administrative action.* (1) Except as provided in Subpart D of 15 CFR Part 904, an applicant for a permit or a permit holder may appeal the denial or conditioning of a permit under § 680.10 to the Assistant Administrator for Fisheries, NOAA. In order to be considered by the Assistant Administrator, such appeal must be in writing, must state the action(s) appealed, and the reasons therefor, and must be submitted within 30 days of the action(s) by the Regional Director. The appellant may request an informal hearing on the appeal.

(2) Upon receipt of an appeal authorized by this section, the Assistant Administrator may request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Assistant Administrator will decide the appeal in accordance with the criteria set out in 50 CFR Part 680 and Amendment 1 to the FMP, as appropriate, based upon information relative to the application on file at the NMFS and the Western Pacific Fishery Management Council and any additional information, the summary record kept of any hearing and the hearing officer's recommended decision, if any, as provided in paragraph (k)(3) of this section, and such other considerations as deemed appropriate. The Assistant Administrator will notify all interested persons of the decision, and the reason(s) therefor, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(3) If a hearing is requested or if the Assistant Administrator determines that one is appropriate, the Assistant Administrator may grant an informal hearing before a hearing officer designated for that purpose after first giving notice of the time, place and subject matter of the hearing in the **Federal Register.** A hearing will normally be held no later than 30 days following publication of the notice in the **Federal Register** unless the hearing officer extends the time for reasons deemed equitable. The appellant and, at the discretion of the hearing officer, other interested persons, may appear personally or by counsel at the hearing and submit such material and present such arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer will recommend in writing a decision to the Assistant Administrator.

(4) The Assistant Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Assistant Administrator will notify interested persons of the decision, and the reason(s) therefor, in writing within 30 days of receipt of the hearing officer's recommended decision. The Assistant Administrator's action will constitute final action for the agency for the purposes of the Administrative Procedure Act.

(5) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Assistant Administrator for good cause, either upon his or her own motion or upon written request from the appellant stating the reason(s) therefor.

(1) *Protected species.* Vessels fishing under an EFP are required to report any incidental take or fisheries interaction with protected species in the fishing logbook described in § 680.5. As required by that section, copies of logbook sheets must be submitted to the Regional Director within 3 days of arriving in port.

§ 680.21 [Amended]

5. In § 680.21, Table 1, the coral bed named "Hawaii, American Samoa, Guam" is revised to read as "Hawaii, American Samoa, Guam, U.S. Pacific Island possessions."

§§ 680.2, 680.4, 680.7, 680.21, and 680.25 [Amended]

6. In addition to the amendments set forth above, the initials "FCZ" are removed and the initials "EEZ" are added in their place in the following places: §§ 680.2, definition for Permit area, 680.4(k), 680.7(a)(12), 680.21(a) Table 1, footnote(c), and 680.25 (a) and (b).

[FR Doc. 88-9129 Filed 4-21-88; 2:20 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 53, No. 80
Tuesday, April 26, 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

Agricultural Marketing Service

Beef Promotion and Research; Certification and Nomination; Cattlemen's Beef Promotion and Research Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given that the United States Department of Agriculture's Agricultural Marketing Service (AMS) is accepting applications from State cattle producer organizations and beef importers for appointment to vacant positions on the Cattlemen's Beef Promotion and Research Board (Board). Organizations which have not previously been certified that are interested in submitting nominations must complete and submit an official application form to AMS. Previously certified organizations do not need to reapply. Notice is also given that vacancies will occur on the Board and that during a period to be established nominations will be accepted from eligible organizations and individual importers.

EFFECTIVE DATE: Applications for Certification must be received by close of business on May 27, 1988.

ADDRESS: Certification forms as well as copies of the certification and nomination procedures may be requested from Ralph L. Tapp, Chief; Marketing Programs and Procurement Branch; Livestock and Seed Division; Agricultural Marketing Service, USDA; Room 2610–S; P.O. Box 96456; Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, (202) 447–2650.

SUPPLEMENTARY INFORMATION: The Beef Promotion and Research Act of 1985, approved December 23, 1985, authorizes the implementation of a national Beef Promotion and Research Order. The Order, as published in the July 18, 1986, **Federal Register** (51 FR 26132), provides for the establishment of a Board. The Board consists of 108 cattle producers and 5 importers appointed by the Secretary. The duties and responsibilities of the Board are specified in the Order.

The Act and the Order provide that the Secretary shall either certify or otherwise determine the eligibility of State or importer organizations or associations to nominate members to the Board to ensure that nominees represent the interests of cattle producers and importers. Nominations for importer representatives may also be made by individuals who import cattle, beef, or beef products. Individual importers do not neet to be certified as eligible to submit nominations. When individual importers submit nominations, they must establish to the satisfaction of the Secretary that they are in fact importers of cattle, beef, or beef products, pursuant to § 1260.143(b)(2) of the Order (7 CFR 1260.143(b)(2)). Individual importers are encouraged to contact AMS at the above address to obtain further information concerning the nomination process, including the beginning and ending dates of the established nomination period and required nomination forms and biographical data sheets. Certification and nomination procedures were promulgated in the final rule, published in the April 4, 1986, **Federal Register** (51 FR 11557). Organizations which were certified in 1986 and 1987 to nominate members to the Board *do not* need to reapply for certification to nominate producers and importers for the existing vacancies.

The Act and the Order provide that the members of the Board shall serve for terms of three (3) years, except that members appointed to the initial Board shall serve, proportionately, for terms of 1, 2, and 3 years. The Order also requires USDA to announce when a Board vacancy does or will exist. Since the initial Board was appointed on August 4, 1986, there will be vacancies in those States or units whose producer or importer representatives were appointed to the initial Board for a 2-year term. The 36 vacancies by State or unit are as follows:

State or unit	Number of vacancies
Arizona	1
California	2
Colorado	1
Iowa	2
Kansas	2
Louisiana	1
Michigan	1
Minnesota	1
Mississippi	1
Missouri	1
Nebraska	2
Nevada	1
New Mexico	1
North Carolina	1
Oklahoma	1
South Carolina	1
South Dakota	2
Tennessee	1
Texas	4
Utah	1
West Virginia	1
Wisconsin	2
Wyoming	1
Mid-Atlantic (CT,DE,MD,NJ,RI)	1
Northeast (ME,MA,NH,VT)	1
Importers	2

Since there are no anticipated vacancies on the Board for the remaining States' positions, or for the positions of the Northwest unit, nominations will not be solicited from certified organizations or associations in those States or in the Northwest unit.

Uncertified, eligible producer organizations in all States that are interested in being certified as eligible to nominate cattle producers for appointment to the listed producer positions, must complete and submit an official "Application for Certification of Organization or Association," which must be received by close of business on May 27, 1988. Uncertified, eligible importer organizations that are interested in being certified as eligible to nominate importers for appointment to the listed importer positions must apply by the same date. Importers should not use the application form, but should provide the requested information by letter, as provided for in 7 CFR 1260.540(b). Applications from States or units without vacant positions on the Board and other applications received after May 27, 1988, will be considered for eligibility to nominate producers or importers for subsequent vacancies on the Board.

Only those organizations or associations which meet the criteria for certification of eligibility promulgated at

7 CFR 1260.530, which were published in 51 FR 11557, 11559 (April 4, 1986) are eligible for certification. Those criteria are:

(a) For State organizations or associations—

(1) Total paid membership must be comprised of at least a majority of cattle producers or represent at least a majority of cattle producers in a State or unit.

(2) Membership must represent a substantial number of producers who produce a substantial number of cattle in such State or unit.

(3) There must be a history of stability and permanency.

(4) There must be a primary or overriding purpose of promoting the economic welfare of cattle producers.

(b) For organizations or associations representing importers, the determination by the Secretary as to the eligibility of importer organizations or associations to nominate members to the Board shall be based on applications containing the following information—

(1) The number and type of members represented (i.e., beef, or cattle importers, etc.).

(2) Annual import volume in pounds of beef and beef products and/or the number of head of cattle.

(3) The stability and permanency of the importer organization or association.

(4) The number of years in existence.

(5) The names of the countries of origin for cattle, beef, or beef products imported.

All certified organizations and associations, including those which were previously certified in the States or units, having vacant positions on the Board will be notified simultaneously in writing of the beginning and ending dates of the established nomination period and will be provided with required nomination forms and biographical data sheets.

The names of qualified nominees received by the established due date will be submitted to the Secretary of Agriculture for consideration as appointees to the Board.

Done at Washington, DC, on: April 21, 1988.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 88-9151 Filed 4-25-88; 8:45 am]

BILLING CODE 3410-02-M

COMMISSION ON CIVIL RIGHTS

South Dakota Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the South Dakota Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 12:00 p.m. on May 20, 1988, at the Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, South Dakota 57102. The purpose of the meeting is to plan project activities for the new charter period and to discuss civil rights issues affecting the State of South Dakota.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Francis Whitebird or Philip Montez, Director of the Western Regional Division (213) 894-3437, (TDD 213/894-0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 18, 1988.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 88-9056 Filed 4-28-88; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Information Collections Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Western Pacific Precious Coral Experimental Permit.

Form Number: Agency—N/A; OMB—N/A.

Type of Request: New Collection.

Burden: 3 respondents; 3 reporting hours.

Needs and Uses: An experimental fishing permit system is being proposed for the Precious Corals Fishery of the Western Pacific Region. It is intended to increase the opportunities for domestic fishermen to harvest corals while continuing to protect the resource. Without the experimental permit procedure, the possibility of domestic utilization of this resource is reduced.

Affected Public: Individuals; businesses or other for-profit institutions; small businesses or organizations.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: John Griffen, 395-7340.

Agency: National Oceanic and Atmospheric Administration.

Title: Western Pacific Precious Coral Logbook.

Form Number: Agency—N/A; OMB—0648-0016.

Type of Request: Revision of a currently approved collection.

Burden: 3 respondents; 30 reporting hours.

Needs and Uses: Individuals holding permits to fish for precious corals in the western Pacific region are required to submit logbooks containing catch and effort information. The data will be used by the National Marine Fisheries Service to conduct stock assessments which will be used in making fishery management decisions.

Affected Public: Individuals; businesses or other for-profit institutions; small businesses or organizations.

Frequency: Daily when fishing.

Respondent's Obligation: Mandatory.

OMB Desk Officer: John Griffen, 395-7340.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: April 20, 1988.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

[FR Doc. 88-9085 Filed 4-25-88; 8:45 am]

BILLING CODE 3510-CW-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Felipe Beltran from an Objection by the Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

Felipe Beltran (Appellant) has filed a Notice of Appeal with the Secretary of Commerce under section 307(c)(3)(A) of

the Coastal Zone Management Act of 1972, 16 U.S.C. 1456 (c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H (1987). This appeal arises from an objection by the Puerto Rico Planning Board to the Appellant's consistency certification for U.S. Army Corps of Engineers-Application No. 87IAM-20990 for construction of a bulkhead with backfill and a boat ramp along the Bayamon River in Catano, Puerto Rico.

If the Appellant perfects the appeal by filing the supporting data and information required by the Department's implementing regulations, public comments will be solicited by a notice in the **Federal Register** and a local newspaper.

FOR ADDITIONAL INFORMATION CONTACT: Cynthia L. Mackey, Attorney/Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235, (202) 673-5200.

Date: April 20, 1988.

William E. Evans,

Under Secretary for Oceans and Atmosphere.

(Federal Domestic Assistant Catalog No. 11.419 Coastal Zone Management Program Assistance)

[FR Doc. 88-9124 Filed 4-25-88; 8:45 am]

BILLING CODE 3510-08-M

Coastal Zone Management; Federal Consistency Appeal by Angel Herrera From an Objection by the Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

Angel Herrera (Appellant) has filed a Notice of Appeal with the Secretary of Commerce under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H (1987). This appeal arises from an objection by the Puerto Rico Planning Board to the Appellant's consistency certification for U.S. Army Corps of Engineers Application No. 87IPM-21172 for the deposit of fill material to build new parking facilities in San Juan, Puerto Rico.

If the Appellant perfects the appeal by filing the supporting data and information required by the Department's implementing regulations, public comments will be solicited by a notice in the **Federal Register** and a local newspaper.

FOR ADDITIONAL INFORMATION CONTACT: Cynthia L. Mackey, Attorney/Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235, (202) 673-5200.

Date: April 20, 1988.

William E. Evans,

Under Secretary of Oceans and Atmosphere.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

[FR Doc. 88-9125 Filed 4-25-88; 8:45 am]

BILLING CODE 3510-08-M

Coastal Zone Management; Federal Consistency Appeal by Telecinco, Inc. From an Objection by the Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

Telecinco, Inc. (Appellant) has filed a Notice of Appeal with the Secretary of Commerce under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H (1987). This appeal arises from an objection by the Puerto Rico Planning Board to the Appellant's consistency certification for U.S. Army Corps of Engineers Application No. 87IPM-20854 for the filling of 0.5 acres of wetlands to develop residential plots near Joyuda Lagoon in Cabo Rojo, Puerto Rico.

If the Appellant perfects the appeal by filing the supporting data and information required by the Department's implementing regulations, public comments will be solicited by a notice in the **Federal Register** and a local newspaper.

FOR ADDITIONAL INFORMATION CONTACT: Cynthia L. Mackey, Attorney/Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235, (202) 673-5200.

Date: April 20, 1988.

William E. Evans,

Under Secretary for Oceans and Atmosphere.

(Federal Domestic Assistant Catalog No. 11.419 Coastal Zone Management Program Assistance)

[FR Doc. 88-9126 Filed 4-25-88; 8:45 am]

BILLING CODE 3510-08-M

Coastal Zone Management; Federal Consistency Appeal by Tip Top Associates From an Objection by the South Carolina Coastal Council

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

Tip Top Associates (Appellant) has filed a Notice of Appeal with the Secretary of Commerce under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H (1987). This appeal arises from an objection by the South Carolina Coastal Council to the Appellant's consistency certification for U.S. Army Corps of Engineers Application No. P/87-3B-351 for the filling of 0.74 acres of wetlands for the construction of a roadway over Cowford Creek in Horry County, South Carolina.

If the Appellant perfects the appeal by filing the supporting data and information required by the Department's implementing regulations, public comments will be solicited by a notice in the **Federal Register** and a local newspaper.

FOR ADDITIONAL INFORMATION CONTACT: Cynthia L. Mackey, Attorney/Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235, (202) 673-5200.

Date: April 20, 1988.

William E. Evans,

Under Secretary for Oceans and Atmosphere.

(Federal Domestic Assistant Catalog No. 11.419 Coastal Zone Management Program Assistance)

[FR Doc. 88-9127 Filed 4-25-88; 8:45 am]

BILLING CODE 3510-08-M

Coastal Zone Management; Federal Consistency Appeal by Claude A. White From an Objection by the South Carolina Coastal Council

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

Claude A. White (Appellant) has filed a Notice of Appeal with the Secretary of Commerce under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regualtions, 15 CFR Part 930, Subpart H (1987). This appeal arises from an objection by the South Carolina Coastal Council to the Appellant's consistency certification for U.S. Army Corps of Engineers Application No. P/N 87–SAC–26–87–794B for the filling of 0.34 acres of wetlands in order to make his property more marketable.

If the Appellant perfects the appeal by filing the supporting data and information required by the Department's implementing regulations, public comments will be solicited by a notice in the **Federal Register** and a local newspaper.

FOR ADDITIONAL INFORMATION CONTACT: Cynthia L. Mackey, Attorney/Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235, (202) 673–5200.

Date: April 20, 1988.

William E. Evans,

Under Secretary for Oceans and Atmosphere.

(Federal Domestic Assistant Catalog No. 11.419 Coastal Zone Mangement Program Assistance)

[FR Doc. 88–9128 Filed 4–25–88; 8:45 am]

BILLING CODE 3510–08–M

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council's Administrative Committee will convene a public meeting April 27–28, 1988, at the Council's office (address below).

On April 27 from 2 p.m. to approximately 5 p.m., the Committee will discuss a definition of overfishing, environmental/habitat problems, and issues related to the Committee's regular administrative operations. The public meeting will reconvene April 28 from 10 a.m. to noon, if necessary.

For further information contact the Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, PR 00918–2577; (809) 753–4926.

Dated: April 21, 1988.

Richard H. Schaefer,

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

[FR Doc. 88–9136 Filed 4–25–88; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Availability of DoD 5025.1–I, "DoD Directives System Annual Index"

ACTION: Notice.

SUMMARY: This notice is to inform the public and U.S. Government Agencies other than the Department of Defense of the availability of DoD 5025.1–I. The Index may be purchased from the following organizations:

National Technical Information (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, Telephone number (703) 487–4600.

OR

U.S. Naval Publications and Forms Center (NPFC), 5801 Tabor Avenue, Attention Code 1052, Philadelphia, Pennsylvania 19120–5099, Telephone number (215) 697–3321.

The NTIS accession number for the "DoD Directives System Annual Index," January 1988 edition, is PB88 189626; NPFC identifies it as DoD 5025.1–I.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Bynum, Correspondence and Directives Directorate, Directives Division, Room 2A286, the Pentagon, Washington, D.C. 20301–1155, telephone number (202) 697–4111.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 22, 1988.

[FR Doc. 88–9133 Filed 4–25–88; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation between the Government of the United States of America and the Government of Japan concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above-mentioned agreements involve approval of the following retransfers:

RTD/JA(EU)–39, for the retransfer of 441 kilograms of uranium enriched to 18.7 percent in the isotope uranium–235 from the Federal Republic of Germany to Japan for fabrication of fuel for the JOYO experimental breeder reactor.

RTD/JA(EU)–40, for the retransfer of 18.5 kilograms of uranium enriched to 27.02 percent in the isotope uranium–235 from the Federal Republic of Germany to Japan for fabrication of fuel for the JOYO experimental breeder reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: April 21, 1988.

Richard H. Williamson,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 88–9093 Filed 4–25–88; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/EW(SW)–78, for the transfer from Sweden to Belgonucleaire, Dessel, Belgium, of irradiated fuel segments containing 609

grams of uranium depleted in the isotope uranium-235 and 3 grams of plutonium for post-irradiation examination.

In accordance with Section 313 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: April 21, 1988.

Richard H. Williamson,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 88-9094 Filed 4-25-88; 8:45 am]

BILLING CODE 6450-01-M

Office of Civilian Radioactive Waste Management

Initial Version of a Study on Dry Cask Storage To Be Released for Public Comment

AGENCY: Office of Civilian Radioactive Waste Management, DOE.

ACTION: Notice of solicitation of comments.

SUMMARY: In accordance with the requirements of section 5064 of the Nuclear Waste Policy Amendments Act of 1987 (Pub. L. 100-203), the Department of Energy's (DOE) Office of Civilian Radioactive Waste Management (OCRWM) is preparing a report on the study and evaluation of the use of dry cask storage (and other technologies currently being considered) at reactor sites to meet the utility industry's spent nuclear fuel storage needs through the start of operation of a permanent geologic repository (year 2003). As part of this study, the OCRWM will solicit the views of State and local governments and the public on an initial version of the report which is intended to be released this summer. Those interested in commenting on the report should submit a request to the DOE contact listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Hartkopf, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, RW-32, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-2839.

SUPPLEMENTARY INFORMATION: Preparation of this study and evaluation has been initiated by the OCRWM. The completed report is intended to be submitted to the Congress by the statutory date of October 1, 1988.

Consistent with the guidance from Congress, the objectives of the study are:

1. To consider the costs of dry cask storage technology, the extent to which dry cask storage at reactor sites will affect human health and the environment, the extent to which storage at reactor sites affects the cost and risk of transporting spent nuclear fuel to a central facility such as a monitored retrievable storage facility, and any other factors that are considered appropriate.

2. To consider the extent to which amounts in the Nuclear Waste Fund can be used, and should be used, to provide funds to construct, operate, maintain, and safeguard spent nuclear fuel in dry cask storage at reactor sites.

3. To consult with the Nuclear Regulatory Commission and include its views in the report.

4. To solicit the views of State and local governments and the public.

This notice is intended to facilitate the participation of State and local governments and the public by informing them of the study and its objectives, and notifying them that an intitial version of the report will be available for their review and comment. A subsequent notice will be placed in the **Federal Register** to indicate that copies of the report are available and that the public comment period has begun. The initial version of the report is intended to be released during the summer of 1988.

After reviewing the comments received, the Department will make any necessary modiciations to the report before it is submitted to the Congress. Comments received before or during the public comment period will be included in a comment appendix to the report and, it time permits, a summary of comments may be included in the body of the report. Those interested in receiving a copy of the initial version of the report or submitting comments should write to the DOE contact listed above.

Issued in Washington, DC, April 20, 1988

Charles E. Kay,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 88-9157 Filed 4-25-88; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF DEFENSE

Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0800, Thursday, 19 May, 1988.

ADDRESS: The meeting will be held at the Naval Post Graduate School, Spanagel Hall, Room 101A, Monterey, California 93943.

FOR FURTHER INFORMATION CONTACT: Harold Summer, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II, 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Patricia H. Means

OSD Federal Register Liaison Officer, Department of Defense.

April 22, 1988.

[FR Doc. 88-9134 Filed 4-25-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Advanced Naval Warfare Concepts; Advisory Committee Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Advanced Naval Warfare Concepts will meet in a closed session on June 16, August 29-30, and September 22, 1988 at the Center for Naval Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Aquisition on scientific and

technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will examine advanced naval warfare concepts and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 22, 1988.

[FR Doc. 88–9135 Filed 4–25–88; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Science Board; 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.

Time: 0800–1700 hours, 11 May; 0800–1500 hours, 12 May.

Place: Fort Hood: Texas.

Agenda: The Army Science Board Ad Hoc Subgroup on Close Combat Training Strategy for the 1990's will meet for the purpose of observing how simulators/simulations are incorporated into the training of units and to discuss the utility of these devices with the commanders who use them. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88–9178 Filed 4–25–88; 8:45 am]

BILLING CODE 3710–08–M

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: 18–19 May 1988.

Time of Meetings: 0800–1500 hours, 18 May 1988; 0730–1600 hours, 19 May 1988.

Place: AVSCOM HQ, St. Louis, MO; and TRAC HQ, Ft. Leavenworth, KS.

Agenda: The Army Science Board Ad Hoc Subgroup for Army Analysis will meet for briefings at AVSCOM Hq to discuss the role of the PEO and PM in management of analyses to support the acquisition process. At TRAC Hq, briefings will be held to discuss the status of TRAC and study management in TRADOC. 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 and proprietary information to be discussed are so inextricably intertwined so as to preclude openng any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88–9105 Filed 4–25–88; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Secretary's Discretionary Program; Intent To Compromise Claim

AGENCY: Department of Education.

ACTION: Notice of intent to compromise claim.

SUMMARY: Notice is given that under section 452(f) of the General Provisions Act, 20 U.S.C. 1234a(f), the Secretary intends to compromise a claim against Western Kentucky University now pending before the Education Appeal Board, Docket No. 11(247)87.

DATE: Interested persons may comment on the proposed action on or before June 10, 1988.

ADDRESSES: Comments should be addressed to Jo-Ann Frey, General Attorney, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., FOB–6, Room 4122, Washington, DC 20202.

SUPPLEMENTARY INFORMATION: The claim in question was based on an April 30, 1987 Final Letter of Determination (FLD) which was issued by the Department of Education, Audit Resolution Section, Grants and Contracts Service. The Audit report on which the FLD was based on October 1, 1986 by an independent certified accounting firm. The audit covered the University's general funds and certain grants it administered for the period July 1, 1984 to June 30, 1985. The grant involved in this case is Grant No. G008303613, Kentucky Schools Technology Project, under the Secretary's Discretionary Program.

The April 30, 1987 FLD disallowed $40,864.00 as constituting program income applied against the grant's cost-sharing requirement in violation of regulatory requirements for grants under 34 CFR 74.42. Western Kentucky University timely appealed the disallowance to the Education Appeal Board by submitting an Application For Review dated May 29, 1987. The Education Appeal Board, by letter dated June 5, 1987, accepted Western Kentucky University's Application For Review and the case was docketed.

The Secretary proposes to compromise the $40,864.00 claim for $20,432.00 in satisfaction of all monetary findings in the audit relating to the Department of Education. The Secretary has determined that it would not be practical or in the public interest to continue this proceeding. Moreover, the Department of Education has been assured that the practices which resulted in the claim have been corrected and will not recur. This proposed compromise will not adversely affect any other audit proceeding pending before the Education Appeal Board.

FOR FURTHER INFORMATION: The public is invited to comment on the Secretary's intent to compromise this claim. Additional information may be obtained by writing to Jo-Ann Frey, General Attorney, Office of the General Counsel, at the address at the beginning of this Notice.

(20 U.S.C. 1234a(f))

Dated: April 20, 1988.

William J. Bennett,

Secretary of Education.

[FR Doc. 88–9130 Filed 4–25–88; 8:45 am]

BILLING CODE 4000–01–M

Office of Postsecondary Education

Invitation for Individuals Interested in Serving as Field Readers for the Graduate Assistance in Areas of National Need Program

AGENCY: Department of Education.

ACTION: Invitation for Individuals Interested in Serving as Field Readers for the Graduate Assistance in Areas of National Need Program.

SUMMARY: The Assistant Secretary for Postsecondary Education invites interested individuals to apply to serve as field readers for the Graduate Assistance in Areas of National Need Program. This new program, to be administered by the Office of Postsecondary Education, provides assistance for fellowship programs to assist, through academic departments and programs of institutions of higher education, students of superior ability who demonstrate financial need. Fellowships are awarded in areas of national need. Field readers are sought with expertise in the following areas of national need: Mathematics, biology, physics, chemistry, engineering, geosciences, computer science, and foreign languages and area studies.

The Secretary will select readers who have expertise in these designated areas of national need to evaluate grant applications submitted to the Department by institutions of higher education for funding to provide assistance to graduate students. The selection criteria are found in the Education Department General Administrative Regulations at 34 CFR 75.210 published in the **Federal Register** on July 24, 1987 (52 FR 27801). Selection of qualified individuals is based on the experience and qualifications of prospective field readers in the national need areas. Individuals interested in serving as field readers for the fiscal year 1988 should mail their resumes, including social security number, immediately to the address below.

FOR FURTHER INFORMATION CONTACT: Dr. Allen P. Cissell, National Needs Program, U.S. Department of Education, ROB#3, MS 3327, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone (202) 732–4415.

Program Authority: 20 U.S.C. 11341–11340.

(Catalog of Federal Domestic Assistance Program No. 84.200)

Dated: April 13, 1988.

Kenneth D. Whitehead,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 88–9131 Filed 4–25–88; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Agency Information Administration, DOE.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (12) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Carole Patton, Office of Statistical Standards (EI–70), Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2222.

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this Notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084.

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–512
3. 1902–0073
4. Application for Preliminary Permit
5. Extension
6. On occasion
7. Mandatory
8. Businesses or other for profit, Individuals or households, State or local governments, Non-profit institutions, Small businesses or organizations
9. 600 respondents
10. 600 responses
11. 46,200 hours
12. The purpose of the FERC 512 is to carry out the requirements of 4F, 5 and 7 of the Federal Power Act. Those sections direct the Commission to issue preliminary permits to maintain priority application for a license while the permittee makes feasibility studies and preliminary application data collections.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790a).

Issued in Washington, DC April 19, 1988.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 88–9095 Filed 4–25–88; 8:45 am]

BILLING CODE 6450–01–M

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for clearance to the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) the sponsor of the collection (the DOE component or

Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (12) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Carole Patton, Office of Statistical Standards (EI–70), Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2222.

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this Notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084.

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–515
3. 1902–0079
4. Hydropower License—Declaration of Intention
5. Extension
6. On Occasion
7. Mandatory
8. Businesses or other for profit, Individuals or households, State or local governments, Non-profit institutions, Small businesses or organizations
9. 3 respondents
10. 3 responses
11. 240 hours
12. To carry out the requirements of Part I, Section 23(b) of the Federal Power Act, the Declaration of Intention is filed by a prospective hydropower developer on a stream other than defined as U.S. jurisdictional waters, thereby causing the Commission to establish whether or not it has jurisdiction over the proposed project.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), and 790(a).

Issued in Washington, DC, April 20, 1988.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 88–9096 Filed 4–25–88; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 10198–000]

Pelican Utility Co.; Availability of Environmental Assessment

April 20, 1988

In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for license filed by Pelican Utility Company for the Pelican Hydroelectric Project located in Alaska, on Pelican Creek near the city of Pelican, and has prepared an environmental assessment (EA). In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigation measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NW., Washington DC 20426 or call (202) 357–8118 for further information.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–9088 Filed 4–25–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. C184–17–001 et al.]

Texaco Producing Inc., et al.; Applications for Abandonment of Service and to Amend Certificates[1]

April 21, 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 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 9, 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
CI84–17–001, D, Apr. 11, 1988	Texaco Producing Inc., P.O. Box 52332, Houston, TX 77052.	El Paso Natural Gas Company, Sprayberry Trend Field, Glasscock County, TX.	(1)
CI88–402–000 (G–17563), B, Apr. 7, 1988.	Mobil Exploration & Producing North America Inc., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	Transcontinental Gas Pipe Line Corporation, Sorrento Field, Ascension Parish, LA.	(2)

Docket No. and date filed	Applicant	Purchaser and location	Description
CI88-403-000 (CI76-139), B, Apr. 11, 1988.	Mesa Operating Limited Partnership, P.O. Box 2009, Amarillo, TX 79189-2009.	Northern Natural Gas Company, Division of Enron Corp. Certain acreage in Buffalow Wallow Field (Granite Wash), Hemphill County, TX.	(3)
CI88-404-000 (CI76-387), B, Apr. 11, 1988.	do	Transwestern Pipeline Company, Red Hills Federal #1 well, Sec. 6-T26S-R33E, N.M.P.M., Wildcat Field, Lea County, NM.	(3)
CI88-405-000 (CI76-131), B, Apr. 11, 1988.	do	Panhandle Eastern Pipe Line Company, Buffalow Wallow Field (Granite Wash), Hemphill, County, TX.	(3)
CI88-406-000 (CI77-177), B, Apr. 11, 1988.	do	El Paso Natural Gas Company, Mesa Grande #1 well, Sec. 11-T22S-R26E and Mesa Fuerte #1 Well, Sec. 33-T21S-R26E, Morrow Field, Eddy County, NM.	(3)
CI88-407-000 (CI62-494), B, Apr. 11, 1988.	do	Northern Natural Gas Company, Division of Enron Corp., Certain acreage in Snake Creek Field, Clark County, KS.	(3)
CI88-408-000 (CI62-908)	do	Northern Natural Gas Company, Division of Enron Corp., Folks well, Sec. 16-T33S-R21W, Harper Ranch Field, Harper County, KS.	(3)
CI88-409-000 (CI63-159), B, Apr. 11, 1988.	do	Northern Natural Gas Company, Division of Enron Corp., Harden #1 well, Sec. 32-T34S-R25W, McKinney Field, Clark County, KS.	(3)
CI88-410-000 (CI62-477), B, Apr. 11, 1988.	do	Northern Natural Gas Company, Division of Enron Corp., Seward & Stevens Counties, KS.	(3)
CI88-412-000 (CI75-521), B, Apr. 11, 1988.	do	Williams Natural Gas Company, McDonald #1-18 well, Sec. 18-T35S-R33W & Sec. 17-T35S-R33W, Kan-Oak Field, Seward County, KS.	(3)
CI88-413-000 (CI79-436), B, Apr. 11, 1988.	do	Lone Star Gas Company, a Division of ENSERCH Corporation, Katie West Field, Sec. 11-T1N-R2W, Golden Trend Field, Garvin County, Oklahoma.	(3)
CI88-414-000 (CI79-436), B, Apr. 11, 1988.	do	Lone Star Gas Company, Division of ENSERCH Corporation, Katie West Field, Sec. 2-T1N-R2W, Golden Trend Field, Garvin County, Oklahoma.	(3)
CI88-415-000 (G-7663), B, Apr. 11, 1988.	do	Lone Star Gas Company, Division of ENSERCH Corporation, Katie West Field, Sec. 2-T1N-R2W, Golden Trend Field, Garvin County, Oklahoma.	(3)
CI88-416-000 (CI61-1361), B, Apr. 11, 1988.	do	Pandhandle Eastern Pipe Line Company Certain acreage in Carthage Field, Texas County, Oklahoma.	(3)
CI88-417-000 (CI64-1440), B, Apr. 11, 1988.	do	Horizon Oil & Gas Company, Dodson #1 and #2 wells, SW/4 Sec. 134, Blk. 4T, T&NO, RR Co. Survey, Horizon Field, Ochiltree County, TX.	(3)
CI88-418-000 (CI84-315-000), B, Apr. 11, 1988.	do	ANR Pipeline Company, Gerloff #1 well, Sec. 27-T27N-R18W, Freedom NW Field, Woods County, OK.	(3)
CI88-419-000 (CI78-66), (CI78-67), (CI78-68), B, Apr. 11, 1988.	Exxon Corporation, P.O. Box 2180, Houston, TX 77252-2180.	Natural Gas Pipeline Company of America, High Island Blocks A-337, A-342 and A-343, Offshore Texas.	(4)
CI88-420-000 (CI72-111), B, Apr. 11, 1988.	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, CA, 94120-7309.	Transcontinental Gas Pipe Line Corporation, Lake Decade East Field, Terrebonne Parrish, LA.	(5)

[1] Effective 1-1-88, TPI assigned to John L. Cox its rights to the SW/4 of Section 27, Bock 36, T-4-S, T&P RR Co. Survey, Glasscock County, Texas from the surface to 8,632 feet subsurface.
[2] Certain acreage is depleted and other acreage was assigned to Liberty Oil and Gas Corporation by assignment, effective 5-15-79.
[3] Effective 9-1-85, Mesa Operating Limited Partnership assigned certain acreage to Kaiser-Francis Oil Company.
[4] There has been no production from the field since 7-12-87, and Exxon has advised the Minerals Management Service that it has relinquished the applicable leases.
[5] Effective 10-15-86, Chevron assigned certain acreage to Bois D'Arc Resources.
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. 88-9138 Filed 4-25-88; 8:45 am]
BILLING CODE 6717-01-M

[Project Nos. 6761-003 et al.]

Blackfeet Indian Nation et al.; Surrender of Preliminary Permits and Exemptions

Take notice that the following preliminary permits/exemptions have been surrendered effective as described in Standard Paragraph I at the end of this notice.

[Project No. 6761-003]

1. Blackfeet Indian Nation

April 19, 1988.

Take notice that the Blackfeet Indian Nation, Permittee for the proposed Lake Sherburne Project No. 6761, requested by letter filed January 4, 1988 that its preliminary permit be terminated. The Permittee states that a preliminary study found that the project would not be economically feasible to develop at this time.

[Project No. 6812-003]

2. Sheep Creek Irrigation Company

April 20, 1988.

Take notice that Sheep Creek Irrigation Company exemptee for the proposed Sheep Creek Hydro Project No. 6812, requested by letter dated March 10, 1988, that its exemption be terminated. The exemption was issued on November 15, 1985. The project would have been located on Sheep Creek in Daggett County, Utah. No construction has been undertaken.

The exemptee filed the request on March 14, 1988,

[Project No. 4734-003]

3. Marin Municipal Water District

April 20, 1988.

Take notice that Marin Municipal District, exemptee for the proposed Alpine Lake Project No. 4734, requested by letter filed February 25, 1988, that its exemption be terminated. The exemption was issued on April 2, 1984. The project would have been located on Lagunitas Creek near Fairfax in Marin County, California. No construction has been undertaken.

[Project No. 10233-001, Oregon]

Klamath Hydroelectric Company

April 20, 1988.

Take notice that Klamath Hydroelectric Company, permittee for the Klamath Pumped Storage Project, has requested that its preliminary permit be terminated. The preliminary permit was issued August 3, 1987, and would have expired on July 31, 1990. The project would have been located on the U.S. Bureau of Reclamation irrigation canal in Klamath County, Oregon, near the town of Malin.

The permittee filed the request on February 17,

Standard Paragraph

I. The preliminary permit/exemption shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-9089 Filed 4-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-44-001]

Commercial Pipeline Co., Inc.; PGA Filing

April 21, 1988.

Take notice that on April 15, 1988, Commercial Pipeline Co., Inc., ("Commercial") tendered for filing its Substitute Fifty-third Revised Sheet No. 3A, superseding Fifty-Second Revised Sheet No. 3A reflecting Purchased Gas Adjustment and Total Rate as shown below:

	Current adjustment	Cumulative adjustment	Surcharge adjustment	Total rate
(Base)	.4550	1.0637	1.4704	5.1365
(Excess)	.4797	1.0819	1.4704	5.2661

Commercial states that this filing reflects adjustments in its purchased gas cost to provide for the tracking of a corresponding PGA adjustment by Commercial's supplier, Williams Natural Gas Company. The filing also reflects surcharge adjustments in accordance with Commercial's PGA. This filing is made as a substitute to the filing of March 31, 1988.

Commercial, to the extent necessary, requests waiver of the Commission's regulations to permit Substitute Fifty-third Revised Sheet No. 3A to be effective May 1, 1988.

Copies of the filings were served on Commercial's FERC jurisdictional customer, the Kansas Corporation Commission and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 28, 1988. Protestants 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. 88-9137 Filed 4-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

April 20, 1988.

Take notice that on April 14, 1988, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission Fifth Substitute Twenty-Fifth Revised Sheet No. 7 in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates for effectiveness April 1, 1988.

According to Granite State, the proposed rate changes are applicable to the jurisdictional sales services rendered to Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities). Granite State further states that the rate changes are made to track changes in suppliers' rates that have occurred since it filed its latest purchased gas cost adjustment, effective January 1, 1988. Granite State states that the proposed rates reflect a reduction in its Boundary Gas, Inc. purchases, effective April 1, 1988, a change in Tennessee Gas Pipeline Company's Rate Schedule CD-6 rate previously tracked and a substantial volume of spot market purchases. According to Granite State its revised purchased gas costs and rates result in an annual reduction of $11,542,000 in the rates for sales to Bay State and an annual reduction of $2,231,000 in the rates for sales to Northern Utilities.

Granite State further states that copies of its filing were served upon its customers, Bay State and Northern Utilities, and the regulatory commissions of the States of Maine and Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-9090 Filed 4-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM88-1-8-001]

South Georgia Natural Gas Co.; Filing

April 20, 1988.

Take notice that on April 11, 1988, South Georgia Natural Gas Company (South Georgia) tendered for filing Eleventh Revised Sheet No. 76 and Eleventh Revised Sheet No. 106, to its FERC Gas Tariff, First Revised Volume No. 2, to be effective April 1, 1988.

South Georgia states that on April 7, 1988, South Georgia made a tariff filing implementing reduced charges for storage transportation services provided for Water, Gas and Light Commission of the City of Albany, Georgia, and Atlanta Gas Light Company. South Georgia states that the April 7 filing inadvertently omitted a footnote which the Commission had previously authorized with respect to such services. South Georgia requests that these corrected tariff sheets be substituted for the sheets filed on April 7, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1987)). All such motions or protests should be filed on or before April 28, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-9091 Filed 4-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-27-005 and RP85-209-014]

United Gas Pipe Line Co.; Tariff Filing

April 21, 1988

Take notice that on April 15, 1988 United Gas Pipe Line Company (United) tendered for filing revised tariff sheets, to its FERC Gas Tariff, First Revised Volume No. 1, and workpapers and schedules related thereto, as follows:

Substitute Revised Original Sheet No. 4-G1
Substitute Revised Original Sheet No. 4-H
Substitute Revised Original Sheet No. 4-I
Substitute Revised Original Sheet No. 4-J
Substitute Revised Original Sheet No. 4-K
Alternate Substitute Revised Original Sheet No. 4-G1
Alternate Substitute Revised Original Sheet No. 4-H
Alternate Substitute Revised Original Sheet No. 4-I
Alternate Substitute Revised Original Sheet No. 4-J
Alternate Substitute Revised Original Sheet No. 4-K

United States that this filing is made pursuant to Ordering Paragraph (B) of the Order of the Federal Energy Regulatory Commission (Commission) issued in Docket Nos. RP88-27 & RP85-209 on April 6, 1988.

United States that the filing amends its Feb. 1, 1988 filing to reflect the allocation of take-or-pay costs to its non-jurisdictional customers on the same cumulative deficiency basis which it utilized to allocate costs among its jurisdictional customers in its Nov. 17, 1987 filing. Additionally, United states that the "capping adjustment" utilized in the Nov. 17, 1987 and February 1, 1988 filing has been corrected in this filing to reflect the use of an average Maximum Daily Quantity (MDQ) applicable during the deficiency period. An alternative proposal which reflects use of actual volumes, with no "capping adjustment" for MDQ reductions, is also included for the Commission's consideration.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20046, on or before April 28, 1988, and in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Such motion 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 desiring 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. 88-9139 Filed 4-25-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3369-3]

Cancellation of the Cincinnati Public Hearing on Report to Congress on Wastes From the Combustion of Coal by Electric Utility Power Plants

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of Cancellation of Public Hearing.

SUMMARY: The Environmental Protection Agency (EPA) is cancelling the April 28, 1988, public hearing in Cincinnati, Ohio, on the Report to Congress on Wastes from the Combustion of Coal by Electric Utility Power Plants. The reason for this cancellation is due to lack of interest. This hearing was originally announced in the Federal Register (53 FR 9976) on Monday, March 28, 1988. However, EPA will be conducting its scheduled public hearing on the report in Denver, Colorado.

DATE: EPA will conduct one public hearing on this report: April 26, 1988 in Denver, Colorado. Registration for the hearing will begin at 8:00 a.m. The hearing will begin at 9:00 a.m. and will end at approximately 5:00 p.m..

ADDRESSES: The location of the public hearing is: The Regency, 3900 Elati Street, Denver, Colorado 80216.

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline (800) 424-9346 or (202) 382-3000. For technical information, contact Mr. Patrick Pesacreta at (202) 382-7915.

Dated: April 20, 1988.

Sylvia K. Lowrance,

Director, Office of Solid Waste.

[FR Doc. 88-9070 Filed 4-25-88; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51703; FRL-3370-2]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of two hundred seventy-three such PMNs and provides a summary of each.

DATES: Close of Review Periods:

P 88-668, 88-669, 88-670, 88-671, 88-675, 88-676, 88-677, 88-678, 88-679, 88-680, 88-682, 88-683, 88-684, 88-685, 88-686, 88-687, 88-688—April 27, 1988.

P 88-690, 88-691, 88-692, 88-693, 88-694, 88-695, 88-696, 88-697, 88-698, 88-699, 88-700, 88-701, 88-702—April 30, 1988.

P 88-703, 88-704, 88-705, 88-706, 88-707, 88-708, 88-709, 88-710, 88-711, 88-712, 88-713, 88-714, 88-715, 88-716, 88-717, 88-718, 88-720, 88-721, 88-722, 88-723, 88-724, and 88-725—May 1, 1988.

P 88-726, 88-727, 88-728, 88-729, 88-730, 88-731, 88-732, 88-733, 88-734, 88-735, 88-736, 88-737, 88-738, 88-739, 88-742, 88-743, 88-744, 88-745, 88-746, 88-747, 88-748, 88-749, and 88-750—May 2, 1988.

P 88-751, 88-752, 88-753, 88-754, 88-755, 88-756, and 88-757—May 3, 1988.

P 88-758, 88-759, 88-760, 88-761, 88-762, 88-763, and 88-764—May 4, 1988.

P 88-765, 88-766, 88-767, 88-768, 88-769, 88-770, 88-771, 88-772, 88-773, 88-

774, 88-775, 88-776, 88-777, 88-778—May 7, 1988.

P 88-779—May 8, 1988.

P 88-780, 88-781, 88-782—May 7, 1988.

P 88-783, 88-784, 88-785, 88-786—May 8, 1988.

P 88-787—May 7, 1988.

P 88-788, 88-789, 88-790, 88-791—May 8, 1988.

P 88-792, 88-793, 88-794, 88-795, 88-796, 88-797—May 9, 1988.

P 88-798—May 10, 1988.

P 88-800, 88-801, 88-802, 88-803, 88-804, 88-805, 88-806—May 11, 1988.

P 88-807, 88-808—May 15, 1988.

P 88-809, 88-810—May 16, 1988.

P 88-811—May 17, 1988.

P 88-812, 88-813, 88-814, 88-815, 88-818, 88-819, 88-820, 88-821, 88-822, 88-823, 88-824, 88-825, 88-826, 88-828, 88-829, 88-830, 88-831—May 16, 1988.

P 88-833, 88-834, 88-835, 88-836, 88-837, 88-838—May 17, 1988.

P 88-841, 88-842, 88-843, 88-844, 88-845, 88-846, 88-848, 88-849, 88-851—May 18, 1988.

P 88-852, 88-853, 88-854, 88-855, 88-856, 88-857, 88-858, 88-859, 88-860, 88-861, 88-862, 88-863—May 21, 1988.

P 88-864, 88-865, 88-866, 88-867, 88-868, 88-869, 88-870, 88-871, 88-872, 88-873, 88-874, 88-875, 88-876, 88-878, 88-879, 88-880, 88-881, 88-882, 88-883—May 22, 1988.

P 88-884, 88-886, 88-887, 88-888, 88-889, 88-890, 88-891—May 23, 1988.

P 88-892, 88-893, 88-894—May 24, 1988.

P 88-895, 88-896, 88-897—May 25, 1988.

P 88-898, 88-899, 88-900, 88-901, 88-902, 88-903, 88-904—May 28, 1988.

P 88-905, 88-906, 88-907, 88-908, 88-909, and 88-910—May 29, 1988.

P 88-912, 88-913, 88-914, 88-915, 88-916, 88-917—May 30, 1988.

P 88-918—May 25, 1988.

P 88-919, 88-920, 88-921, 88-922, 88-923, 88-924, 88-925, 88-926, 88-927, 88-928, 88-929, 88-930, 88-931, 88-932, 88-933, 88-934—May 31, 1988.

P 88-935, 88-936, 88-937, 88-938, 88-939, 88-940, 88-941, and 88-942—June 1, 1988.

P 88-943, 88-944, 88-945, 88-946, 88-947—June 4, 1988.

P 88-948, 88-949, 88-950, 88-951, 88-952, 88-953, 88-954, 88-955, 88-956, 88-957, 88-958, 88-959, 88-960—June 5, 1988.

Written comments by:

P 88-668, 88-669, 88-670, 88-671, 88-675, 88-676, 88-677, 88-678, 88-679, 88-680, 88-682, 88-683, 88-684, 88-685, 88-686, 88-687, 88-688—March 28, 1988.

P 88-690, 88-691, 88-692, 88-693, 88-694, 88-695, 88-696, 88-697, 88-698, 88-699, 88-700, 88-701, 88-702—March 31, 1988.

P 88-703, 88-704, 88-705, 88-706, 88-707, 88-708, 88-709, 88-710, 88-711, 88-712, 88-713, 88-714, 88-715, 88-716, 88-717, 88-718, 88-720, 88-721, 88-722, 88-723, 88-724, 88-725—April 1, 1988.

P 88-726, 88-727, 88-728, 88-729, 88-730, 88-731, 88-732, 88-733, 88-734, 88-735, 88-736, 88-737, 88-738, 88-739, 88-742, 88-743, 88-744, 88-745, 88-746, 88-747, 88-748, 88-749, 88-750—April 2, 1988.

P 88-751, 88-752, 88-753, 88-754, 88-755, 88-756, 88-757—April 3, 1988.

P 88-758, 88-759, 88-760, 88-761, 88-762, 88-763, 88-764—April 4, 1988.

P 88-765, 88-766, 88-767, 88-768, 88-769, 88-770, 88-771, 88-772, 88-773, 88-774, 88-775, 88-776, 88-777, 88-778—April 7, 1988.

P 88-779—April 8, 1988.

P 88-780, 88-781, 88-782—April 7, 1988.

P 88-783, 88-784, 88-785, 88-786—April 8, 1988.

P 88-787—April 7, 1988.

P 88-788, 88-789, 88-790, 88-791—April 8, 1988.

P 88-792, 88-793, 88-794, 88-795, 88-796, 88-797—April 9, 1988.

P 88-798—April 10, 1988.

P 88-800, 88-801, 88-802, 88-803, 88-804, 88-805, 88-806—April 11, 1988.

P 88-807, 88-808—April 15, 1988.

P 88-809, 88-810—April 16, 1988.

P 88-811—April 17, 1988.

P 88-812, 88-813, 88-814, 88-815, 88-818, 88-819, 88-820, 88-821, 88-822, 88-823, 88-824, 88-825, 88-826, 88-828, 88-829, 88-830, 88-831—April 16, 1988.

P 88-833, 88-834, 88-835, 88-836, 88-837, 88-838—April 17, 1988.

P 88-841, 88-842, 88-843, 88-844, 88-845, 88-846, 88-848, 88-849, 88-851—April 18, 1988.

P 88-852, 88-853, 88-854, 88-855, 88-856, 88-857, 88-858, 88-859, 88-860, 88-861, 88-862, 88-863—April 21, 1988.

P 88-864, 88-865, 88-866, 88-867, 88-868, 88-869, 88-870, 88-871, 88-872, 88-873, 88-874, 88-875, 88-876, 88-878, 88-879, 88-800, 88-881, 88-882, 88-883—April 22, 1988.

P 88-884, 88-886, 88-887, 88-888, 88-889, 88-890, 88-891—April 23, 1988.

P 88-892, 88-893, 88-894—April 24, 1988.

P 88-895, 88-896, 88-897—April 25, 1988.

P 88-898, 88-899, 88-900, 88-901, 88-902, 88-903, 88-904—April 28, 1988.

P 88-905, 88-906, 88-907, 88-908, 88-909, 88-910—April 29, 1988.

P 88-912, 88-913, 88-914, 88-915, 88-916, 88-917—April 30, 1988.

P 88-918—April 25, 1988.

P 88-919, 88-920, 88-921, 88-922, 88-923, 88-924, 88-925, 88-926, 88-927, 88-928, 88-929, 88-930, 88-931, 88-932, 88-933, 88-934—May 1, 1988.

P 88-935, 88-936, 88-937, 88-938, 88-939, 88-940, 88-941, 88-942—May 2, 1988.

P 88-943, 88-944, 88-945, 88-946, 88-947—May 5, 1988.

P 88-948, 88-949, 88-950, 88-951, 88-952, 88-953, 88-954, 88-955, 88-956, 88-957, 88-958, 88-959, 88-960—May 6, 1988.

ADDRESS: Written comments, identified by the document control number "(OPTS-51703)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 88-668

Manufacturer. Westinghouse Electric Corporation.

Chemical. (S) Melamine: formaldehyde; methyl glucoside; 2-propanol, l-amino, reaction products with melamine; o, p toluene sulfonamide; n, n diethylethanolamine; magnesium bromide.

Use/Production. (S) Thermosetting resin for laminated plastics. Prod. range: 10,000,000-15,000,000 kg/yr.

P 88-669

Manufacturer. Westinghouse Electric Corporation.

Chemical. (S) Melamine; formaldehyde; methyl glucoside, tris (2-hydroxyethyl) isocyanurate; toluene sulfonamide; n,n diethylethanolamine; magnesium bromide.

Use/Production: (S) Thermosetting resin. Prod. range: 15,000,000 kg/yr.

P 88-670

Manufacturer. Confidential.

Chemical. (G) Polyurethane elastomer.

Use/Production. (G) Nondispersive adhesive. Prod. range: Confidential.

P 88-671

Manufacturer. Confidential.

Chemical. (G) Chlorinated alkyl phosphate ester.
Use/Production. (S) Flame retardant. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >464 mg/kg, species (rat). Acute dermal toxicity: LD50 3160 mg/kg, species (rabbit). Inhalation toxicity: LC50 0.4 mg/L, species (rat).

P 88-675

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organosilane.
Use/Import. (S) Additive for rubber component. Import range: 500–899 kg/yr.

P 88-676

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organic salt
Use/Import. (S) Curing catalyst. Import range: 200–300 kg/yr.

P 88-677

Importer. Shin-Etsu silicones of America, Inc.
Chemical. (G) Organoborate.
Use/Import. (S) Curing catalyst. Import range: 25–100 kg/yr.

P 88-678

Manufacturer. Schnee-Morehead, Inc.
Chemical. (G) Trialkoxy silane derivative.
Use/Production. (S) Adhesion promoter. Prod. range: Confidential.

P 88-679

Manufacturer. Schnee-Morehead, Inc.
Chemical. (G) Trialkoxy silane derivative.
Use/Production. (S) Adhesion promotor. Prod. range: Confidential.

P 88-680

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organopolysiloxane.
Use/Import. (S) Varnish. Import range: 1,000–1,500 kg/yr.

P 88-682

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organosiloxane.
Use/Import. (S) Varnish. Import range: 1,000–2,000 kg/yr.

P 88-683

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organopolysiloxane.
Use/Import. (S) Textile finishing agent. Import range: 1,000–1,500 kg/yr.

P 88-864

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organopolysiloxane.
Use/Import. (S) Additive for plastic compounds. Import range: 600–700 kg/yr.

P 88-685

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organosiloxane.
Use/Import. (S) Additive for silicone rubber compounds. Import range: 400–800 kg/yr.

P 88-686

Importer. Shin-Etsu Silicones of America, Inc.
Chemical. (G) Organosiloxane.
Use/Import. (S) Textile finishing agent. Import range: 2,000–3,000 kg/yr.

P 88-687

Manufacturer. Confidential.
Chemical. (G) Aliphatic aromatic polyamine.
Use/Production. (G) Polymer for industrial coatings. Prod. range: 750–590,000 kg/yr.

P 88-688

Importer. Confidential.
Chemical. (G) Benzene, ethenyl-, polymer with siloxane and silicones, di-me.
Use/Import. (G) Coating additive. Import range: Confidential.

P 88-690

Manufacturer. Dynamite Nobel Chemicals.
Chemical. (G) Vinylacrylic, vinylheterocycle, vinylalkoxysilane, vinylhaloacrylate copolymer, alkenate modified.
Use/Production. (G) Additive in component polymers. Prod. range: Confidential.

P 88-691

Importer. Confidential.
Chemical. (G) Nonylphenol capped polyurethane prepolymer.
Use/Import. (G) Coatings and adhesives for open, nondispersive use. Import range: Confidential.

P 88-692

Manufacturer. Confidential.
Chemical. (G) Hydroxyphenyl-alkoxyphenylsulfone.
Use/Production. (S) Color developer. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >56 kg/yr, species (rat). Eye irritation: None, species (rabbit). Skin irritation: Negligible, species (rabbit). Mutagenicity: Negative. Skin sensitization: Negative, species (guinea pig).

P 88-693

Manufacturer. Confidential.
Chemical. (G) Substitutedamino hydroxy naphalenesulfonic acid, salt.
Use/Production. (S) Intermediate. Prod. range: Confidential.

P 88-694

Manufacturer. Confidential.
Chemical. (G) Copper phthalocyamine, sulfonated salts.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 88-695

Importer. BASF Structural Materials, Inc.
Chemical. (G) Substituted polysiloxane.
Use/Import. (G) Treatment for fibers. Import range: Confidential.

P 88-696

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Coating. Prod. range: Confidential.

P 88-697

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (S) Coating. Prod. range: Confidential.

P 88-698

Manufacturer. Eastman Kodak Company.
Chemical. (G) Silicone blocked copolymer.
Use/Production. (G) Nondispersive. Prod. range: 1,500–7,450 kg/yr.

P 88-699

Manufacturer. Eastman Kodak Company.
Chemical. (G) Rhodamine ester salt.
Use/Production. (G) Nondispersive. Prod. range: 22–300 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 624–893 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rat). Eye irritation: Strong. Skin irritation: Slight.

P 88-700

Manufacturer. Macrochem Corporation.
Chemical. (G) Alkyl quaternary salt of a alkylaminoethylmeth acrylated.
Use/Production. (G) Intermediate in manufacture of surfactants. Prod. range: Confidential.

P 88-701

Manufacturer. Macrochem Corporation.
Chemical. (G) Reaction product of a monalkyl succinic anhydride with an omega hydroxy methacrylate.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 88–702

Manufacturer. Macrochem Corporation.

Chemical. (G) Reaction product of an alkenyl anhydride with a phenoxylated hydrogen oligomeric oxyethlene.

Use/Production. (G) Surfactant Prod. range: Confidential.

P 88–703

Manufacturer. E.I. Du Pont De Nemours & Co., Inc.

Chemical. (G) Substituted carboxylic acid heterocycle.

Use/Production. (S) Intermediate. Prod. range: Confidential.

Toxicity Data. Eye irritation: Strong. Mutagenicity: Negative.

P 88–704

Manufacturer. E.I. Du Pont De Nemours & Co., Inc.

Chemical. (G) Substituted carboxylic acid heterocycle.

Use/Production. (S) Intermediate. Prod. range: Confidential.

Toxicity Data. Eye irritation: Moderate, species (rabbit). Mutagenicity: Negative.

P 88–705

Manufacturer. E.I. Du Pont De Nemours & Co., Inc.

Chemical. (G) Substituted carboxyl chloride heterocycle.

Use/Production. (S) Site limited intermediate. Prod. range: Confidential.

P 88–706

Manufacturer. E.I. Du Pont De Nemours & Co., Inc.

Chemical. (G) Substituted n,n-dimthylcarboxamide heterocycle.

Use/Production. (S) Industrial intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 >50,000 mg/kg, species (rat). Mutagenicity: Negative.

P 88–707

Manufacturer. E.I. Du Pont de Nemours & Co., Inc.

Chemical. (G) Substituted n,n-dimethylcarboxamide heterocycle.

Use/Production. (S) Site-limited. Prod. range: Confidential.

P 88–708 .

Manufacturer. E.I. Du Pont de Nemours & Co., Inc.

Chemical. (G) Water dispersible epoxy.

Use/Production. (G) Industrial intermediate. Prod. range: Confidential.

Toxicity Data. Eye irritation: Slight, species (rabbit). Mutagenicity: Negative.

P 88–709

Manufacturer. E.I. Du Pont de Nemours & Co., Inc.

Chemical. (G) Substituted n,n-dimethylcarboxamide heterocycle.

Use/Production. (S) Industrial intermediate. Prod. range: Confidential.

P 88–710

Manufacturer. E.I. Du Pont de Nemours & Co., Inc.

Chemical. (G) Disubstituted heterocycle phenyl carbonate.

Use/Production. (S) Industrial intermediate. Prod. range: Confidential.

Toxicity data. Eye irritation: Moderate. Mutagenicity: Negative.

P 88–711

Manufacturer. Confidential.

Chemical. (S) Butyl methacrylate; butyl acrylate; methacrylic acid.

Use/Production. (S) Paper coating. Prod. range: 120,000-180,000 kg/yr.

P 88–712

Manufacturer. Kenrich Petrochemicals, Inc.

Chemical. (G) n, n-Dimethylaminoethylmethacrylate.

Use/Production. (G) A novolak resin for use in electronic manufacture. Prod. range: Confidential.

P 88–713

Manufacturer. Kenrich Petrochemicals, Inc.

Chemical. (G) n,n-Dimethylaminopropylmethacrylamide.

Use/Production. (S) Coating resin catalyst. Prod. range: Confidential.

P 88–714

Manufacturer. Confidential.

Chemical. (G) Phenol-Formaldehyde Novolak.

Use/Production. (G) Novolak resin used in electronics manufacture. Prod. range: Confidential.

P 88–715

Manufacturer. Confidential.

Chemical. (G) Aliphatic silylated amino ester.

Use/Production. (S) Specialty coating. Prod. range: 10,000-38,400 kg/yr.

P 88–716

Importer. Nuodex, Inc.

Chemical. (S) Isononanol; phosphoric acid.

Use/Import. (S) Additive in cutting oils. Import range: 35,000 kg/yr.

P 88–717

Importer. Nuodex, Inc.

Chemical. (S) Phenol, 2,6-dinonyl-, branched; phenol, 4 isononyl.

Use/Import. (S) Surfactants, waxes, soft resin & lubricating oils. Import range: 10,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 >10,000 mg/kg, species (rat). Eye irritation: None, species (rabbit). Skin irritation: Strong, species (rabbit).

P 88–718

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (S) Product of reaction of methyltrichlorosilane with octylmagnesium bromide: decylmagnesium bromide (1:1).

Use/Production. (G) Synthesis lubricant for extreme pressure temp. Prod. range: Confidential.

P 88–720

Manufacturer. GAF Chemicals Corporation.

Chemical. (G) Alicyclic di(alkenyloxyalkane).

Use/Production. (G) Coating component. Prod. range: Confidential.

Toxicity data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit). Mutagenicity: Negative.

P 88–721

Manufacturer. Confidential.

Chemical. (G) Polyester polyurethane.

Use/Production. (G) Coating modifier. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 460 mg/kg, species (rat). Acute dermal toxicity: LD50 570 mg/kg, species (rabbits). Inhalation toxicity: LD50 1,000 ppm/44, species (rat).

P 88–722

Manufacturer. Confidential.

Chemical. (G) Saturated hydroxy acrylic resin.

Use/Production. (G) Coating for automatic wheels. Prod. range: Confidential.

P 88–723

Manufacturer. Confidential.

Chemical. (S) Dicylopentadiene; resin; epoxidizendsoybean oil; acrylic acid.

Use/Production. (S) Printing ink vehicle. Prod. range: 3,700,000 kg/yr.

P 88–724

Importer. Confidential.

Chemical. (G) 3-(Dialkylamino)-6-alkyl-7-phenylaminofluoran.

Use/Import. (S) A color-former heat sensitive recording, paper. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 >5 g/kg, species (rat). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit). Mutagenicity: Negative. Skin sensitization: Negative, species (guinea pig).

P 88–725

Importer. Confidential.
Chemical. (G) 3-(Dialkylamino)-6-alkyl-7-phenylaminofluoran.
Use/Import. (S) Printing ink vehicles. Import range: 3,000,000–3,700,000 kg/yr.

P 88–726

Manufacturer. Confidential.
Chemical. (G) Aliphatic alcyclic polyether modified amide..
Use/Production. (G) Adhesion promoter and paint nonvolatile vehicle. Prod. range: 137,000 kg/yr.

P 88–727

Importer. Confidential.
Chemical. (G) Fiber reactive red dye.
Use/Import. (G) Reactive textile dye. Import range: Confidential.

P 88–728

Manufacturer. Confidential.
Chemical. (G) Polyurethane and polyglycol ether polymer.
Use/Production. (G) Component of commercial article. Prod. range: Confidential.
Toxicity Data. Eye irritation: Strong, species (N.Z. white rabbit). Skin irritation: Slight, species (N.Z. white rabbit).

P 88–729

Manufacturer. Confidential.
Chemical. (G) Substituted epoxy resin.
Use/Production. (G) Coating polymer. Prod. range: 10,200 42,000 kg/yr.

P 88–730

Manufacturer. The Dow Chemical Company.
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg. Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–731

Manufacturer. The Dow Chemical Company
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg. Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–732

Manufacturer. The Dow Chemical Company.
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg. Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–733

Manufacturer. The Dow Chemical Company.
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg. Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–734

Manufacturer. The Dow Chemical Company.
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–735

Manufacturer. The Dow Chemical Company.
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: slight, species (rabbit). Skin irritation: negligible, species (rabbit).

P 88–736

Manufacturer. The Dow Chemical Company.
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: slight, species (rabbit). Skin irritation: negligible, species (rabbit).

P 88–737

Manufacturer. The Dow Chemical Company.
Chemical. (G) Nitrated polyglycol.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: slight, species (rabbit). Skin irritation: negligible, species (rabbit).

P 88–738

Importer. Confidential.
Chemical. (G) Quarternized amino polyurethane.
Use/Import. (G) Paper additive. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5 ml/kg, species (rat).

P 88–739

Importer. Confidential.
Chemical. (G) Fiber reactive yellow dye.
Use/Import. (S) Reactive textile dyes. Import range: Confidential.

P 88–742

Importer. Confidential.
Chemical. (G) Fiber reactive blue dye.
Use/Import. (S) Reactive textile dye. Import range: Confidential.

P 88–743

Manufacturer. The Dow Chemical Company.
Chemical. (G) Aminated glycol.
Use/Production. (S) Flexible foam compound. Prod. range: Confidential.

P 88–744

Manufacturer. The Dow Chemical Company.
Chemical. (G) Aminated glycol.
Use/Production. (S) Flexible foam compound. Prod. range: Confidential.

P 88–745

Manufacturer. The Dow Chemical Company.
Chemical. (G) Aminated glycol.
Use/Production. (S) Flexible foam compound. Prod. range: Confidential.

P 88–746

Manufacturer. The Dow Chemical Company.
Chemical. (G) Aminated glycol.
Use/Production. (S) Flexible foam compound. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg, species (Fischer rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (N.Z. white rabbit). Eye irritation: slight, species (N.Z. white

rabbit). Skin irritation: negligible, species (rabbit).

P 88–747

Manufacturer. The Dow Chemical Company.

Chemical. (G) Aminated glycol.

Use/Production. (S) Flexible foam compound. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg, species (Fischer rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (N.Z. white rabbit). Eye irritation: slight, species (N.Z. white rabbit).

P 88–748

Manufacturer. The Dow Chemical Company.

Chemical. (G) Aminated glycol.

Use/Production. (S) Flexible foam. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 >2,000 mg/kg, species (Fischer rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (N.Z. white rabbit). Eye irritation: slight, species (N.Z. white rabbit).

P 88–749

Manufacturer. The Dow Chemical Company.

Chemical. (G) Aminated glycol.

Use/Production. (S) Flexible foams. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 >2000 mg/kg, species (Fischer rats). Acute dermal toxicity: LD50 >2000 mg/kg, species (N.Z. white rabbit). Eye irritation: slight, species (N.Z. white rabbit).

P 88–750

Manufacturer. The Dow Chemical Company.

Chemical. (G) Aminated polyglycol.

Use/Production. (S) Flexible foams. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 >2000 mg/kg, species (Fisher rats). Acute dermal toxicity: LD50 >2000 mg/kg, species (N.Z. white rabbit). Eye irritation: slight, species (N.Z. white rabbit).

P 88–751

Importer. Confidential.

Chemical. (G) Thermosetting polyester.

Use/Import. (G) Resin for printing ink. Import range: Confidential.

P 88–752

Manufacturer. Confidential.

Chemical. (G) Modified maleated metal resinate.

Use/Production. (S) Printing ink. Prod. range: Confidential.

P 88–753

Importer. Confidential.

Chemical. (G) Aminomethylpolysiloxane

Use/Import. (G) Contained. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 5740 ul/kg, species (rat). Eye irritation: slight, species (rabbit). Skin irritation: strong, species (rabbit).

P 88–754

Manufacturer. Essex Specialty Products, Inc.

Chemical. (G) Acrylic terpolymer resin

Use/Production. (S) Adhesive resin solution. Prod. range: Confidential.

P 88–755

Manufacturer. Essex Specialty Products, Inc.

Chemical. (G) Acrylic grafted polyurethane resin solution.

Use/Production. (S) Adhesive resin solution. Prod. range: Confidential.

P 88–756

Manufacturer. Confidential.

Chemical. (S) Dicycloopentadiene, resin, dimer fatty acidresin.

Use/Production. (S) Printing ink vehicle. Prcd. range: 3,000,000–3,700,000 kg/yr.

P 88–757

Manufacturer. Confidential

Chemical. (G) Vegetable oil polymer with aromatic dicarboxylic acid, aliphatictrictriol, and cycloaliphatic carboxylic acid.

Use/Production. (G) Paper coating additive. Prod. range: Confidential.

P 88–758

Manufacturer. Confidential.

Chemical. (G) Epoxy acrylate.

Use/Production. (S) Printing ink resin. Prod. range: Confidential.

P 88–759

Manufacturer. Confidential.

Chemical. (G) Fiber reactive red dye.

Use/Production. (S) Reactive dye for textile. Prod. range: Confidential.

P 88–760

Manufacturer. Confidential.

Chemical. (G) Polyfunctional copolymer of styrene with alkyl acrylate and substituted alkyl acrylates.

Use/Production. (G) Paint nonvolatile vehicle for industrial usage. Prod. range: 70,000 kg/yr.

P 88–761

Manufacturer. Confidential.

Chemical. (G) Silicones Resin.

Use/Production. (S) Incredient of a stabilizer for silicone rubber. Prod. range: Confidential.

P 88–762

Manufacturer. Confidential.

Chemical. (G) Modified maleated metal resinate.

Use/Production. (S) Production gravure printing ink. Prod. range: Confidential.

P 88–763

Manufacturer. Quest International Fragrance Intn'l.

Chemical. (G) Mono substituted aromatic aldehyde.

Use/Production. (S) Fragrance ingredient. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 1.9 g/kg, body wgt., species (Wister rat). Eye irritation: none, species (rabbit). Skin irritation: moderate, species (rabbit). Mutagenicity: negative Skin sensitization: negative, species (guinea pig).

P 88–764

Manufacturer. Confidential.

Chemical. (G) Trisubstituted dicarbomoncylic methane.

Use/Production. (S) Organaic synthesis intermediate. Prod. range: 15,000 kg/yr.

Manufacturer. Confidential.

Chemical. (G) Waterborne urethane-acrylic copolymer.

Use/Production. (S) Coating. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 4,200 mg/kg, species (rat). Acute dermal toxicity: LD50 8,000 mg/kg, species (rabbit).

P 88–766

Manufacturer. Confidential.

Chemical. (G) Amino modified alkyl silicone.

Use/Production. (G) Additive for sealants. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2.9 ml/kg, species (rat). Acute dermal toxicity: LD50 4.92 ml/kg, species (rabbit). Eye irritation: moderate, species (rabbit). Skin irritation: strong, species (rabbit).

P 88–767

Manufacturer. Confidential.

Chemical. (G) Acrylated alkyd.

Use/Production. (S) Copolymer for coating metal surfaces. Prod. range: 20,000–80,000 kg/yr.

P 88–768

Manufacturer. Texaco Chemical Co.

Chemical. (S) 2-[(2-[(2-2-[2-Hydroxyethoxy)ethyl]methylamine

ethanol; 2,2'-oxybis(n,n-dimethylethanamine); 2,2'-(2-(2-(dimethylamino ethoxy)ethyloimino)bisethanol.
Use/Production. (S) Polyurethane catalyst. Prod. range: Confidential.

P 88-769

Manufacturer. Confidential.
Chemical. (G) Acrylic copolymer, potassium salt.
Use/Production. (G) For all categories: dispersive use. Prod. range: Confidential.

P 88-770

Manufacturer. Confidential.
Chemical. (G) Fiber reactive red dye.
Use/Production. (S) Reactive dye for textile. Prod. range: Confidential.

P 88-771

Manufacturer. Confidential.
Chemical. (G) Fiber reactive yellow dye.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 88-772

Manufacturer. Kalama Chemical, Inc.
Chemical. (S) Benzoic acid, 4-hydroxy, propyl ester, sodium salt.
Use/Production. (G) Paragon substitute. Prod. range: 25,000-50,000 kg/yr.

P 88-773

Manufacturer. Kalama Chemical, Inc.
Chemical. (S) Benzoic acid, 4-hydroxy, potassium salt n-propyl alcohol.
Use/Production. (G) Paragon substitute. Prod. range: 25,000-50,000 kg/yr.

P 88-774

Manufacturer. Reichhold Chemicals, Inc.
Chemical. (G) Blocked urethane polymer.
Use/Production. (G) Industrial coating vehicle. Prod. range: Confidential.

P 88-775

Manufacturer. Lilly Industrial Coatings, Inc.
Chemical. (G) Polymer of benzenedicarboxylic acid, alkanetriol, vegetable oil and fatty acids, and phenolic resin.
Use/Production. (G) Industrial liquid paint. Prod. range: 205,000 kg/yr.

P 88-776

Manufacturer. Confidential.
Chemical. (G) Complex ethoxylated amide.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 88-777

Manufacturer. Confidential.
Chemical. (G) Complex ethoxylated amide.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 88-778

Manufacturer. Confidential.
Chemical. (G) Complex ethoxylated amide.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 88-779

Manufacturer. Confidential.
Chemical. (G) Complex ethoxylated amide.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 88-780

Importer. Hoechst Celanese Corporation.
Chemical. (G) Polymer from substituted isocyanate and lactam.
Use/Import. (S) Cross linking agent for powder coating. Import range: 50,000-125,000 kg/yr.

P 88-781

Importer. Confidential.
Chemical. (G) Fiber reactive red dye.
Use/Import. (S) Textile dye. Import range: Confidential.

P 88-782

Importer. Confidential.
Chemical. (G) Fiber reactive dye.
Use/Import. (S) Reactive dye for textile. Import range: Confidential.

P 88-783

Importer. Hoechst Celanese Corporation.
Chemical. (G) Modified short oil alkyd resin.
Use/Import. (S) Varnish or print resin. Import range: 60,000 kg/yr.

P 88-784

Manufacturer. Confidential.
Chemical. (G) Solvent-free baking alkyd.
Use/Production. (S) Baking finishes with urea or melamine resins. Prod. range: Confidential.

P 88-785

Manufacturer. Confidential.
Chemical. (G) Vinyl acrylic terpolymer, sodium salt.
Use/Production. (G) Plasticizer. Prod. range: Confidential.

P 88-786

Manufacturer. Confidential.
Chemical. (G) Ester of naphthenic acid and a glycol.
Use/Production. (G) Functional fluid. Prod. range: Confidential.

P 88-787

Importer. Confidential.
Chemical. (G) Fiber-reactive red dye.
Use/Import. (S) Reactive dye for textiles. Import range: Confidential.

P 88-788

Manufacturer. American Gilsonite Company.
Chemical. (S) Gilsonite resins.
Use/Production. (S) Printing ink, adhesives paints & coatings. Prod. range: 4,500,000-10,000,000 kg/yr.

P 88-789

Manufacturer. American Gilsonite Company.
Chemical. (S) Gilsonite oil.
Use/Production. (S) Foundry use. Prod. range: 4,500,000-10,000 kg/yr.

P 88-790

Manufacturer. American Gilsonite Company.
Chemical. (S) Gilsonite oil.
Use/Production. (S) Blended with asphaltenes. Prod. range: 675,000-1,500,000 kg/yr.

P 88-791

Manufacturer. American Gilsonite Company.
Chemical. (S) Gilsonite resin/oil.
Use/Production. (S) Intermediate. Prod. range: 5,000,000-11,000,000 kg/yr.

P 88-792

Importer. Degussa Corporation.
Chemical. (G) Polyolacetal.
Use/Import. Comonomer. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 5,148 mg/kg, species (rat). Eye irritation: Moderate, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88-793

Manufacturer. Interez, Inc.
Chemical. (G) Modified polymeric amine.
Use/Production. (G) Epoxy resin curing agent-crosslinker. Prod. range: Confidential.

P 88-794

Importer. Dynamit Noble Chemicals.
Chemical. (S) 1,2-ethanediol.
Use/Import. (S) Lubricant. Import range: Confidential.

P 88-795

Importer. Degussa Corporation.
Chemical. (S) Bis(3-triethoxysilylpropyl)monosulfane.

Use/Import. (G) Additive to sealant & polymer compounds for cables. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Eye irritation: None, species (rabbit). Skin irritation: Slight, species (rabbit).

P 88–796

Manufacturer. Westvaco Corporation Chemical Division.

Chemical. (S) Lignosulfonic acid, triethanolamine salt.

Use/Production. (G) Dispersant for dye stuffs colorants, agr. product. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 1,000 mg/kg, species (rat). Eye irritation: None, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–797

Manufacturer. Confidential.

Chemical. (G) Methacryl phosphate.

Use/Production. (G) Adhesion promoter in adhesives. Prod. range: Confidential.

P 88–798

Manufacturer. Eastman Kodak Company.

Chemical. (G) Substituted phenyl substituted tetrazolyl substituted naphthalenecarboxamide.

Use/Production. (G) Contained use in an article. Prod. range: 1,500 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 5,000 mg/kg, species (rat). Acute dermal toxicity: LD50 2,000 mg/kg, species (rat). Eye irritation: Slight, species (rabbit). Skin irritation: Slight, species (rabbit). Mutagenicity: negative. Skin sensitization: negative, species (guinea pig).

P 88–800

Manufacturer. Confidential.

Chemical. (G) Poly (vinyl ester counsaturated dicarboxylic acidester coolefin.

Use/Production. (G) Adhesive. Prod. range: Confidential.

P 88–801

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Substituted acrylicate copolymer.

Use/Production. (S) Anticrater agent. Prod. range: 10,000–20,000 kg/yr.

P 88–802

Manufacturer. Confidential.

Chemical. (G) Boric acid esters.

Use/Production. (G) P/C pipe extender. Prod. range: Confidential.

P 88–803

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Saturated polyester resins.

Use/Production. (S) Powder coatings. Prod. range: 50,000–100,000 kg/yr.

P 88–804

Importer. Hoechst Celanese Corporation.

Chemical. (G) Saturated polyester.

Use/Import. (S) Flow promoter. Import range: 20,000–40,000.

P 88–805

Manufacturer. Confidential.

Chemical. (G) Functional copolymer of styrene with acrylic and methacrylate monomers.

Use/Production. (G) Paint vehicle. Prod. range: 300,000–600,000 kg/yr.

P 88–806

Importer. Confidential.

Chemical. (G) Reaction products of alkylsilicate with an organotin compound.

Use/Import. (S) Silicon rubber catalyst. Import range: Confidential.

P 88–807

Manufacturer. E.I. Du Pont de Nemours & Company, Inc.

Chemical. (G) Copolyether ester.

Use/Production. (G) Elastomeric bands & fiber. Prod. range: Confidential.

P 88–808

Manufacturer. Confidential.

Chemical. (G) Tetrasubstituted heteromonocycle sodium salt.

Use/Production. (S) Polymer for molding. Prod. range: Confidential.

P 88–809

Importer. BASF Corporation Engineering Plastics.

Chemical. (G) Polyethersulfone.

Use/Import. (S) Resin. Import range: Confidential.

P 88–810

Manufacturer. Products Research & Chemical Corporation.

Chemical. (S) Diglycidyl ether bisphenol, a polyoxypropylene polymer containing urethane linkages and terminated with mercaptain groups.

Use/Production. (S) Polymer for adhesives and sealants. Prod. range: 5,000–50,000 kg/yr.

P 88–811

Manufacturer. Confidential.

Chemical. (G) Diamine-polyamine.

Use/Production. (G) Consumer products. Prod. range: 100–1,000 kg/yr.

P 88–812

Importer. Confidential.

Chemical. (G) Alicyclic substituted pentenone.

Use/Import. (G) For consumer products. Import range: 100–1,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2g/kg, species (rabbit).

P 88–813

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer ammonium salt.

Use/Production. (S) Automotive topcoat resin. Prod. range: 100,000–610,000 kg/yr.

P 88–814

Manufacturer. Confidential.

Chemical. (S) Mercaptan terminated polyether polymer.

Use/Production. (S) Adhesive & sealant. Prod. range: 400,000–150,000 kg/yr.

P 88–815

Manufacturer. Products Research & Chemical Corporation.

Chemical. (S) Diglycidyl ether bisphenol A; polyoxypropylene polymer containing urethane linkage terminated with mercaptan group.

Use/Production. (S) Adhesive & sealant. Prod. range: 5,000–50,000 kg/yr.

P 88–818

Manufacturer. Wilmington Chemical Corporation.

Chemical. (G) Aqueous aliphatic polyurethane.

Use/Production. (G) Coating. Prod. range: Confidential.

P 88–819

Manufacturer. E.I. Du Pont de Nemours & Co., Inc.

Chemical. (G) Ethylene interpolymer.

Use/Production. (G) General industrial use. Prod. range: Confidential.

P 88–820

Manufacturer. Finetex, Inc.

Chemical. (G) 1-Alkyl-1-Alkyl' amidoalkyl-2-alkyl' imidazolindinium-alkylsulfate.

Use/Production. (S) Finishing agent. Prod. range: 15,258–30,516 kg/yr.

P 88–821

Manufacturer. NL Industries, Inc.

Chemical. (G) High solids intermediate.

Use/Production. (G) Reactive intermediate. Prod. range: Confidential.

P 88–822

Importer. Confidential.

Chemical. (S) Silica, (dimethylethenylsilyl]oxy)-(trimethysilyl) oxy)-and methoxy modified.

Use/Import. (S) Silicone additive. Import range: 10–100 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 >5,000 species (rat). Eye irritation: slight, species (rabbit). Skin irritation: negligible, species (rabbit).

P 88–823

Importer. Confidential.

Chemical. (S) Siloxanes and silicones, dimethyl, methyl ethenyl or hydroxy-terminated, reaction products with trimethoxy(3-(oxiranylmethoxy)propysilane.

Use/Import. (S) Silicon adhesive. Import range: 10–100 kg/yr.

Toxicity Data. Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit). Mutagenicity: Positive.

P 88–824

Importer. Confidential.

Chemical. (S) Siloxanes and silicones, methyl hydrogen, reaction products with siloxanes and silicones, dimethyl, ethenyl group terminated and benzene, (1-Methyl-ethenyl).

Use/Import. (S) Plastic additive. Import range: 6,000–12,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 >5,000 kg/yr, species (rat).

P 88–825

Importer. Confidential.

Chemical. (S) Silica, (dimethylethylsily)oxy-, trimethylsilyl)oxy- and methoxy-modified, reaction products with silane, trimethoxy(3-(oxiranyl-methoxy)propyl)-.

Use/Import. (S) Silicone additive. Import range: 10–100 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Mutagenicity: Positive.

P 88–826

Importer. Hitachi Chemical Co. America Ltd.

Chemical. (G) Polyamic acid polymer E.

Use/Import. (G) Circuit sealant. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 5.5 g/kg, species (rat).

P 88–828

Importer. Confidential.

Chemical. (G) Reacting product of dimethylpolysiloxane and a fatty acid ester.

Use/Import. (G) Open, nondispersive use. Import range: 2,000–6,000 kg/yr.

P 88–829

Manufacturer. Uniroyal Chemical Co., Inc.

Chemical. (G) Modified liquid hydrocarbon polymer.

Use/Production. (G) Electrical encapsulant. Prod. range: Confidential.

P 88–830

Manufacturer. Cook Paint & Varnish Co.

Chemical. (G) Tall oil dibasic acid and polyol alkyd resin.

Use/Production. (S) Coating. Prod. range: 68,000–100,000.

P 88–831

Manufacturer. Shell Oil Company.

Chemical. (S) Phenol, 4,4'- (9H-fluoren-9-ylidene)bis-.

Use/Production. (S) Intermediate. Prod. range: Confidential.

Toxicity Data. Acute dermal toxicity: LD50 >2g/kg, species (rat). Skin irritation: Negligible, species (rabbits). Skin sensitization: Negative, species (guinea pig).

P 88–833

Manufacturer. Confidential.

Chemical. (G) Alkyldiamine, polymer with saturated aromatic disulfonic acids derivative.

Use/Production. (G) Open, nondispersive. Prod. range: 100,000 kg/yr.

P 88–834

Manufacturer. Confidential.

Chemical. (G) Alkyl imine.

Use/Production. (S) Intermediate. Prod. range: Confidential.

P 88–835

Manufacturer. Eastman Kodak Company.

Chemical. (G) Substituted imidazolyl substituted alkylamino substituted benzoic acid derivative.

Use/Production. (G) Contained use. Prod. range: 3,000–6,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rat). Eye irritation: Slight, species (rabbit). Skin irritation: Slight, species (guinea pig).

P 88–836

Manufacturer. W.R. Grace & Company.

Chemical. (G) 2-Propanamine, n-hydroxy-.

Use/Production. (G) Water treatment chemical. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2,189 mg/kg, species (rat). Static acute toxicity: Time LC50. Skin irritation: Slight, species (rabbit). Mutagenicity: Negative.

P 88–837

Manufacturer. Confidential.

Chemical. (G) Epoxy resin.

Use/Production. (G) Epoxy resin. Prod. range: Confidential.

Toxicity Data. Skin sensitization: Positive, species (guinea pig).

P 88–838

Manufacturer. Fluorasynth, Inc.

Chemical. (S) 1-(3-cyclohen-1-yl 4-(4-methyl 3-penten-yl) ethyl acetate.

Use/Production. (S) Fragrance compound. Prod range: 120 kg/yr.

P 88–841

Importer. Orient Chemical.

Chemical. (G) Metal complex compound.

Use/Production. (S) Charge control agent. Prod. range: 3,000 kg/yr.

P 88–842

Manufacturer. Confidential.

Chemical. (G) VCM copolymer.

Use/Production. (G) Resin packaging. Prod. range: Confidential.

P 88–843

Importer. Shin-Estu Silicones of America, Inc.

Chemical. (G) Oranosiloxane.

Use/Import. (S) Additive for plastic compounds. Import range: 1,000 kg/yr.

P 88–844

Manufacturer. Koppers Co., Inc.

Chemical. (G) Trialkyl naphthalene.

Use/production. (G) Intermediate. Prod. range: Confidential.

P 88–845

Manufacturer. Confidential.

Chemical. (G) Methacrylate ester.

Use/Production. (G) Intermediate. Prod. range: Confidential.

P 88–846

Importer. Shin-Estu Silicones of America, Inc.

Chemical. (G) Organopolysiloxane.

Use/Import. (S) Adhesive for plastic compound. Import range: 800 kg/yr.

P 88–848

Importer. Hoechst Celanese Corporation.

Chemical. (G) Hydroxy-carboxyfunctional copolymer.

Use/Import. (S) Binder for paints. Import range: 4,000 kg/yr.

P 88–849

Manufacturer. Confidential.

Chemical. (G) VCM copolymer.

Use/Production. (G) Resin for packing. Prod. range: Confidential.

P 88–851

Importer. Hoechst Celanese Corporation.

Chemical. (G) Hydroxy-carboxyfunctional copolymer.
Use/Import. (S) Binder for paints. Import range: 194,000 kg/yr.

P 88–852

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Coating resin. Prod. range: Confidential.

P 88–853

Importer. Nuodex, Inc.
Chemical. (G) Self-crosslinking, block polyurethane system.
Use/Import. (S) Industrial coatings. Import range: 100.000 kg/yr.

P 88–854

Manufacturer. Confidential.
Chemical. (G) Acrylic copolymer, sodium salt.
Use/Production. (G) Plasticizer. Prod. range: Confidential.

P 88–855

Manufacturer. Confidential.
Chemical. (G) Cyclodiene.
Use/Production. (G) Polymerization monomer. Prod. range: Confidential.

P 88–856

Manufacturer. Confidential.
Chemical. (G) Cyclodiene.
Use/Production. Polymerization monomer. Prod. range: Confidential.

P 88–857

Manufacturer. Confidential.
Chemical. (G) Cyclodiene.
Use/Production. (G) Polymerization monomer. Prod. range: Confidential.

P 88–858

Manufacturer. Confidential.
Chemical. (G) Organo-epoxysilicone.
Use/Production. (G) Industrial coating. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5,000, species (rat). Acute determal toxicity: LD50 2,000, species (rabbit).

P 88–859

Manufacturer. Confidential.
Chemical. (G) Cresol-aldehyde polymer.
Use/Production. (G) Coating. Prod. range: Confidential.

P 88–860

Manufacturer. Confidential.
Chemical. (G) Aliphthalic polyurethane.
Use/Production. (G) Coating with an open use. Prod. range: 50,000 kg/yr.

P 88–861

Manufacturer. Confidential.
Chemical. (G) Polyester urethane.
Use/Production. (G) Coating component. Prod. range: 650–25,000 kg/yr.

P 88–862

Manufacturer. Confidential.
Chemical. (G) Asymmetrical aromatic dicyl peroxide.
Use/Production. (G) Initiator for polymerizing vinyl monomers. Prod. range: Confidential.

P 88–863

Manufacturer. Confidential.
Chemical. (G) Phosphine substituted transition metal compound.
Use/Production. (S) Industrial catalyst. Prod. range: Confidential.

P 88–864

Importer. Interez, Inc.
Chemical. (S) 4,4'-methylenebis (2,6-dimethylphenol).
Use/Import. (S) Intermediate. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–865

Manufacturer. NL Chemicals.
Chemical. (G) Water dispersible polyamide resin.
Use/Production. (G) Ink additive. Prod. range: Confidential.

P 88–866

Manufacturer. NL Chemicals.
Chemical. (G) Water dispersive polyamide resin.
Use/Production. (G) Ink dispersive. Prod. range: Confidential.

P 88–867

Manufacturer. NL Chemicals.
Chemical. (G) Water dispersible polyamide resin.
Use/Production. (G) Ink additive. Prod. range: Confidential.

P 88–868

Manufacturer. NL Chemicals.
Chemical. (G) Water dispersible polyamide resin.
Use/Production. (G) Ink additive Prod. range: Confidential.

P 88–869

Manufacturer. NL Chemicals.
Chemical. (G) Water dispersible polyester resin.
Use/Production. (G) Ink additive. Prod. range: Confidential.

P 88–870

Importer. Confidential.
Chemical. (G) Benzenediazonium, 2-bromo-6-cyano-4-nitro-, sulfate (2:1), reaction product with substituted anilines.
Use/Import. (S) Textile dye. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >3723, species (rat). Eye irritation: None, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88–871

Importer. UNI–NTF, Inc.
Chemical. (S) Diphenyl methane diisocyanate, polypropylene glycol, poly(oxypropylene) glycerol polymer blocked with methyl ethyl ketoxime.
Use/Import. (S) Automotive anti-chipping coating. Import range: 5,000–23,000 kg/yr.

P 88–872

Importer. UNI–NTF, Inc.
Chemical. (S) Toluendiisocyanate, polybutylene glycol, trimethylopropane polymer blocked with & - caprolactum.
Use/Import. (S) Automative anti-chipping. Import range: 17,000–24,000 kg/yr.

P 88–873

Manufacturer. Confidential.
Chemical. (G) Polyester containing neopenty glycol.
Use/Production. (G) Coating. Prod. range: 57,000–220,000.

P 88–874

Manufacturer. Confidential.
Chemical. (G) Polyester polyurethane blocked isocyanate.
Use/Production. (G) Coating. Prod. range: 750–4,800 kg/yr.

P 88–875

Importer. Confidential.
Chemical. (G) Acrylate modified with urethane.
Use/Import. (G) Intermediate. Import range: Confidential.

P 88–876

Manufacturer. Aldrich Chemical Corporation.
Chemical. (G) Alkyl substituted ammonium salt.
Use/Production. (S) Intermediate. Prod. range: Confidential.

P 88–878

Importer. Confidential.
Chemical. (G) Fiber reactive red dye.
Use/Import. (S) Textile dye. Import range: Confidential.

P 88–879

Manufacturer. Reichhold Chemicals, Inc.
Chemical. (G) Hydrocarbon resins dispersion.

Use/Production. (S) Tackier for adhesives. Prod. range: Confidential.

P 88-880

Manufacturer. Macrochem Corporation.
Chemical. (G) Alkylphenoxylated poly(oxylethylene) alkenoyl succinoyl glycerol.
Use/Production: (G) Surfactant. Prod. range: Confidential.

P 88-881

Importer. Shin-Estu Silicones of America, Inc.
Chemical. (G) Organopolysiloxane.
Use/Import. (S) Ingredient for silicone rubber compounds. Import range: 1,000–2,000 kg/yr.

P 88-882

Manufacturer. Dynamit Nobel Chemicals.
Chemical. (G) 7-(2-Propenoxy)-4-methylcoumarine.
Use/Production. (S) Intermediate. Prod. range: Confidential.

P 88-883

Manufacturer. Quaker Chemical Corporation.
Chemical. (G) Polyamide-epichlorohydrin-modified resin.
Use/Production. (S) Retention aid and flocculant. Prod. range: Confidential.

P 88-884

Importer. Confidential.
Chemical. (G) Fiber reactive green dye.
Use/Import. (S) Textile dye. Import range: Confidential.

P 88-886

Importer. Confidential.
Chemical. (G) Fiber reactive orange dye.
Use/Import. (S) Textile dye. Import range: Confidential.

P 88-887

Manufacturer. Sherex Chemical Company.
Chemical. (G) Amine oxide.
Use/Production. (G) Detergent-dispersant. Prod. range: Confidential.

P 88-888

Manufacturer. Macrochem Corporation.
Chemical. (G) Quaternary ammonium salt of an alkylene methacrylamide.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 88-889

Manufacturer. Macrochem Corporation.
Chemical. (G) N,n-dialkenyl-alkenylsuccinamide.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 88-890

Manufacturer. Macrochem Corporation.
Chemical. (G) Alkylarylalkylenearmine.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 88-891

Importer. Confidential.
Chemical. (G) Fiber reactive blue dye.
Use/Import. (S) Textile dye. Import range: Confidential.

P 88-892

Manufacturer. Confidential.
Chemical. (G) Aryl heteroarylalkyl amine.
Use/Production. (G) Petroleum product additive. Prod. range: Confidential.

P 88-893

Manufacturer. Confidential.
Chemical. (G) Reaction product of polytetramethylene ether glycol methylene bis(phenyl isocyanate) and diol.
Use/Production. (G) Reactive elastomer. Prod. range: Confidential.

P 88-894

Import. Kreha Corporation of America.
Chemical. (G) Phenethylcumene.
Use/Import. (S) Insulation oil; solvent. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Slight, species (rabbit). Mutagenicity: Negative.

P 88-895

Importer. Confidential.
Chemical. (G) Direct yellow dye.
Use/Import. (S) Direct dye for textile. Import range: Confidential.

P 88-896

Manufacturer. Essex Specialty Products.
Chemical. (S) Polyisocyanate polymer
Use/Production. (G) Resin solution for coatings. Prod. range: Confidential.

P 88-897

Manufacturer. Confidential.
Chemical. (G) Anionic polysaccharide biopolymer.
Use/Production. (G) Industrial thickener. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >50 g/kg, species (rat). Acute dermal toxicity: LD50 >2 g/kg. Eye irritation: None, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88-898

Importer. Confidential.
Chemical. (G) N-(substituted-substituted-phenyl)acetamide.
Use/Import. (G) Open, nondispersive use. Import range: Confidential.

P 88-899

Importer. Confidential.
Chemical. (G) Urethane/acrylic resin.
Use/Import. (G) Open, nondispersive. Import range: Confidential.

P 88-900

Importer. Confidential.
Chemical. (G) Melamine polyol.
Use/Import. (G) Industrial resin. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rabbit). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit). Mutagenicity: Negative.

P 88-901

Manufacturer. Confidential.
Chemical. (S) Ethoxylated n-hexylamine, compound with dodecybenzene sulfonic acid.
Use/Production. (G) Surfactant. Prod. range: 56,000 kg/yr.

P 88-902

Manufacturer. Confidential.
Chemical. (S) Ethoxylated n-hexylamine, compound with iso-octadecanioc acid.
Use/Production. (G) Surfactant. Prod. range: 11,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 >5 cl/kg, species (rat). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88-903

Manufacturer. E.I. Du Pont De Nemours & Company, Inc.
Chemical. (G) Fluoroelastomer.
Use/Production. (G) Seale & molded parts. Prod. range: Confidential.

P 88-904

Manufacturer. Confidential.
Chemical. (G) A blocked copolymer of a polyolefin and a polyamide.
Use/Production. (G) Compatiblizer for polyamide/pololefin alloys. Prod. range: Confidential.

P 88-905

Manufacturer. E.I. du Pont de Nemours & Company, Inc.
Chemical. (G) Polyamide.

Use/Production. (G) Membranes. Prod. range: Confidential.

P 88–906

Manufacturer. Confidential.
Chemical. (G) Poly acrylate.
Use/Production. (G) Pressure sensitive adhesive. Prod. range: Confidential.

P 88–907

Importer. The Dow Chemical Company.
Chemical. (G) Halogenated amide.
Use/Import. (S) Chemical intermediate. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 8.0 kg, species (rat). Acute dermal toxicity: LD50 >0 g/kg, species (rat). Eye irritation: slight, species (rabbit).

P 88–908

Manufacturer. PCR, Inc.
Chemical. (G) 8-Aminopropylsilane.
Use/Production. (G) Organic resin adhesion promoter. Prod. range: 68,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 >4,057 mg/kg, species (rat). Acute dermal toxicity: LD50 >5,000 mg/kg, species (rabbit). Static acute toxicity: Time LC50 96 hr/380 mg/L, species (bluegill sunfish). Eye irritation: Moderate, species (rabbit). Skin irritation: Negligible, species (guinea pig). Mutagenicity: Positive.

P 88–909

Manufacturer. Interez, Inc.
Chemical. (G) Cycloaliphatic amine adduct.
Use/Production. (G) Epoxy resin crosslinking agent. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5 g/kg, species (rat). Acute dermal toxicity: LD50 >2 g/kg.

P 88–910

Importer. Marubeni America Corporation.
Chemical. (S) Ammonium salt of partial ester of styrene maleic anhydride copolymer.
Use/Import. (S) Thermal paper coating pigment dispersant. Import range: Confidential.

P 88–912

Importer. Confidential.
Chemical. (G) Fiber reactive black dye.
Use/Import. (S) Reactive textile dye. Import range: Confidential.

P 88–913

Importer. Confidential.
Chemical. (G) Fiber reactive red dye.
Use/Import. (S) Reactive dye for textiles. Import range: Confidential.

P 88–914

Importer. Confidential.
Chemical. (S) Product resulting from the reaction of a trisubstituted benzenediazonium chloride with substituted-4-hydroxy-2-naphthalene acis, metalized, sodium potassium, ammonium salts,
Use/Import. (G) Compatibilizer for polyamide/polyolefin alloys. Import range: Confidential.

P 88–915

Importer. Confidential.
Chemical. (G) Acrylic copolymer.
Use/Import. (G) Coating. Import range: Confidential.

P 88–916

Importer. Confidential.
Chemical. (G) Mixture of alkyl ammonium alkylphenylazonapthalenato chromate salts.
Use/Import. (G) Coating colorant. Import range: Confidential.
Toxicity: Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rat). Eye irritation: None, species (rabbit). Mutagenicity: positive. Skin sensitization: negative.

P 88–917

Manufacturer. Sanncor Industries.
Chemical. (G) Water dispersible polyester urethane.
Use/Production. (G) Resin. Prod. range: Confidential.

P 88–918

Manufacturer. Hoechst Celanese Corporation.
Chemical. (G) Polyperfluoroalkylacrylate.
Use/Production. (G) Oil/water repelled for upholstery. Prod. range: 24,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 >5 g, species (rat). Acute dermal toxicity: LD50 >5 g, species (rabbit). Eye irritation: slight, species (rabbit). Skin irritation: slight, species (rabbit).

P 88–919

Manufacturer. Rohm and Haas Company.
Chemical. (G) Alkyl methacrylate copolymer.
Use/Production. (G) Petroleum products additive. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5 g, species (rat). Acute dermal toxicity: LD50 >2 g, species (rabbit). Eye irritation: moderate, species (rabbit). Skin irritation: moderate, species (rabbit).

P 88–920

Manufacturer. Rohm and Haas Company.
Chemical. (G) Alkyl methacrylate copolymer.
Use/Production. (G) Petroleum product additive. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5 g, species (rat). Acute dermal toxicity: LD50 >2 g, species (rabbit). Eye irritation: moderate, species (rabbit). Skin irritation: moderate, species (rabbit).

P 88–921

Manufacturer. E.I. du Pont de Nemours & Co., Inc.
Chemical. (G) Epoxy amino adduct.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 88–922

Importer. E.I. du Pont de Nemours Co., Inc.
Chemical. (G) Quaternized amino epoxyester acrylate polymer.
Use/Import. (G) Open, nondispersive. Import range: Confidential.

P 88–923

Manufacturer. E.I. du Pont de Nemours Co., Inc.
Chemical. (G) Heterocyclic amino ester urethane salt.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 88–924

Manufacturer. E.I. du Pont de Nemours Co., Inc.
Chemical. (G) Amino epoxy ester acrylate polymer salt.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 88–925

Importer. E.I. du Pont de Nemours & Co., Inc.
Chemical. (G) Amino epoxy ester acrylate polymer.
Use/Import. (G) Open, dispersive use. Import range: Confidential.

P 88–926

Manufacturer. E.I. du Pont de Nemours & Co., Inc.
Chemical. (G) Hydroxycarbomate.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 88–927

Importer. E.I. du Pont de Nemours Co., Inc.
Chemical. (G) Epoxy polyetther.

Use/Import. (G) Destructive use. Import range: Confidential.

P 88-928

Importer. Rohm and Hass Company.
Chemical. (G) Alkyl methacrylate copolymer.
Use/Import. (G) Petroleum product additive. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5 g/kg, species (rat). Acute dermal toxicity: LD50 >2 g/kg, species (rabbit). Eye irritation: moderate, species (rabbit). Skin irritation: negligible, species (rabbit). Skin sensitization: negative, species (guinea pig).

P 88-929

Manufacturer. E.I. du Pont de Nemours Co., Inc.
Chemical. (G) Unsaturated ester urethane.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 88-930

Manufacturer. E.I. du Pont de Nemours & Co., Inc.
Chemical. (G) Epoxy amino adduct.
Use/Production. (G) Open, dispersive use. Prod. range: Confidential.

P 88-931

Importer. E.I. du Pont de Nemours Co., Inc.
Chemical. (G) Aminohydroxamide.
Use/Import. (G) Destructive use. Import range: Confidential.

P 88-932

Manufacturer. E.I. du Pont de Nemours & Co., Inc.
Chemical. (G) Unsaturated ester urethane.
Use/Production. (G) Open, dispersive use. Prod. range: Confidential.

P 88-933

Manufacturer. Interez, Inc.
Chemical. (G) Cyclo aliphatic amine adduct.
Use/Production. (S) Epoxy resin crosslinking agent in adhesives. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 .5 g/kg, species (rat). Acute dermal toxicity: LD50 .2 g/kg, species (rabbit).

P 88-934

Manufacturer. Confidential.
Chemical. (G) Sulfonate of Etoxylated alcohol.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 88-935

Manufacturer. Confidential.
Chemical. (G) A phenoxide salt.
Use/Production. (G) Polymerization intermediate. Prod. range: Confidential.

P 88-936

Manufacturer. Confidential.
Chemical. (G) Aliphatic alicyclic hydroxyester acid.
Use/Production. (G) Dispersively used coating. Prod. range: 220,000.

P 88-937

Manufacturer. Confidential.
Chemical. (G) Complex polyester polyurethane.
Use/Production. (G) Dispersively used coating. Prod. range: 1,000,000 kg/yr.

P 88-938

Manufacturer. Confidential.
Chemical. (G) Copolymer of styrene and oxygenerated vinyl alkane.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 88-939

Importer. Confidential.
Chemical. (G) Substituted heteromonocyclicazoyl-substituted carbomonocyclicsulfonic acid, alkali metal salt.
Use/Import. (G) Nylon carpet dye. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >7,500, species (rat). Acute dermal toxicity: LD50 >2,000 mg/kg, species (rat). Eye irritation: Slight, species (rabbit). Skin irritation: Negligible, species (rabbit). Mutagenicity: Negative. Skin sensitization: Positive, species (guinea pig).

P 88-940

Manufacturer. Matrix Medica, Inc.
Chemical. (G) Polyurethane ureas.
Use/Production. (G) Polymer film manufacture. Prod. range: Confidential.

P 88-941

Manufacturer. Matrix Medica, Inc.
Chemical. (G) Polyurethane ureas.
Use/Production. (G) Polymer film manufacture. Prod range: Confidential.

P 88-942

Manufacturer. Matrix Medica, Inc.
Chemical. (G) Polyurethane ureas.
Use/Production. (G) Polymer film manufacture. Prod. range: Confidential.

P 88-943

Manufacturer. Confidential.
Chemical. (G) Alkoxysilane terminated polyether polymer.
Use/Production. (S) Adhesives sealant polymer. Prod. range: 750,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg, species (rat). Eye irritation: None, species (rabbit). Skin irritation: Negligible, species (rabbit).

P 88-944

Manufacturer. Confidential.
Chemical. (G) Modified functional styrenated acrylate.
Use/Production. (G) Paint nonvolatile vehicle. Prod. range: 125,000 kg/yr.

P 88-945

Manufacturer. Pilot Chemical Company.
Chemical. (S) Benzene, methyl, mono- and di-C20-24-alkyl derivatives.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 88-946

Manufacturer. Pilot Chemical Company.
Chemical. (S) Benzensulfonic acid, methyl, mono- and di-C20-24-alkyl derivatives.
Use/Production. (S) Intermediate. Prod. range: Confidential.

P 88-947

Manufacturer. Pilot Chemical Company.
Chemical. (S) Benzensulfonic acid, methyl, mono- and di-C20-24-alkyl derivatives, sodium salt.
Use/Production. (S) Surfactant corrision inhibitor. Prod. range: Confidential.

P 88-948

Manufacturer. Hoechst Celanese Corporation.
Chemical. (G) Blocked isocyanated prepolymer.
Use/Production. (S) Hardener for powder coating resin. Prod. range: 40,000 kg/yr.

P 88-949

Manufacturer. E.I. Du Pont de Nemours & Co., Inc.
Chemical. (G) Epoxy methacrylate ester copolymer.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 88-950

Importer. Confidential.
Chemical. (G) Benzene polycarboxylic acid alkyl ester.
Use/Import. (G) Plasticizer. Import range: Confidential.

P 88-951

Importer. Hi-Tek Polymers, Inc.
Chemical. (G) Diphenol.
Use/Import. (S) Chemical intermediate. Import range: Confidential.

P 88-952

Importer. Confidential.
Chemical. (G) Fiber reactive red dye.
Use/Import. (S) Reactive dye for textiles. Import range: Confidential.

P 88-953

Importer. Confidential.
Chemical. (G) Fiber reactive purple dye.
Use/Import. (S) Reactive dye for textiles. Import range: Confidential.

P 88-954

Importer. Confidential.
Chemical. (G) Fiber reactive violet dye.
Use/Import. (S) Reactive dye for textiles. Import range: Confidential.

P 88-955

Importer. Confidential.
Chemical. (G) Acrylourethane.
Use/Import. (G) Coating adhesive. Import range: Confidential.

P 88-956

Importer. Confidential.
Chemical. (G) Acrylourethane.
Use/Import. (G) Open, nondispersive use. Import range: Confidential.

P 88-957

Manufacturer. Confidential.
Chemical. (G) Ethylene polymerized halogenated magnesium oxotitanium alkoxide.
Use/Production. (S) Catalyst for production of polyolefins. Prod. range: Confidential.

P 88-958

Manufacturer. Confidential.
Chemical. (G) Ethylene polymerized halogenated magnesium oxotitanium alkoxide.
Use/Production. (S) Catalyst for production of polyolefins. Prod. range: Confidential.

P 88-959

Manufacturer. Confidential.
Chemical. (G) Halogenated magnesium oxotitanium alkoxides; halogenated magnesium oxotitanate; halogenated magnesium titanium alkoxides.
Use/Production. (S) Catalyst for production of polyolefins. Prod. range: Confidential.

P 88-960

Manufacturer. Confidential.
Chemical. (G) Halogenated magnesium oxotitanium alkoxides; halogenated magnesium oxotitance; halogenated magnesium titanium alkoxides.
Use/Production. (S) Catalyst for production of polyolefins. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 28,710 mg/kg, species (rat).

Dated: April 21, 1988.

Steve Newburg-Rinn,

Acting Chief, Public Data Branch, Information Management Division, Office of Toxic Substances.

[FR Doc. 88-9100 Filed 4-25-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. W-38]

Window Notice for the Filing of FM Broadcast Applications

Released: April 19, 1988.

Notice is hereby given that applications for vacant FM broadcast allotment listed below may be submitted for filing during the period beginning April 13, 1988 and ending May 19, 1988 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—292A	
Independence	CA
Kingsburg	CA
Brush	CO
South Bend*	IN
Los Lunas	NM
Tishomingo	OK
Channel—292 C2	
New Iberia	LA
Channel—292A	
Marked Tree	AR
Sebastopol	CA
Tice	FL
Yazoo City	MS
Conrad	MT
Wrightsville Beach	NC
Clyde	NY
Cordell	OK
Bishopville	SC
Georgetown	SC
Jacksboro	TX
Uvalde	TX
Nekoosa	WI

*Due to Commission error in the allotment of this channel the Commission has imposed an additional site restriction on the allotment. The new site restriction is 7.6 km (4.7 miles) NW. The restriction site coordinates are 41-43-54 and 86-18-07.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-9113 Filed 4-25-88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Room 12211, Washington, DC 20573, telephone number (202) 523-5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review 46 CFR Part 580

FMC requests extension of clearance for the Commission's regulation to enforce the tariff filing provisions of section 8 of the Shipping Act of 1984. The rule requires common carriers and conferences of such common carriers to file with the Commission and keep open to public inspection, tariffs showing all rates, fares, and charges for transportation between U.S. and foreign ports and between points on any through route which is established.

For approximately 2105 respondents, the Commission estimates 593,899 annual responses and 214,787 annual manhours. Total estimated cost to the Government is $1,030,000; estimated annual cost to the public is $3,850,269.

Joseph C. Polking,

Secretary.

[FR Doc. 88-9156 Filed 4-25-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Supervisory Policy Concerning Selection of Securities Dealers and Unsuitable Investment Practices

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Supervisory Policy Statement.

SUMMARY: The purpose of this supervisory policy is to provide State member banks with recommended procedures to be used in the selection of a securities dealer and to advise them of certain securities practices that are

viewed by federal banking regulators as unsuitable for an investment portfolio. In addition, the supervisory policy discusses several types of securities with very volatile price and high risk characteristics and which, therefore, may be unsuitable for an institution's investment portfolio, particularly if held in significant amounts.

EFFECTIVE DATE: April 20, 1988.

FOR FURTHER INFORMATION CONTACT: Robert S. Plotkin, Assistant Director, (202) 452–2782; Edwin Demoney, Manager, (202) 452–2434; or Rhoger Pugh, Manager, (202) 728–5883, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington DC 20551. For the hearing impaired *only*, Telecommunication Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson, (202) 452–3544.

SUPPLEMENTARY INFORMATION: This supervisory policy was developed by the Federal Financial Institutions Examination Council (FFIEC) because of concerns over the use of investment portfolios by depository institutions as vehicles for speculative activities. Such speculative activity has in a number of cases resulted from the depository institution's investment portfolio manager following the advice of the securities dealers who, in order to generate commission income, encourage speculative practices that are unsuitable for the investment portfolio.

The supervisory policy provides a list of standards that a depository institution should apply when selecting a securities dealer. These standards include: review of the securities firm's financial strength; inquiry into the dealer's reputation for financial stability and honest dealings with customer's; inquiry of regulatory authorities concerning the existence of any formal enforcement actions against the dealer; a review of the sales representative's background.

The supervisory policy states that investment portfolios are traditionally maintained to provide earnings, liquidity and a means of diversifying risks. It states that transactions entered into in anticipation of taking gains on short-term price movements are not prudent investment practices and that such transactions should be conducted in the depository institution's closely supervised securities trading account and then only by institutions that have strong capital and earnings. The policy discusses trading practices—i.e., gains trading, when-issued securities trading, pair-offs, corporate settlement on U.S. government and Federal agency securities purchases, repositioning repurchase agreements, and short sales—that are unsuitable for investment portfolios.

The supervisory policy also describes the risk and price characteristics and appropriate accounting treatment for several extremely volatile instruments such as stripped mortgage-backed securities (interest-only strips, commonly referred to as "IOs", and principal-only strips, commonly referred to as "POs") and asset-backed securities residuals. The accounting treatment specified in the policy statement provides that depository institutions shall account for these instruments in accordance with Generally Accepted Accounting Principles (GAAP) as set forth in Financial Accounting Standards Board Statement t91. This statement requires that the carrying amount of these instruments be adjusted when actual prepayment experience differs from the prepayment estimates used in the initial valuation. Institutions not subject to GAAP are instructed to follow GAAP or, alternatively, to carry these instruments at market value or the lower of cost or market value.

Acting pursuant to its supervisory authority over State member banks contained in Section 9 (12 U.S.C. 321, *et. seq.*) and Section 11 (12 U.S.C. 248) of the Federal Reserve Act and the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)) and related provisions of law, the Board of Governors has adopted the following supervisory policy:

Supervisory Policy Concerning Selection of Securities Dealers and Unsuitable Investment Practices

Purpose

This supervisory policy is to provide recommended procedures to be employed by State member banks and other depository institutions when selecting securities dealers and to advise of certain securities activities that the depository institution regulators view as unsuitable in an investment portfolio.

Background

The depository institution regulators have become aware of speculative activity which has taken place in a number of depository institutions investment portfolios. Certain of these institutions have failed because of the speculative activities, and other institutions have been weakened significantly as their earnings and capital have been impaired and the liquidity of their securities has been eroded by the depreciation in their market value.

Speculative activity often occurs when a depository institution's investment portfolio manager follows the advice of securities dealers who, in order to generate commission income, encourage speculative practices that are unsuitable for the investment portfolio.

Recommendations Concerning the Selection of a Securities Dealer

It is common for the investment portfolio managers of many depository institutions to rely on the experitise and advice of a securities sales reprsentative for: recommendations of proposed investments; investment strategies; and the timing and pricing of securities transactions. Accordingly, it is important for the management of depository institutions to know the securities firms and the personnel with whom they deal. An investment portfolio manager should not engage in securities transactions with any securities dealer that is unwilling to provide complete and timely disclosure of its financial condition. Management must review the dealer's financial statements and make a judgment about the ability of the dealer to honor its commitments. An inquiry into the general reputation of the dealer also is necessary.

The board of directors and/or an appropriate board committee should review and approve a list of securities firms with whom the depository's management is authorized to do business. The following securities dealer selection standards are recommended, but are not all inclusive. The dealer selection process should include:

—A consideration of the ability of the securities dealer and its subsidiaries or affiliates to fulfill commitments as evidenced by capital strength and operating results disclosed in current financial data, annual reports, credit reports, etc.;

—An inquiry into the dealer's general reputation for financial stability and fair and honest dealings with customers, including an inquiry of past or current financial institution customers of the securities dealer;

—An inquiry of appropriate State or Federal securities regulators and securities industry self-regulatory organizations, such as the National Association of Securities Dealers, concerning any formal enforcement actions against the dealer or its affiliates or associated personnel;

—An inquiry, as appropriate, into the background of the sales representative to determine his or her experience and expertise;

—A determination whether the depository institution has appropriate procedures to establish possession or control of securities purchased. Purchased securities and repurchase agreement collateral should only be kept in safekeeping with selling dealers when (1) The board is completely satisfied as to the creditworthiness of the securities dealer and (2) the aggregate value of securities held in safekeeping in this manner is within redit limitations that have been approved by the board of directors, or a committee of the board, for unsecured transactions (see FFIEC Policy Statement adopted October 1985).

As part of the process of managing a depository institution's relationships with securities dealers, the board of directors may wish to consider including in the financial institution's code of ethics of conduct a prohibition by those employees, who are directly involved in purchasing and selling securities for the depository institution, from engaging in personal securities transactions with the same securities firm that the depository institution uses for its transactions without specific board approval and periodic review. The board also may wish to adopt a policy applicable to directors, officers or employees concerning the recipt of gifts, gratuities or travel expenses from approved dealer firms and their personnel (also see in this connection the Bank Bribery Act, 18 U.S.C. 215 and interpretive releases).

Objectionable Investment Practices

Depository institution directors are responsible for prudent administration of investments in securities. An investment portfolio traditionally has been maintained by a depository institution to provide earnings, liquidity and a means of diversifying risks. When investment transactions are entered into in anticipation of taking gains on short-term price movements, the transactions are no longer characteristic of prudent investment activities and should be conducted in a securities trading account. Securities trading of the types described in section I of the attached appendix will be viewed as unsuitable activities when they are conducted in a depository institution's investment account. Securities trading should take place only in a closely supervised trading account and be undertaken only by institutions that have strong capital and current earning positions. Acquisitions of the various forms of zero coupon, stripped obligations and asset backed securities residuals discussed in section II of the attached appendix will receive increased regulatory attention and, depending upon the circumstances, may be considered unsuitable for a depository institution.

State chartered financial institutions are cautioned that certain of the investment practices listed in the appendix may violate state law. If any such practices are contemplated, the appropriate state supervisor should be consulted regarding permissibility under state law.

Appendix to Supervisory Policy Statement on the Selection of Securities Dealers and Unsuitable Investment Practices.

I. Trading in the Investment Portfolio

Trading in the investment portfolio is characterized by a high volume of purchase and sale activity, which when considered in light of a short holding period for securities, clearly demonstrates management's intent to profit from short-term price movements. In this situation, a failure to follow accounting and reporting standards applicable to trading accounts may result in a misstatement of the depository institution's income and a filing of false regulatory reports and other published financial data. It is an unsafe and unsound practice to record and report holdings of securities that result from trading transactions using accounting standards which are intended for investment portfolio transactions; therefore, the discipline associated with accounting standards applicable to trading accounts is necessary. Securities held in trading accounts should be marked to market, or the lower of cost or market, periodically with unrealized gains or losses recognized in current income. Prices used in periodic revaluations should be obtained from sources that are independent of the securities dealer doing business with the depository.

The following practices are considered to be unsuitable when they occur in a depository institution's investment portfolio.

A. "Gains Trading". "Gains trading" is a securities trading activity conducted in an investment portfolio, often termed "active portfolio management." "Gains trading" is characterized by the purchase of a security as an investment and the subsequent sale of that same security at a profit within several days or weeks. Those securities initially purchased with the intent to resell are retained as investment portfolio assets if they cannot be sold at a profit. These "losers" are retained in the investment portfolio because investment portfolio holdings are accounted for at cost, and losses are not recognized unless the security is sold. "Gains trading" often results in a portfolio of securities with extended maturities, lower credit quality, high market depreciation and limited practical liquidity.

In many cases, "gains trading" has involved the trading of "when issued" securities and "pair offs" or "corporate settlements" because the extended settlement period associated with these practices allows speculators the opportunity for substantial price changes to occur before payment for the securities is due.

B. "When-Issued" Securities Trading. "When-issued" securities trading is the buying and selling of securities in the interim between the announcement of an offering and the issuance and payment date of these securities. A purchaser of a "when-issued" security acquires all the risks and rewards of owning a security and may sell the "when-issued" security at a profit before taking delivery and paying for it. Frequent purchases and sales of securities during the "when-issued" period generally are indications of trading activity and should not be conducted in a bank's investment portfolio.

C. "Pair-Offs". A "pair-off" is a security purchase transaction which is closed out or sold at, or prior to, settlement date. As an example, an investment portfolio manager will commit to purchase a security; then, prior to the predetermined settlement date, the portfolio manager will "pair-off" the purchase with a sale of the same security prior to, or on, the original settlement date. Profits or losses on the transaction are settled by one party to the transaction remitting to the counter party the difference between the purchase and sale price. Like "when issued" trading, "pair-offs" permit speculation on securities price movements without paying for the securities.

D. Corporate Settlement on U.S. Government and Federal Agency Securities Purchases. Regular-way settlement for transactions in U.S. Government and Federal agency securities is one business day after the trade date. Regular-way settlement for corporate securities is five business days after the trade date. The use of a corporate settlement method (5 business days) for U.S. Government securities purchases appears to be offered by dealers in order to facilitate speculation on the part of the purchaser.

E. Repositioning Repurchase Agreements. Dealers who encourage speculation through the use of "pair-off" "when-issued" and "corporate settlement" transactions often provide

the financing at settlement of purchased securities which cannot be sold at a profit. The buyer purchasing the security pays the dealer a small "margin" that is equivalent roughly to the security. The dealer then agrees to fund the purchase by buying the security back from the purchaser under a resale agreement. Apart from imprudently funding a longer-term, fixed-rate asset with short-term, variable-rate source funds, the purchaser acquires all the risks of ownership of a large amount of depreciated securities for a very small margin payment. Purchasing securities in these circumstances is inherently speculative and is a wholly unsuitable investment practice for depository institutions.

F. Short Sales. A short sale is the sale of a security that is not owned. The purpose of a short sale generally is to speculate on the fall in the price of the security. Short sales are speculative transactions that should be conducted in a trading account, and when conducted in the investment portfolio, they are considered to be unsuitable.

Short sales are not permissible activities for Federal credit unions.

II. Stripped Mortgage Backed Securities, Residuals and Zero Coupon Bonds

There are advantages and disadvantages in owning these products. A depository institution must consider the liquidity, marketability, pledgeability, and price volatility of each of these products prior to investing in them. It may be unsuitable for a depository institution to commit significant amounts of funds to long-term stripped mortgage-backed securities, residuals and zero coupon bonds which fluctuate greatly in price.

A. Stripped Mortgage Backed Securities (SMBS). Stripped Mortgage Backed Securities consist of two classes of securities with each class receiving a different portion of the monthly interest and principal cash flows from the underlaying mortgage backed securities. In its purest form, an SMBS is converted into an interest-only (IO) strip, where the investor receives 100% of the interest cash flows, and a principal only (PO) strip, where the investor receives 100% of the principal cash flows.

All IOs and POs have highly volatile price characteristics based, in part, on the prepayment of the underlying mortgages and consequently on the maturity of the stripped security. Generally, POs will increase in value when interest rates decline while IOs increase in value when interest rates rise. Accordingly, the purchase of an IO strip may serve, theoretically, to offset the interest rate risk associated with mortgages and similar instruments held by a depository institution. Similarly, a PO may be useful as an offset to the effect of interest rate movements on the value of mortgage servicing. However, when purchasing an IO or PO the investor is speculating on the movements of future interest rates and how these movements will affect the prepayment of the underlying collateral. Furthermore, those SMBS that do not have the guarantee of a government agency or a government-sponsored agency as to the payment of principal and interest have an added element of credit risk.

As a general rule, SMBS cannot be considered as suitable investments for the vast majority of depository institutions. SMBS, however, may be appropriate holdings for depository institutions that have highly sophisticated and well managed securities portfolios, mortgage portfolios or mortgage banking functions. In such depository institutions, however, the acquisition of SMBS should be undertaken only in conformance with carefully developed and documented plans prescribing specific positioning limits and control arrangements for enforcing these limits. These plans should be approved by the institution's board of directors and vigorously enforced.

In those depository institutions that prepare their published financial statements in accordance with Generally Accepted Accounting Principles, SMBS holdings must be accounted for in accordance with Financial Accounting Standards Board Statement #91 (FAS #91) which requires that the carrying amount be adjusted when actual prepayment experience differs from prepayment estimates. Other institutions may account for their SMBS holdings under FAS #91 or alternatively at market value or the lower of cost or market value.

Several states have adopted, or are considering, regulations that prohibit state chartered banks from purchasing IO strips. Accordingly, state chartered institutions should consult with their state regulator concerning the permissibility of purchasing SMBS.

B. Asset Backed Securities (ABS) Residuals. Residuals are the excess cashflows from an ABS transaction after the payments due to the bondholders and the trust administrative expenses have been satisfied. This cashflow is extremely sensitive to prepayments, and thus has a high degree of interest rate risk.

Generally, the value of residual interests in ABS rises when interest rates rise. Theoretically a residual can be used as a risk management tool to offset declines in the value of fixed rate mortgage or ABS portfolios. However, it should be understood by all residual interest purchasers that the "yield" on these instruments is inversely related to their effectiveness as a risk management vehicle. In other words, the highest yielding ABS residuals have limited risk management value usually due to a complicated ABS structure and/or unusual collateral characteristics that make modeling and understanding the economic cashflows very difficult.

Alternatively, those residuals priced for modest yields generally have positive risk management characteristics.

In conclusion, it is important to understand that a residual cashflow is highly dependent upon the prepayments received. Caution should be exercised when purchasing a residual interest, especially higher "yielding" interest, because the risk associated over the life of the ABS may warrant an even higher return in order to adequately compensate the investor for the interest rate risk assumed. Purchases of these equity interests should be supported by in-house evaluations of possible rate of return ranges in combination with varying prepayment assumptions.

Residual interests in ABS are not permissible acquisitions for Federal credit unions. Holdings of ABS residuals by other institutions should be accounted for in the manner discussed under stripped mortgage-backed securities and should be reported as "Other Assets" on regulatory reports.

C. Other Zero Coupon or Stripped Products. The interest and/or principal portions of U.S. Government obligations are sometimes sold to depository institutions in the form of stripped coupons, stripped bonds (principal), STRIPS, or propriety products, such as CATs or TIGRs. Also, Original Issue Discount Bonds (OIDs) have been issued by a number of municipal entities. Longer maturities of these instruments can exhibit extreme price volatility and, accordingly, disproportionately large long-maturity holdings (in relation to the total portfolio) of zero coupon securities may be unsuitable for investment holdings for depository institutions.

By order of the Board of Governors of the Federal Reserve System, this 20th day of April, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-9067 Filed 4-25-88, 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Debarment and Suspension; Dr Claudio Milanese

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice of debarment.

SUMMARY: This notice announces the debarment of Dr. Claudio Milanese from eligibility for direct or indirect financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services and the end of Dr. Milanese's previous suspension from such activity.

DATES: The debarment became effective April 20, 1988 and ends three years from that date.

FOR FURTHER INFORMATION CONTACT: Robert B. Lanman, Esq., Chief, National Institutes of Health Branch, Public Health Division, Office of General Counsel, 9000 Rockville Pike, Building 31, Room 2B–50, Bethesda, Maryland 20892. Telephone: (301) 496–4108.

SUPPLEMENTARY INFORMATION: Pursuant to 45 CFR Part 76, Dr. Claudio Milanese, Corso G. Marconi 24, 10125 Torino, Italy, has been debarred from receiving or applying for, directly or indirectly, any form of financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services. The debarment applies to assistance provided through grants, cooperative agreements, fellowships, traineeships, loans, loan guarantees, and subgrants supported by such assistance. It also debars Dr. Milanese from service or participation in the conduct or performance of an assisted project. The debarment became effective on April 20, 1988. After three years from that date, Dr. Milanese may again apply to the Department of Health and Human Services for receipt of financial assistance. This action is being taken pursuant to the HHS Financial Assistance Debarment and Suspension Regulations pertaining to grants and other forms of financial assistance, 45 Code of Federal Regulations, Part 76.

The basis for the debarment action is that there is reasonable evidence Dr. Milanese has committed irregularities of a serious nature which are grounds for debarment under 45 CFR 76.10. The investigative report concluded that Dr. Milanese was responsible for three types of fabrication: (1) Frank invention of data; (2) supplying of fraudulent research materials to collaborators; and (3) tidying of data to improve the published results. The instances of serious deviation from accepted medical research practices set forth in the investigative report reflect his failure to comply with the fundamental duty of research scientists to report accurately the methods and results of their research and otherwise reflects a lack of integrity, care and judgment that is so compelling as to seriously and directly affect his participation in HHS financial assistance.

Dr. Milanese has also been debarred from contracting with the Federal government pursuant to the Federal Acquisition Regulation Subpart 9.4.

Dated: April 20, 1988.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance and Logistics.

[FR Doc. 88–9132 Filed 4–25–88; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 87D–0412]

Chloramphenicol as an Unapproved New Animal Drug-Direct Reference Seizure Authority; Availability of Compliance Policy Guide

AGENGY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Compliance Policy Guide 7125.33 (the Guide) entitled "Chloramphenicol as an Unapproved New Animal Drug-Direct Reference Seizure Authority." The Guide provides to FDA district offices specific criteria for recommending direct reference seizure of chloramphenicol-containing products that are unapproved new animal drugs.

ADDRESS: Written requests for single copies of FDA Compliance Policy Guide 7125.33 may be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the Branch in processing your requests.)

FOR FURTHER INFORMATION CONTACT: James E. Tessmer, Center for Veterinary Medicine (HFV–236), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2830.

SUPPLEMENTARY INFORMATION: FDA has prepared Compliance Policy Guide 7125.33 "Chloramphenicol as an Unapproved New Animal Drug-Direct Reference Seizure Authority" to permit FDA district offices to recommend direct reference seizure of chloramphenicol-containing products that are unapproved new animal drugs provided the specific criteria stated in the Guide are met and documented. Chloramphenicol, for animal use, is a new animal drug and several dosage forms of the drug are approved for use only in nonfood-producing animals, specifically, cats and dogs (see 21 CFR Part 555). Any other animal use or intended use of chloramphenicol causes the drug to be an unapproved new animal drug under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) that is adulterated under section 501(a)(5) (21 U.S.C. 351(a)(5)) and subject to seizure under section 304 (21 U.S.C. 334). Chloramphenicol has been used widely and illegally in food-producing animals. Because of this misuse, which included use of chloramphenicol that had been approved for nonfood animals, FDA withdrew the approvals of new animal drug applications for use of the oral solution dosage form of chloramphenicol in nonfood animals. (See 51 FR 1367 and 51 FR 1441; January 13, 1986).

Compliance Policy Guide 7125.33 is available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7125.33 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

This notice is issued under 21 CFR 10.85.

Dated: April 12, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–9072 Filed 4–25–88; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88D–0063]

New Chapter in Regulatory Procedures Manual; Automatic Detentions of Imported Products; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Regulatory Procedures Manual Chapter 9–25 "Automatic Detentions." Chapter 9–25 establishes criteria for recommending imported products for automatic detention and for recommending their removal from automatic detention.

ADDRESS: Regulatory Procedures Manual Chapter 9–25 "Automatic

Detentions" is available for public examination at, and written requests for single copies may be sent to, the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the Branch in processing your requests.)

FOR FURTHER INFORMATION CONTACT: James C. Lyda, Office of Regulatory Affairs (HFC–131), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6553.

SUPPLEMENTARY INFORMATION: Automatic detention is the administrative act of detaining an entry of a specified article (product) without any physical examination. A product or class of products may be automatically detained based on its violative history or other information indicating that a product or class of products does not conform to the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or other laws enforced by FDA. Therefore, in some instances, FDA may invoke automatic detention of a specific product without any violative history on that product, because of the violative history of the class of product. In other cases, FDA may invoke automatic detention of a product after the agency finds one violation resulting in detention of the product. Chapter 9–25 contains information about how and when FDA invokes and removes automatic detentions of a product or class of products.

Dated: March 17, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–9074 Filed 4–25–88; 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 annouced:

Neurological Devices Panel

Date, time, and place. May 12, 1988, 8 a.m., Rm. T–416, Twinbrook Bldg. 4, 12720 Twinbrook Parkway, Rockville, MD.

Type of meeting and contact person. Open committee discussion, 8 a.m. to 9 a.m.; open public hearing, 9 a.m. to 10 a.m.; closed presentation of data, 10 a.m. to 11 a.m.; open committee discussion, 11 a.m. to 2 p.m.; Robert Munzner, Center for Devices and Radiological Health (HFZ–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

General function of the committee. The committee reviews and evaluated 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. Those desiring to make formal presentations should notify the contact person before May 2, 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 committee will discuss: (1) Panel recommendations regarding clinical studies to obtain valid scientific evidence of effectiveness for pain-relieving devices, and (2) premarket approval application for a low-powered laser to be used in treating pain.

Closed presentation of data. Trade secret and/or confidential commercial or financial information will be presented to the committee regarding a premarket approval application for a low-powered laser to be used in treating pain. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552(c)(4)).

Anti-Infective Drugs Advisory Committee

Date, time, and place. May 12 and 13, 1988, 8:30 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Closed presentation of data, May 12, 1988, 8:30 a.m. to 4:30 p.m.; open public hearing, May 13, 1988, 8:30 a.m. to 9:30 a.m.; unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4:30 p.m.; Thomas E. Nightingale, 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 infectious 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 postmarketing experience with AZT (azidothymidine: ZIDOVUDINE/Burroughs-Wellcome).

Closed presentation of data. The committee will hear trade secret and/or confidential commercial information relevant to investigational new drug Nos. 24,999, 27,782, 26,861, 29,149, 23,111, 31,171, 18,554, 29,147, 27,205, and 31,236. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Subcommittee of Vaccines and Related Biological Products Advisory Committee

Date, time, and place. May 19, 1988, 8:30 a.m., Bldg. 29, Rm. 121, National Institutes of Health, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m., to 9:30 a.m., unless public participation does not last that long; closed committee deliberations, 9:30 a.m. to 4 p.m.; Jack Gertzog, Center for Drug Evaluation and Research, Rm. 8B–45, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases. The committee also reviews and evaluates the quality and relevance of FDA's research program which provides scientific support for the regulation of these products.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Closed committee deliberations. The committee will review trade secret and confidential commercial information relevent to a pending license application in the Office of Biologics Research and Review. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Allergenic Products Advisory Committee

Date, time, and place. May 24 and 25, 1988, 9 a.m., Conference Rm. E,

Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, May 24, 1988, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 3:20 p.m.; closed committee discussion, 3:20 p.m. to 5 p.m.; open committee discussion, May 25, 1988, 9 a.m. to 1 p.m.; closed committee discussion, 1:30 p.m. to 3:30 p.m.; Clay Sisk, Center for Biologics Evaluation and Research, Rm. 8B–45, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational allergenic biological products administered to humans for the diagnosis, prevention, or treatment of allergies and allergic disease.

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) Implementation of regulations on potency testing allergenic extracts (21 CFR 680.3), (2) review of potency procedures for allergenic extracts containing antigen E (*Ambrosia artemisiifolia* 1 (Amb a 1)), (3) in vitro tests in allergy/immunology, (4) results of a collaborative skin test trial, (5) skin testing requirements for references and lots of allergenic extracts submitted in support of a license application, and (6) proposed extracts for the National Health and Nutritional Examination Survey.

Closed committee discussion. The committee will review trade secret or confidential commerical information relevant to pending biological product license applications and investigational new drugs. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separate 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. The dates and times reserved for the separate 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 reqeust 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.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statues.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public;

presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

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 19, 1988.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 88–9071 Filed 4–21–88; 11:14 am]

BILLING CODE 4160–01–M

Public Health Service

National Vaccine Advisory Committee; Public Meeting

AGENCY: Office of the Assistant Secretary for Health, HHS.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing the forthcoming first meeting of the National Vaccine Advisory Committee.

DATE: Date, Time and Place: June 9, 1988, at 9:00 a.m.; June 10 at 9:00 a.m.; Hubert Humphrey Building Auditorium, 200 Independence Avenue, SW., Washington, DC 20201. The entire meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Written requests to participate should be sent to Alan R. Hinman, M.D., Coordinator, National Vaccine Program, Office of the Assistant Secretary for Health, 5600 Fishers Lane, Room 9–32, Rockville, Maryland 20857, (301) 443–0715.

Agenda: Open Public Hearing

Interested persons may formally present data, information, or views orally or in writing on issues pending before the Advisory Committee or on any of the duties and responsibilities of the Advisory Committee as described below. Those desiring to make such presentations should notify the contact person before May 13, 1988 and submit a brief statement of the information they wish to present to the Advisory Committee. Those requests should include the names and addresses of proposed participants and an indication of the approximate time required to make their comments. A maximum of 15 minutes will be allowed for a given presentation. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting will be allowed to make an oral presentation at the conclusion of the meeting, if time permits, at the chairperson's discretion.

Open Advisory Committee Discussion

Discussion at this first meeting will center on the role of the Advisory Committee, the organizational structure of the Advisory Committee, and charges to the Advisory Committee. The primary focus of the meeting will be to identify issues to be addressed in future meetings and the approaches that will be taken by the Advisory Committee to respond to those issues.

SUPPLEMENTARY INFORMATION: The National Vaccine Advisory Committee is established under section 2105 of the Public Health Service Act. The Advisory Committee shall:

(1) Study and recommend ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States;

(2) Recommend research priorities and other measures the Director of the Program should take to enhance the safety and efficacy of vaccines;

(3) Advise the Director of the National Vaccine Program with regard to the following vaccine activities carried out by or through the National Institutes of Health, the Centers for Disease Control, the Office of Biologics Research and Review of the Food and Drug Administration, the Department of Defense, and the Agency for International Development:

(a) Vaccine research on means to induce human immunity against naturally occurring infectious diseases and to prevent adverse reactions to vaccines;

(b) Vaccine development, including the techniques needed to produce safe and effective vaccines;

(c) Safety and efficacy testing of vaccines;

(d) Licensing of vaccine manufacturers and vaccines by providing for the allocation of resources to support the licensing program;

(3) Production and procurement of vaccines to ensure that the governmental and nongovernmental production and procurement of safe and effective vaccines meet the needs of the United States population and fulfill commitments of the United States to prevent human infectious diseases in other countries;

(f) Distribution and use of vaccines, by providing direction to the Centers for Disease Control and assistance to States, localities, and health practitioners in the distribution and use of vaccines, including efforts to encourage public acceptance of immunizations and to make health practitioners and the public aware of potential adverse reactions and contraindications to vaccines;

(g) Evaluating the need for and the effectiveness and adverse effects of vaccines and immunization activities;

(h) Coordination of governmental and nongovermental activities; and,

(i) Allocation of supplemental resources to Federal agencies involved in the implementation of the plan for activities not otherwise funded.

(4) Identify annually for the Director the most important areas of government and nongovernment cooperation that should be considered in implementing the Program.

Meetings of the Advisory Committee shall be conducted, insofar as is practical, in accordance with the agenda published in the **Federal Register** notices. Changes in the agenda will be announced at the beginning of the meeting.

Persons interested in specific agenda items may ascertain from the contact person the approximate time of discussion.

A list of Advisory Committee members and the charter of the Advisory Committee will be available at the meeting. Those unable to attend the meeting may request this information from the contact person. Summary minutes of the meeting will be made available upon request from the contact person.

Dated: April 19, 1988.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 88–9097 Filed 4–25–88; 8:45 am]

BILLING CODE 4160–17–M

Bureau of Land Management

[CA–060–08–4212–11; CA–14154]

Classification of Public Lands for Recreation and Public Purposes, San Diego County, CA

AGENCY: Bureau of Land Management, Interior.

Amendment: Notice of Realty Action, CA–14154.

In **Federal Register** Vol. 51, No. 231, Page 43476, published on Tuesday, December 2, 1986, amend/correct the following:

In the first column, at the paragraph titled—**SUMMARY;** second sentence, after the words ". . . classified as suitable for

. . .," insert the following words "lease and/or sale for".

In the second column, at the last paragraph, delete the second sentence and replace with "This segregation and classification of the subject public lands shall continue in full force and effect until an authorized officer revokes or modifies it."

DATE: For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the Area Manager, Indio Resource Area (SCMPA), Bureau of Land Management at 1900 E. Tahquitz–McCallum Way, Suite B–1, Palm Springs, California 92262. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

Dated: April 18, 1988.

Leslie M. Cone,

Area Manager.

[FR Doc. 88–9064 Filed 4–25–88; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service Clearance Officer and the OMB Interior Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Waterfowl Harvest Surveys.

Abstract: Migratory waterfowl hunting is authorized throughout the United States including Alaska. Information on the magnitude and composition of the harvest is needed for sound management and to preclude over-harvest of the species involved. The forms used in these surveys provide the major part of that information.

Service Form Number(s): 3–1823 (Survey Contact Card); 3–2056 and 3–2056G (Original and followup Questionnaire); and 3–165 (Parts Collection Envelope—duck wing/goosetail and goosetail only).

Frequency: On occasion.

Description of Respondents: Individuals or households (migratory bird hunters).

Annual Responses: 195,700 (all forms).

Annual Burden Hours: 20,549.

Service Clearance Officer: James E. Pinkerton, 202–653–7500, Room 859 Riddel Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

Date: April 4, 1988.

James E. Gillett,

Acting Assistant Director—Refuges and Wildlife.

[FR Doc. 88–9057 Filed 4–25–88; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1210, Block 78, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Intracoastal City, Louisiana.

DATE: The subject was deemed submitted on April 15, 1988. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 18, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88–9058 Filed 4–25–88; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document, Texaco Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Texaco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 0974, Block 278, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from existing onshore bases located at Cameron and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on April 15, 1988. Comments must be received within 15 days of the

publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification area also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Units; Telephone (504) 736–2874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCD's available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 18, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88–9065 Filed 4–25–88; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–290–292 (Preliminary) and 731–TA–400–404 (Preliminary)]

Thermostatically Controlled Appliance Plugs and Probe Thermostats Therefor from Canada, Hong Kong, Japan, Malaysia, and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary countervailing duty investigations Nos. 701–TA–290–292 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada, Malaysia, and Taiwan of thermostatically controlled appliance plugs and probe thermostats therefor,[1] provided for in item 711.78 of the Tariff Schedules of the United States, which are alleged to be subsidized by the respective Governments of Canada, Malaysia, and Taiwan.

The Commission also gives notice of the institution of preliminary antidumping investigations Nos. 731–TA–400–404 (Preliminary) under section 733(a) of the Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada, Hong Kong, Japan, Malaysia, and Taiwan of the subject merchandise which is alleged to be sold in the United States at less than fair value.

As provided in sections 703(a) and 733(a), the Commission must complete preliminary countervailing duty and antidumping investigations in 45 days, or in this case by May 31, 1988.

For further information concerning the conduct of these investigations, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: April 15, 1988.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–252–1185), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1809. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background—These investigations are being instituted in response to petitions filed on April 15, 1988, by Triplex Inter Control (USA) Inc., St. Albans, VT.

Participation in the investigations—Persons wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all

[1] For purposes of these investigations, the term thermostatically controlled appliance plug refers to any device designed to connect an electrical outlet (typically, a common wall receptical) with a small cooking appliance of 2,000 watts or less (typically, a griddle, deep fryer, fry pan, multicooker, and/or wok) and regulate the flow of electricity, and thus the temperature, therein; consisting of: (1) A probe thermostat encased in a single housing set with a temperature control knob (typically a dial calibrated with various temperature settings), and (2) a cord set. The term probe thermostat refers to any device designed to automatically regulate the flow of electricity, and thus the temperature, in a small heating apparatus of 2,000 watts or less (typically, small cooking appliances); consisting of a stainless steel tube (which connects to the heating apparatus) and other components used for thermostatic control.

other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on May 6, 1988, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Larry Reavis (202–252–1185) not later than May 4, 1988, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions—Any person may submit to the Commission on or before May 11, 1988, a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: April 20, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88–9054 Filed 4–25–88; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Lodging a Complaint and Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; ARCO, Inc.

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that on April 14, 1988 a proposed Complaint and Consent Decree in *United States v. ARCO, Inc.*, Civil Action No. CV–88–32–VU, was lodged with the United States District Court for the District of Montana.

The Complaint filed by the United States was brought pursuant to Sections 106 and 107 of CERCLA to compel the Atlantic Richfield Company ("ARCO") to conduct a permanent relocation and site stabilization of the community of Mill Creek, Montana, and to reimburse the United States for response costs associated with the site. The consent decree provides that ARCO will conduct the permanent relocation and site stabilization required under the Record of Decision ("ROD"), and postpones cost recovery—other than oversight costs—for the next operable unit, which will include the soil clean-up at the Mill Creek site. Oversight costs of EPA will be reimbursed by ARCO under this consent decree.

The Department of Justice will receive for a period of thirty days from the date of this publication comments relating to the proposed Complaint and Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. ARCO, Inc.*, DOJ# Ref. 90–11–2–208. The proposed Complaint and Consent Decree may be examined at the office of the United States Attorney, District of Montana, 5043 Federal Building, 26th Street & 3rd Avenue, N, Billings, Montana. Copies of the Complaint and Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. Copying costs are $.10 per page, and the Consent Decree and attachments comprise 467 pages, so a request for a copy of the Consent Decree must be accompanied with a check or money order made out to the Treasurer of the United States for $46.70.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–9060 Filed 4–25–88; 8:45 am]

BILLING CODE 4410–01–M

Lodging of a Consent Decree Pursuant to the Solid Waste Disposal Act; Hermes Consolidated, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on *April 25, 1988* a proposed Consent Decree in *Hermes Consolidated, Inc.* v. *U.S. Environmental Protection Agency*, Civil Action No. C86–0212 was lodged with the United States District Court for the District of Wyoming.

The counterclaims filed by the United States alleged *inter alia*, violations of the Solid Waste Disposal Act, *as amended*, 42, U.S.C. 6901–6991(i) (1982 & Supp. 1985) (also referred to as the Resource Conservation and Recovery Act ("RCRA")). Specifically, the counterclaims alleged that defendant failed to comply with RCRA requirements at its crude oil refinery in Newcastle, Wyoming. The counterclaims also alleged that the defendant's facility has released hazardous wastes into the environment. The counterclaims sought injunctive relief and the imposition of civil penalties. The proposed Consent Decree requires the defendant to pay a $25,000 civil penalty. The Consent Decree also requires defendant to implement an extensive RCRA corrective action program to address alleged releases of hazardous wastes.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *Hermes Consolidated, Inc.* v. *U.S. Environmental Protection Agency*, Department of Justice Reference #90–7–1–362A.

Copies of the proposed Consent Decree may be examined at the following locations: Office of the United States Attorney, United States Courthouse, 2120 Capitol Avenue, Room 2141, Cheyenne, Wyoming; the U.S. Environmental Protection Agency, Suite 500, 999 18th Street, Denver, Colorado; and, at the Environmental Enforcement Section, Land and Natural Resources

Division, Department of Justice, Room 6220, Ninth and Pennsylvania Avenue, NW., Washington, DC. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. When requesting a copy, please refer to *Hermes Consolidated, Inc.* v. *U.S. EPA*, Department of Justice Reference #90–7–1–362A and enclose a check in the amount of $4.10 (10 cents per page reproduction costs) payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–9061 Filed 4–25–88; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act; Edward Lunn Tull

In accordance with the Department policy, 28 CFR 50.7, notice is hereby given that on April 5, 1988, a proposed consent decree in the four pending actions entitled *United States* v. *Edward Lunn Tull* was lodged with the United States District Court for the Eastern District of Virginia. The proposed consent decree resolves the judicial enforcement actions brought by the United States against Edward Tull for violation of the Clean Water Act and the Rivers and Harbors Act on property owned or controlled by him on Chincoteague Island, Virginia.

The proposed consent decree requires Mr. Tull to restore and create mitigation sites of wetlands and reconnect a tidal gut which has been blocked. It allows for the completion of one of the subdivisions involved in the litigation. In addition, the consent decree requires Mr. Tull to pay a civil penalty of $25,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, U.S. Department of Justice, Washington, DC, and should refer to *United States* v. *Edward Lunn Tull*, D.J. Ref. 90–5–1–1–1556.

The proposed consent decree may be examined at the office of the United States Attorney, Hoffman United States Courthouse, 6009 Granby Street, Norfolk, Virginia 23510, and at the Region III office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pennsylvania 19106. Copies of the consent decree may be examined at the Environmental Defense Section, Land and Natural Resources Division of the Department of Justice, Room 7118, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Defense Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–9080 Filed 4–25–88; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance, Anchor Hocking Industrial et al.

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 6, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 6, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 18th day of April 1988.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm	Location	Date received	Date of petition	Petition No.	Articles produced
Anchor Hocking Industrial (AFGWU)	Monaca, PA	4/18/88	4/1/88	20,605	Glass illuminating ware.
Blue Diamond Co. (Workers)	Stearns, KY	4/18/88	4/6/88	20,606	Steam coal.
Chris Craft Industrial Products-Trenton Div. (Company)	Trenton, NJ	4/18/88	4/8/88	20,607	Latex foam rubber.
General Motors Corp. (BOC Kalamazoo) (UAW)	Kalamazoo, MI	4/18/88	4/8/88	20,608	Metal stampings.
General Motors Corp. (CPC OKLAHOMA) (UAW)	Oklahoma City, OK	4/18/88	4/8/88	20,609	Metal stampings.
General Motors Corp. (AC Spark Plug) (UAW)	Flint, MI	4/18/88	4/8/88	20,610	Metal stampings.
(The) Hoover Co. (IBEW)	North Canton, OH	4/18/88	4/5/88	20,611	Floor care products.
Horizon Transportation Service Corp. (Workers)	Battle Creek, MI	4/18/88	3/30/88	20,612	Provide trucking service for firms.
Interpro Fabricators, Inc. (Texas Pipe Bending) (Workers)	Houston, TX	4/18/88	4/8/88	20,613	Fabricated piping.
Matsil Bros., Inc. (Workers)	Long Island City, NY	4/18/88	3/29/88	20,614	Men's terry bathrobes.
Maxus Energy Corp. (Workers)	Amarillo, TX	4/18/88	4/4/88	20,615	Crude oil and natural gas.
New York Twist Drill, Co. (USWA)	Worcester, MA	4/18/88	4/5/88	20,616	Cutting tools.

APPENDIX—Continued

Petitioner: Union/workers/firm	Location	Date received	Date of petition	Petition No.	Articles produced
Scholze Tannery (OCAW)	Chattanooga, TN	4/18/88	3/18/88	20,617	Leather.
Schampain, Citron, Clark, Inc. (Workers)	Elizabeth, NJ	4/18/88	4/7/88	20,618	Rigid carboard gift boxes.
Sheet Metal Products (SMWIA)	El Paso, TX	4/18/88	4/5/88	20,619	Fabricated metal products.
Winchester Hosiery Mills (Workers)	Winchester, VA	4/18/88	4/1/88	20,620	Ladie's and men's socks.

[FR Doc. 88-9158 Filed 4-25-88; 8:45 am]
BILLING CODE 4510-30-M

Babcock & Wilcox Co.; Negative Determination on Reconsideration

In the matter of TA-W-20,111, Beaver Falls Pennsylvania, TA-W-20,112, Ambridge, Pennsylvania, and TA-W-20,113, Koppel, Pennsylvania.

On January 29, 1988, the Department made an Affirmative Determination Regarding Application for Reconsideration for former workers at the above locations of Babcock & Wilcox Company. This determination was published in the **Federal Register** on February 5, 1988 (53 FR 3471). The union requested a filing extension and was granted until April 4, 1988 to submit supporting documents. During the course of the reconsideration investigation, meetings were held in Beaver Falls, Pennsylvania with company and union officials.

The union claimed that the U.S. aggregate import test was too general and that the Department should have considered imports of mechanical pipe, structural pipe, pressure tubing and stainless steel pipe and tube. The union also cited increased import market penetration of seamless mechanical and seamless pressure tubing. It was also mentioned that imports prior to the period applicable to the petition should have been considered by the Department in determining whether workers were eligible for certification under the Trade Act of 1974. Also mentioned was the fact that the Department had previously certified workers at the Beaver Falls Works.

The Beaver Falls Works was an integrated production operation consisting of three plants located in: Beaver Falls, Ambridge, and Koppel, Pennsylvania.

The Department's denial was based on the fact that there was an increase in production and sales in the first three quarters of 1986 compared to the same period in 1985. Further, the production of seamless alloy mechanical tubing, the major product prior to the work stoppage, ceased at the beginning of the work stoppage in September, 1986. The work stoppage covered the period from September 1986 until February 1987. Further, U.S. imports of mechanical steel decreased during the period the company produced mechanical steel. Production resumed in February 1987 but only for oil country goods at Ambridge and Koppel.

Investigative findings show that the production of stainless steel pipe and structural pipe at the Beaver Falls Works ceased in 1985. Workers separated in 1985 are outside the scope of this investigation. Section 223(b)(1) of the Trade Act states that no certification shall apply to workers separated prior to one year of the date of petition which in this case is September 14, 1987.

U.S. imports of mechanical tubing increased in 1987 after Beaver Falls Works' production of it ceased at the time of the work stoppage in September 1986. After inventories were used up, the company ceased taking orders for seamless mechanical tubing in August 1987. The only product produced in 1987 was oil country goods. U.S. imports of oil country goods declined absolutely and relative to domestic shipments in 1987 compared to 1986.

On reconsideration, the Department conducted a new survey of customers purchasing seamless mechanical tubing. The customer purchases were made from stocks on hand. That survey showed that respondents, who had reduced their purchases from Babcock & Wilcox, would have continued their purchases had McDermott International not announced in June 1987 that they would close the Beaver Falls Works. The respondents to the survey accounted for a preponderant share of Babock & Wilcox's 1987 sales decline. Several of the respondents indicated that they needed a reliable source of supply.

The survey also showed that some of the customers increased their purchases of imports in the period following the cessation of production of mechanical tubing at the Beaver Falls Works. These customers commented that they traditionally maintained a foreign presence to assure adequate supplies in the eventuality of a disruption from their domestic sources.

The dominant cause for production and sales declines and worker separations in 1987 was the work stoppage from September 1986 until February 1987 and the decision by McDermott International Corporation in June 1987 to close the Beaver Falls Works. Findings in the investigative case file reveal that management believed that the continued worldwide overcapacity and depressed market conditions in the seamless tubular line of business have permanently impaired the prospects for this activity at Babcock & Wilcox. Other findings which support the overcapacity problem are the facts that U.S. shipments, imports and apparent U.S. consumption of mechanical tubing declined in 1986 compared to 1985.

It is also claimed that the Department's certifications for workers at the Beaver Falls Works in 1976 and 1983 (TA-W-894 and TA-W-13,654) should govern the subject petition as well. The factual determinations required of the Department under the statute are very fact specific. Accordingly, each worker petition must be judged on its own merits and in the time frame in which it was filed and for the product which the workers produced. The major product produced in 1987 was seamless mechanical pipe and tube. Worker petitions TA-W-894 covering specialty steel tubing and pipes and TA-W-13,654 covering seamless steel tubing met all the group eligibility criteria of the Trade Act.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to former workers of the Babcock & Wilcox Company's Beaver Falls Works at Beaver Falls, Pennsylvania; Ambridge, Pennsylvania and Koppel, Pennsylvania.

Signed at Washington, DC, this 20th day of April 1988.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Service, UIS.

[FR Doc. 88-9159 Filed 4-25-88; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Litton Microwave Cooking Products, et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period April 11, 1988–April 15, 1988.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subsdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–20,464; Litton Microwave Cooking Products, Sioux Falls, SD

TA–W–20,466; PPG Industries, Inc., Tipton, PA

TA–W–20,532; Hamman Oil and Refining Co., Houston, TX

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–20,459; Chrysler Corp., Kenosha, WI

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–20,477; Kennedy Mills, Janesville, WI

U.S. imports of man-made finished fabrics, a category which encompasses the predominance of Kennedy Mills' products, declined absolutely in the first three quarters of 1987 compared to the same period in 1986.

Affirmative Determinations

TA–W–20,486; Copley Square, Inc., Fall River, MA

A certification was issued covering all workers of the firm separated on or after February 11, 1987.

TA–W–20,458; A.O. Smith Water Products Co., Kanakee, IL

A certification was issued covering all workers related to the production of boilers, coil and tanks separated on or after March 1, 1987.

TA–W–20,500; Cooper Industries, Cooper Electrical Distribution Products, Earlysville, VA

A certification was issued covering all workers of the firm separated on or after February 25, 1987.

I hereby certify that the aforementioned determinations were issued during the period April 11, 1988–April 15, 1988. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW, Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Dated: April 19, 1988.

[FR Doc. 88–9160 Filed 4–25–88; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–20,481]

Wiser Oil Co.; Leeco, KY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Wiser Oil Company, Leeco, Kentucky. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–20,481; Wiser Oil Company, Leeco, Kentucky (April 19, 1988.)

Signed at Washington, DC this 20th day of April 1988.

Marvin M. Fooks,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 88–9161 Filed 4–25–88; 8:45 am]

BILLING CODE 4510–30–M

Participation in Alien Status Verification System

Section 121(a)(1) of the Immigration Reform and Control Act of 1986 (Pub. L. 99–603), added sections 1137 (d) and (e) to the Social Security Act providing that aliens applying for certain entitlement programs, including unemployment insurance, shall have their immigration status verified through an automated verification system (AVS) developed by the Immigration and Naturalization Service. The Department of Labor has issued the bases on which the Secretary will grant waivers of certain participation in the AVS to all State Employment Security Agencies. The bases are contained in Unemployment Insurance Program Letter No. 26–88. Unemployment Insurance Program Letter No. 26–88 is published below:

Dated: April 11, 1988.

Roberts T. Jones,

Acting Assistant Secretary of Labor.

Dated: March 15, 1988.

Expiration date: March 31, 1989.

Directive: Unemployment Insurance Program Letter No. 26–88

To: All State Employment Security Agencies.

From: Donald J. Kulick, Administrator for Regional Management.

Subject: Bases on Which Secretary Will Grant Waivers of Certain Participation in Alien Status Verification System.

1. *Purpose.* To announce the bases on which the Secretary will make a determination to grant a waiver from participation in the Immigration and Naturalization Service's (INS) automated alien status verification system.

2. *References.* Section 121 of the Immigration Reform and Control Act of 1986 (IRCA, P.L. 99–608); Sections 302(a) and 1137 (d) and (e) of the Social Security Act (SSA); Section 3304(a)(14) of the Federal Unemployment Tax Act (FUTA); INS's public notice of proposed procedures entitled "Verification of Immigration Status of Aliens Applying for Benefits Under Certain Programs," published in the **Federal Register** on September 8, 1987 (52 Fed. Reg. 33882); and Unemployment Insurance Program Letter (UIPL) Nos. 12–87, 2–88, and 11–88.

3. *Background.* Section 121(a)(1), IRCA, added SSA Sections 1137 (d) and (e) providing that aliens applying for certain entitlement programs, including unemployment insurance (UI), shall have their immigration status verified through an automated verification system developed by the INS. This system enables States to access the INS data base (operated by a contractor) vis several methods and is currently available, although State Employment Security Agency (SESA) use is voluntary in Fiscal Year (FY) 1988. Further, IRCA amended Section 302(a), SSA, to authorize funding of the reasonable expenditures of the State which are

attributable to the costs of implementing and operating the INS designated alien status verification system. Section 121(c), IRCA, requires each State to utilize this system by October 1, 1988, unless the Secretary of Labor has granted a waiver of its participation for the UI program. Waiver may be granted by the Secretary on his/her own initiative or upon application.

Section 121(c), IRCA, also provids that the Secretary is required to report to the appropriate Congressional committees by April 1, 1988, on whether (and the extent to which) the requirements of the INS designated system are cost-effective and otherwise appropriate for the UI program and whether a waiver should be applied to participation by one or more States.

Section 121(c)(4)(B), IRCA, provides that the Secretary may waive participation by a State if: (a) the State has in effect an alternative system of alien status verification which is as timely and effective as the INS designated system or (b) the cost of administration of the INS designated system will exceed the estimated savings in the State's UI program. The cost-effectiveness criteria the Secretary must use in making the waiver decision are contained in Section 121(c)(4)(C), IRCA. The criteria includes the Secretary's estimate of:

a. The number of aliens claiming UI benefits in relation to the total number of UI claimants;

b. Any savings in UI benefit expenditures reasonably expected from use of the INS designated system;

c. The labor and nonlabor costs of administration of the INS designated system;

d. The degree to which INS is capable of providing timely and accurate information to the SESAs; and

e. Such other factors as the Secretary deems relevant.

To date the following actions have been taken to implement the Secretary's responsibilities under Section 121, IRCA:

a. In February 1987, all SESA Administrators were offered the opportunity to provide State UI information related to the statutory waiver criteria.

b. In March 1987, UIPL No. 12–87 was issued to explain the new IRCA provisions.

c. In October 1987, the General Accounting Office (GAO) issued a report on the results of the 6 pilot States using an INS developed system commonly known as Systematic Alien Verification for Entitlements (SAVE).

d. UIPL Nos. 2–88 and 11–88 were issued providing additional budgetary and procedural guidance under IRCA to the SESAs.

In the meantime, INS has published for comment in the **Federal Register** (52 Fed. R. 33882) proposed alien status verification procedures for the SAVE program. INS also has developed a hand-out describing the various State access methods and "per query" cost estimates. Copies of both items are attached. (Copies of final SAVE procedures will be forwarded upon receipt in the National Office, as well as any other issuances or revised issuances of the INS.)

4. *Bases on Which Secretary Will Grant Waivers.* The waiver decisions will be made on a State-by-State basis, rather than a blanket inclusion or waiver of all States.

Based on the statutory criteria and on an analysis of available data, State participation will *not* be waived for any State whose alien UI claims workload is 3 percent or more. Participation by other States will be waived if they can demonstrate (or the Secretary on his/her own initiative determines) that:

a. The State's present system for alien status verification (mail, telephone, etc) is at least as effective (in terms of administrative costs, benefit cost avoidance, and accurate and reliable information) and timely as the SAVE program, and the requirement of Section 121(c)(4)(B)(i)(II), IRCA, is met (see UIPL No. 12–87); or

b. The proportion of aliens to UI claims workload is so small and/or so sporadic that the administrative costs (start-up and continuing) of using the SAVE program will exceed the benefit savings, and the criteria of Section 121(c)(4)(B)(ii) and (C) are met (see UIPL No. 12–87).

The Secretary's waiver decisions can be reversed. If circumstances change in a State, or if more definitive data become available in a State, the decision with respect to waiver may be changed after FY 1989. The State may make application for a change in the waiver decision or the Secretary may act on his/her own initiative.

5. *Minimum Requirements.* Regardless of any waiver decision relating to UI participation in the SAVE program, the Secretary will *not* waive the requirements of Section 1137(d)(1)(A), SSA, which provide that all claimants must declare in writing, under penalty of perjury, whether they are a citizen or national of the United States, and, if not, whether they are in satisfactory immigration status. This is a requirement of Section 303(f), SSA, that will be effective October 1, 1988, and may be implemented earlier than that date.

Where waiver from participation is granted, States, at a minimum, are still required to verify alien status with INS in cases where the status remains uncertain in order to satisfy the requirements of Section 3304(a)(14), FUTA.

6. *Timing of Secretary's Waivers Determination.* The States timely applying for a waiver will be informed of the Secretary's waiver decisions by June 30, 1988, although waiver decisions on the Secretary's own initiative may be made after that date. Those States not receiving a waiver will be provided with implementation information by the end of June or, if later, when waiver is denied.

The Department has requested approval from the Office of Management and Budget (OMB) to collect State UI data and information to assist in the implementation of the Secretary's responsibilities under Section 121, IRCA. States will be notified of OMB approval and then may submit UI data and information relative to the statutory criteria contained in Sections 121(c)(4)(B)(i)(I) and (II) and 121(c)(4)(C), IRCA.

7. *Action Required.*

a. SESAs are requested to review the INS attachments to this directive regarding the operational alternatives and costs for the SAVE program.

SESAs are encouraged to fully consider the options offered for access to the INS data base to determine if one of these options can be utilized for less cost than current manual procedures. SESAs may find that the SAVE program offers a low cost method for verifying alien status even in those States with small alien UI workloads.

b. States currently using a mail or telephonic alien verification process, and who anticipate requesting a waiver on that basis, may wish to begin preparation of a report to the National Office containing all data and other information relative to the statutory waiver criteria as set in item 4.a of this directive.

c. SESAs who anticipate applying for a waiver under 4.b of this directive may wish to begin preparation of a report to the National Office containing the required data and information.

SESAs who do not provide complete data and information with their application for waiver may be requested to furnish additional data or information, or the waiver determination may be based on data and information available to the Department when processing the application.

8. *Inquiries.* Questions should be directed to the appropriate ETA Regional Office.

9. *Attachments.* **Federal Register,** pages 33882–33884, dated September 8, 1987, and SAVE program hand-out.

Editorial note: The Immigration and Naturalization Service document printed in the **Federal Register** issue of September 8, 1987, is not reprinted.

Systematic Alien Verification for Entitlements Program

Service Availability

INS has awarded Martin Marietta Data Systems the contract to store and provide electronic access to SAVE's Alien Status Verification Index (ASVI), a data base of more than 25 million records. This service will allow Federal, state and local entitlement issuing agencies, as well as private sector concerns, to verify the immigration documentation of aliens applying for benefits, licenses, etc.

Through its data center in Orlando, Florida, Martin Marietta will provide immediate ASVI access through a variety of highly flexible, easy-to-use and cost effective methods.

Access Methods

Access to ASVI is accomplished nationwide through the company's telecommunications network, common carrier networks such as TYMNET, and TELENET, and/or toll-free 800 telephone service. The information will be updated regularly by INS thus guaranteeing accurate and current information.

Retrieval will be accomplished via:

- Touch-tone Telephone.
- Asynchronous TTY Terminal.
- 3270 Terminal.
- Tape Match.
- Point-of-Sale Device.
- Batch File Transfer.
- Remote Job Entry.

Available Information

- Last Name.
- First Name.
- Date of Birth.
- Country of Birth.
- Date of Entry.
- Social Security Number (if available).
- Immigration Status.
- Employment Eligibility Statement.
- Transaction Verification Code.

Benefits

Immediate access via online query using touch-tone telephone or IBM compatible terminals.

Easy-to-use system. User is prompted for required input through either voice commands, in the case of touch-tone telephone use, or formatted screens in the case of terminals.

No need for purchase and installation of expensive equipment. The touch-tone telephone capability makes the information available to everyone at minimal cost through a toll-free 800 service. Plus, a 24-hour hot line to assist you, should the need arise.

INS estimates that when fully implemented SAVE could realize approximately $2.4 billion annually in cost avoidance payments to unentitled aliens.

SAVE shall not be used by INS for administrative non-criminal immigration enforcement purposes. It provides for verification without regard to the sex, color, race, religion, or national origin of the individual invovled.

Martin Marietta

Martin Marietta Data Systems is an operating company of the Martin Marietta Corporation, a leader in aerospace and information technology.

As an objective business partner for the past twenty years, Data Systems has been providing integrated systems and services to thousands of customers in the government and commercial industries.

Information

For registration authority, contact your overseeing federal reimbursing agency.

For program information, please contact: Marianne Martz, SAVE Program, (202) 633–SAVE.

ASVI Benchmark Cost Results

Access method	Prime time cost/query [1]	Non-prime cost/query	Additional cost considerations	Additional planning considerations
3270 terminal	$0.012	$0.009	User is responsible for leased line installation and costs	Moderate volume, especially where ASVI queries are made concurrent with the application process.
Async. terminal	.015	.012	Requires user-supplied modem or acoustic coupler	Same as for 3270 access. Unnecessary connect time will increase average query costs.[2]
Touch-tone (voice resp.).	.026	.024	Requires a touch-tone phone or an attached tone generator	Low volume sites. Should not go through a PBX system. Prolonged connect time will increase average query costs.
File transfer (batch)	.005	.004	Requires a modem and a PC with communications hardware and software. Also requires custom software to create query data and interpret response data	Moderate volume (50–1,000 daily queries) sites. Use of a modem capable of at least 1200–2400 BPS is recommended to reduce connect charges. (Can also be used for high volume sites if line speeds are greater than 9600 BPS. Prior coordination with the ASVI vendor is required.)
Remote job entry (batch).	.002	.001	Requires 2780/3780 equipment and communications	Same as for file transfer. Requires prior coordination with the ASVI vendor.
Tape match (batch)	.	.0005	Media and transportation costs are additional. Also requires custom software to create query data and interpret response data.	High volume sites. Requires prior coordination with the ASVI vendor.
Point-of-sale [3]	.	.	Requires special 'terminal'. ASVI vendor must be consulted to ensure compatibility. Retail cost for a terminal is in the $75 to $300 range	Low to Moderate volume sites. Connect time is minimized (maximum of 10 seconds/query). Terminal is 'live' at all times, but generates no charges. Should not go through a PBX system.

[1] The "per query" costs shown here reflect resource usage and costs resulting from the standard "scenarios" demonstrated during the ASVI benchmark process. Users should remember that costs can vary considerably, depending upon the access method, the number of queries per session, and system connect times incurred. During benchmark demonstrations, the 3270 and Asynchronous access standard scenarios consisted of 9 simulated sessions of a single query each, 2 sessions of 10 queries, and 2 sessions of 25 queries. The touch-tone demonstration consisted of 4 sessions of a single query each and 1 session of 10 queries. Cost associated with each complete scenario were averaged to arrive at the costs shown here.

[2] Connect time for Async. access averaged about 1 minute per query during the benchmark; touch-tone access averaged about 2 minutes.

[3] Although POS usage could not be estimated for life-cycle costing, query costs should be similar to those experienced for 3270 and async. access.

[FR Doc. 88–8593 Filed 4–25–88; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M-88-69-C]

Bend Branch Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bend Branch Coal Company, General Delivery, Sharples, West Virginia 25183 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Bend Branch No. 4 Mine (I.D. No. 46-07464) and its Coalburg No. 7 Mine (I.D. No. 46-07476) both located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face is required to be 3,000 cubic feet a minute.

2. As an alternate method, petitioner proposes to use an underground auger mining machine after traditional room and pillar mining is performed. The auger will drill 36 inch holes in the coal pillars up to a maximum depth of 120 feet. While each hole is being drilled, the entire 36 inch diameter space will be completely occupied with the auger and the coal that is being mined.

3. In support of this request, petitioner states that—

(a) The hole will be fully occupied by the auger steel and the coal that is being produced which will inhibit and/or prevent possible gas accumulation in the non-gassy mine;

(b) 18,000 cubic feet per minute of air will be maintained in the intake end of the pillar line which is the only place persons will be working or traveling;

(c) A monitor will be installed on the auger that will give a warning when .5 per centum of methane is detected and will automatically deenergize the auger when 1.0 per centum of methane is detected;

(d) It will take approximately 45 minutes to drill each hole through the coal pillar. When each hole is drilled through the coal pillar and the auger steel is removed, ventilation will be immediately established through each hole, and rock dust will be mechanically applied;

(e) No person, electrical source, or other ignition source will be positioned on the return side of the auger while it is in operation; and

(f) The maximum exposed area created by the auger will be approximately 848.26 cubic feet, which will be immediately and completely ventilated to carry away any harmful quantities of methane and other gases. Further, the air sample analyses history from an adjacent mine in the same coal seam establishes that harmful quantities of methane and other gases are nonexistent in this seam.

4. Petitioner states that the proposed alternate method, will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Dated: April 20, 1988.

[FR Doc. 88-9162 Filed 4-25-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-70-C]

Bend Branch Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bend Branch Coal Company, General Delivery, Sharples, West Virginia 25183 has filed a petition to modify the application of 30 CFR 75.301-1 (quantity of air reaching working face) to its Bend Branch No. 4 Mine (I.D. No. 46-07464) and its Coalburg No. 7 Mine (I.D. No. 46-07476) both located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The Petition concerns the requirement that a minimum of 3,000 cubic feet a minute of air reach each working face from which coal is being cut, mined or loaded and any other working face so designated by the District Manager, in the approved ventilation.

2. As an alternate method, petitioner proposes to use an underground auger mining machine after traditional room and pillar mining is performed. The auger will drill 36 inch holes in the coal pillars up to a maximum depth of 120 feet. While each hole is being drilled, the entire 36 inch diameter space will be completely occupied with the auger and coal that is being mined.

3. In support of this request, petitioner states that—

(a) The hole will be fully occupied by the auger steel and the coal that is being produced which will inhibit and/or prevent possible gas accumulation in the non-gassy mine;

(b) 18,000 cubic feet per minute of air will be maintained in the intake end of the pillar line which is the only place persons will be working or traveling;

(c) A monitor will be installed on the auger that will give a warning when .5 per centum of methane is detected and will automatically deenergize the auger when 1.0 per centum of methane is detected;

(d) It will take approximatley 45 minutes to drill each hole through the coal pillar. When each hole is drilled through the coal pillar and the auger steel is removed, ventilation will be immediately established through each hole, and rock dust will be mechanically applied.

(e) No person, electrical source, or other ignition source will be positioned on the return side of the auger while it is in operation; and

(f) The maximum exposed area created by the auger will be approximatley 848.26 cubic feet, which will be immediately and completely ventilated to carry away any harmful quantities of methane and other gases. Further, the air sample analyses history from an adjacent mine in the same coal seam establishes that harmful quantities of methane and other gases are nonexistent in this seam.

4. Petitioner states that the proposed alternate method, will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May

26, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Dated: April 20, 1988.

[FR Doc. 88-9163 Filed 4-25-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-71-C]

Bend Branch Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bend Branch Coal Company, General Delivery, Sharples, West Virginia 25183 has filed a petition to modify the application of 30 CFR 75.301-4 (velocity of air; minimum requirements) to its Bend Branch No. 4 Mine (I.D. No. 46-07464) and its Coalburg No. 7 Mine (I.D. No. 46-07476) both located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the minimum mean entry air velocity be 60 feet a minute in all working places where coal is being cut, mined, or loaded from the working face with mechanical mining equipment, and in any other working place in which excessive amounts of respirable dust are being generated by any type of mechanical mining equipment.

2. As an alternate method, petitioner proposes to use an underground auger mining machine after traditional room and pillar mining is performed. The auger will drill 36 inch holes in the coal pillars up to a maximum depth of 120 feet. While each hole is being drilled, the entire 36 inch diameter space will be completely occupied with the auger and coal that is being mined.

3. In support of this request, petitioner states that—

(a) The hole will be fully occupied by the auger steel and the coal that is being produced which will inhibit and/or prevent possible gas accumulation in the non-gassy mine;

(b) 18,000 cubic feet per minute of air will be maintained in the intake end of the pillar line which is the only place persons will be working or traveling;

(c) A monitor will be installed on the auger that will give a warning when .5 per centum of methane is detected and will automatically deenergize the auger when 1.0 centum of methane is detected;

(d) It will take approximately 45 minutes to drill each hole through the coal pillar. When each hole is drilled through the coal pillar and the auger steel is removed, ventilation will be immediately established through each hole, and rock dust will be mechanically applied;

(e) No person, electrical source, or other ignition source will be positioned on the return side of the auger while it is in operation; and

(f) The maximum exposed area created by the auger will be approximately 848.26 cubic feed, which will be immediately and completely ventilated to carry away any harmful quantities of methane and other gases. Further, the air sample analyses history from an adjacent mine in the same coal seam establishes that harmful quantities of methane and other gases are nonexistent in this seam.

4. Petitioner states that the proposed alternate method, will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1988. Copies of the petition are available for inspection at that address.

Date: April 20, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-9164 Filed 4-25-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-72-C]

Bend Branch Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bend Branch Coal Company, General Delivery, Sharples, West Virginia 25183 has filed a petition to modify the application of 30 CFR 75.302-1 (installation of line brattice and other devices) to its Bend Branch No. 4 Mine (I.D. No. 46-07464) and its Coalburg No. 7 Mine (I.D. No. 46-07476) both located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that line brattice or any other approved device used to provide ventilation to the working face from which coal is being cut, mined or loaded be installed at a distance no greater than 10 feet from the area of deepest penetration to which any portion of the face has been advanced.

2. As an alternate method, petitioner proposes to use an underground auger mining machine after traditional room and pillar mining is performed. The auger will drill 36 inch holes in the coal pillars up to a maximum depth of 120 feet. While each hole is being drilled, the entire 36 inch diameter space will be completely occupied with the auger and the coal that is being mined.

3. In support of this request, petitioner states that—

(a) The hole will be fully occupied by the auger steel and the coal that is being produced which will inhibit and/or prevent possible gas accumulation in the non-gassy mine;

(b) 18,000 cubic feet per minute of air will be maintained in the intake end of the pillar line which is the only place persons will be working or traveling;

(c) A monitor will be installed on the auger that will give a warning when .5 per centum of methane is detected and will automatically deenergize the auger when 1.0 per centum of methane is detected;

(d) It will take approximately 45 minutes to drill each hole through the coal pillar. When each hole is drilled through the coal pillar and the auger steel is removed, ventilation will be immediately established through each hole, and rock dust will be mechanically applied;

(e) No person, electrical source, or other ignition source will be positioned on the return side of the auger while it is in operation; and

(f) The maximum exposed area created by the auger will be approximately 848.26 cubic feet, which will be immediately and completely ventilated to carry away any harmful quantities of methane and other gases. Further, the air sample analyses history from an adjacent mine in the same coal seam establishes that harmful quantities of methane and other gases are nonexistent in this seam.

4. Petitioner states that the proposed alternate method, will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May

26, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: April 20, 1988.

[FR Doc. 88-9165 Filed 4-25-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-73-C]

Bend Branch Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bend Branch Coal Company, General Delivery, Sharples, West Virginia 25183 has filed a petition to modify the application of 30 CFR 75.307-1 (methane examinations at face) to its Bend Branch No. 4 Mine (I.D. No. 46-07464) and its Coalburg No. 7 Mine (I.D. No. 46-07476) both located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that an examination for methane be made at the face of each working place during each shift and immediately prior to the entry of such electrical equipment into any working place.

2. As an alternate method, petitioner proposes to use an underground auger mining machine after traditional room and pillar mining is performed. The auger will drill 36 inch holes in the coal pillars up to a maximum depth of 120 feet. While each hole is being drilled, the entire 36 inch diameter space will be completely occupied with the auger and coal that is being mined.

3. In support of this request, petitioner states that—

(a) The hole will be fully occupied by the auger steel and the coal that is being produced which will inhibit and/or prevent possible gas accumulation in the non-gassy mine;

(b) 18,000 cubic feet per minute of air will be maintained in the intake and of the pillar line which is the only place persons will be working or traveling;

(c) A monitor will be installed on the auger that will give a warning when .5 per centum of methane is detected and will automatically deenergize the auger when 1.0 per centum of methane is detected;

(d) It will take approximately 45 minutes to drill each hole through the coal pillar. When each hole is drilled through the coal pillar and the auger steel is removed, ventilation will be immediately established through each hole, and rock dust will be mechanically applied;

(e) No person, electrical source, or other ignition source will be positioned on the return side of the auger while it is in operation; and

(f) The maximum exposed area created by the auger will be approximately 848.26 cubic feet, which will be immediately and completely ventilated to carry away any harmful quantities of methane and other gases. Further, the air sample analyses history from an adjacent mine in the same coal seam establishes that harmful quantities of methane and other gases are nonexistent in this seam.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Dated: April 20, 1988.

[FR Doc. 88-9166 Filed 4-25-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-74-C]

Bend Branch Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bend Branch Coal Company, General Delivery, Sharples, West Virginia 25183 has filed a petition to modify the application of 30 CFR 75.308 (methane accumulations in face areas) to its Bend Branch No. 4 Mine (I.D. No. 46-07464) and its Coalburg No. 7 Mine (I.D. No. 46-07476) both located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a test for methane be made at a point not less than 12 inches from the roof, face or rib.

2. As an alternate method, petitioner proposes to use an underground auger mining machine after traditional room and pillar mining is performed. The auger will drill 36 inch holes in the coal pillars up to a maximum depth of 120 feet. While each hole is being drilled, the entire 36 inch diameter space will be completely occupied with the auger and the coal that is being mined.

3. In support of this request, petitioner states that—

(a) The hole will be fully occupied by the auger steel and the coal that is being produced which will inhibit and/or prevent possible gas accumulation in the non-gassy mine;

(b) 18,000 cubic feet per minute of air will be maintained in the intake end of the pillar line which is the only place persons will be working or traveling;

(c) A monitor will be installed on the auger that will give a warning when .5 per centum of methane is detected and will automatically deenergize the auger when 1.0 per centum of methane is detected;

(d) It will take approximately 45 minutes to drill each hole through the coal pillar. When each hole is drilled through the coal pillar and the auger steel is removed, ventilation will be immediately established through each hole, and rock dust will be mechanically applied;

(e) No person, electrical source, or other ignition source will be positioned on the return side of the auger while it is in operation; and

(f) The maximum exposed area created by the auger will be approximately 848.26 cubic feet, which will be immediately and completely ventilated to carry away any harmful quantities of methane and other gases. Further, the air sample analyses history from an adjacent mine in the same coal seam establishes that harmful quantities of methane and other gases are nonexistent in this seam.

4. Petitioner states that the proposed alternate method, will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May

26, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: April 20, 1988.

[FR Doc. 88-9167 Filed 4-25-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-75-C]

Bend Branch Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bend Branch Coal Company, General Delivery, Sharples, West Virginia 25183 has filed a petition to modify the application of 30 CFR 75.402 (rock dusting) to its Bend Branch No. 4 Mine (I.D. No. 46-07464) and its Coalburg No. 7 Mine (I.D. No. 46-07476) both located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all underground areas of a coal mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, is required to be rock dusted to within 40 feet of all working faces. All crosscuts that are less than 40 feet from a working face is also required to be rock dusted.

2. As an alternate method, petitioner proposes to use an underground auger mining machine after traditional room and pillar mining is performed. The auger will drill 36 inch holes in the coal pillars up to a maximum depth of 120 feet. While each hole is being drilled, the entire 36 inch diameter space will be completely occupied with the auger and the coal that is being mined.

3. In support of this request, petitioner states that—

(a) The hole will be fully occupied by the auger steel and the coal that is being produced which will inhibit and/or prevent possible gas accumulation in the non-gassy mine;

(b) 18,000 cubic feet per minute of air will be maintained in the intake end of the pillar line which is the only place persons will be working or traveling;

(c) A monitor will be installed on the auger that will give a warning when .5 per centum of methane is detected and will automatically deenergize the auger when 1.0 per centum of methane is detected;

(d) It will take approximately 45 minutes to drill each hole through the coal pillar. When each hole is drilled through the coal pillar and the auger steel is removed, ventilation will be immediately established through each hole, and rock dust will be mechanically applied;

(e) No person, electrical source, or other ignition source will be positioned on the return side of the auger while it is in operation; and

(f) The maximum exposed area created by the auger will be approximately 848.26 cubic feet, which will be immediately and completely ventilated to carry away any harmful quantities of methane and other gases. Further, the air sample analyses history from an adjacent mine in the same coal seam establishes that harmful quantitites of methane and other gases are nonexistent in this seam.

4. Petitioner states that the proposed alternate method, will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Dated: April 20, 1988.

[FR Doc. 88-9168 Filed 4-25-88; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL ECONOMIC COMMISSION

Meeting

AGENCY: National Economic Commission.

ACTION: Notice of Commission Meeting.

SUMMARY: The National Economic Commision ("the Commission") will hold its first public meeting on May 10, 1988. The Commission was established by sectoin 2101 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203, enacted December 22, 1987.

Date, Time and Place: May 10, 1988, 3 p.m.-6 p.m., Room 210, Cannon House Office Building, Washington, DC.

Agenda: The meeting will be devoted to an overview of the budget process and budget trends in the United States. The Commission members will be briefed by staff and specially invited experts.

Open Meeting: The meeting will be open to the public from 3 p.m. to 5:30 p.m. At 5:30 p.m. the meeting will be closed for a discussion of internal personnel practices of the Commission, in accordance with 5 U.S.C. 552b(C)(2).

FOR ADDITIONAL INFORMATION CONTACT: Alexander Platt, General Counsel 789-1993, National Economic Commission, 734 Jackson Place NW., Washington, DC 20503.

SUPPLEMENTARY INFORMATION: The Commission was established by Pub. L. 100-203, December 22, 1987, and has been directed to make specific recommendations regarding:

(1) Methods to reduce the Federal budget deficit while promoting economic growth and encouraging saving and capital formation, and

(2) A means of ensuring that the burden of achieving the Federal Budget deficit reduction goals of the United States does not undermine the economic growth and is equitably distributed and not borne disproportionately by any one economic group, social group, region or State.

The Commission shall submit to the President and Congress on March 1, 1989, a final report which shall contain a detailed statement of the findings and conclusions of the Commission, including its recommendations for administrative and legislative action that the Commission considers advisable. On February 1, 1989, the President may issue an order extending the date for submission of the final report to September 1, 1989.

There are twelve members of the Commission, appointed in accordance with section 2102 of the enabling legislation. They are: Pete V. Domenici, Bill Frenzel, William H. Gray III, Lee A. Iacocca, Lane Kirkland, Dean Kleckner, Drew Lewis, Daniel Patrick Moynihan, Felix Rohatyn, Donald Rumsfeld, Robert S. Straus, and Caspar Weinberger. Drew Lewis and Robert S. Strauss have been elected co-chairpersons from among the Members. Two additional members shall be appointed by the President-Elect after the November 8, 1988 election.

The Commission plans additional public meetings, notices of which will appear in the Federal Register.

Drew Lewis,

Co-Chairman.

Robert S. Strauss,

Co-Chairman.

[FR Doc. 88-9206 Filed 4-25-88; 8:45 am]

BILLING CODE 6820-45-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 94–463, 86 Stat. 770–776) the U.S. Nuclear Regulatory Commission (NRC) announces the establishment of the Advisory Committee on Nuclear Waste. The Commission has determined that establishment of this committee is necessary and in the public interest in order to obtain expert advice and recommendations on all aspects of the management of radioactive wastes within the purview of NRC's regulatory responsibilities.

The purpose of the Committee is to provide advice and recommendations on topics, issues and activities related to the regulation of nuclear wastes. Such activities encompass:

- Regulation of high-level waste, including the licensing of high-level waste repositories;
- Licensing and regulation of low-level waste disposal repositories; and
- Handling, processing, transporting, storing and safeguarding wastes, including but not limited to spent fuel, nuclear wastes mixed with other hazardous substances, and uranium mill tailings.

This establishment will be effective upon filing the charter with the Commission and with the standing committees of Congress having legislative jurisdiction of the NRC pursuant to sec. 9.(c) of the Federal Regulatory Committee Act.

Dated: April 20, 1988.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 88–9108 Filed 4–25–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–8911]

Mobil Oil Corp.; Final Finding of No Significant Impact Regarding a Termination of the Source and Byproduct Material License for Operation of Mobil Oil Corporation's Crownpoint, Section 9, in Situ Pilot Test Project, McKinley County, NM

AGENCY: U.S.C. Nuclear Regulatory Commission.

ACTION: Notice of final finding of no significant impact.

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1. Proposed Action

The proposed administrative action is to terminate the source and byproduct material license authorizing Mobil Oil Corporation to operate the grownpoint, Section 9, In Situ Pilot Test Project facility located in McKinley County, New Mexico, upon successful decontamination and decommissioning of the site.

2. Reasons for Final Finding on No Significant Impact

An environmental assessment was prepared by the staff at the U.S. Nuclear Regulatory Commission (NRC) and issued by the Commission's Uranium Recovery Field Office Region IV. The environmental assessment performed by the Commission's staff evaluated potential impacts onsite and offsite due to radiological releases that may have occurred during the course of the operation. Additionally, an impact assessment was conducted on ground-water restortation efforts at the site. The assessment indicates with the exception of slightly elevated molybdenum concentrations. In addition to a site visit by the NRC staff on May 11–12, 1987, the following documents were used in preparing the assessment:

- Environmental and operation information submitted by the licensee to the NRC during the period of October 1, 1986 through November 15, 1987;
- Discussions and written correspondence with the State of New Mexico;
- Permit information from the New Mexico Environmental Improvement Division that was transferred to NRC at the time of NRC reassertion of authority over New Mexico licensees in 1986;
- Information derived from professional papers, journals and textbooks; U.S. NRC regulations and regulatory guides; Federal, State and local agencies; and independent consultants' and
- Mobil Oil Corporation's Irrigation Evaluation Report in Support of the Withdrawal of Discharge Plan DP–26, January 1988.

Based on the review of these documents, the Commission has determined that no significant impact will result from the proposed action.

The following statements support the final finding of no significant impact and summarize the conclusions resulting from the environmental assessment.

A. The site reclamation and decontamination program proposed by Mobil Oil Corporation is sufficient to meet all requirements as specified in 10 CFR Part 40.

B. The ground-water quality at the site has been restored to required concentrations, with the exception of slightly elevated molybdenum concentrations. The elevated molybdenum concentration are not considered significant due to the very small volume of affected ground water, the natural restoration that will continue to occur over time, and the low probability of use due to the depth to the aquifer and the availability of other, more easily accessible water. Further, it is highly unlikely that additional restoration will provide any more reduction in molybdenum concentration at the Mobil site.

The public was informed of the availability of this document by way of a February 12, 1988 **Federal Register**. publication. The subsequent 60-day comment period expired on April 11, 1988. One comment was received and it referred to consideration of consumptive use of ground water, restoration to drinking water standards in future uranium mine permitting and NRC regulations pertinent to such mining activity. This comment was duly noted and will be taken into consideration in future licensing actions as appropriate. Additionally, it is noted that final ground-water quality restoration at this site is within acceptable limits with regard to drinking water standards.

In accordance with 10 CFR 51.33(a), the Director, Uranium Recovery Field Office, made the determination to issue a final finding of no significant impact in the **Federal Register**. Concurrent with this finding, the URFO will authorize Mobil Oil Corporation (Source and Byproduct Material License SUA–1479) to decontaminate and reclaim their Crownpoint In Situ Pilot Test Project Operations, located in McKinley County, New Mexico. Upon determination by the NRC staff that the site has been decontamined and reclaimed in accordance with NRC regulations, Source Material License SUA–1479 will be terminated.

The finding, together with the environmental assessment setting forth the basis for the finding, is available for public inspection and copying at the Commission's Uranium Recovery Field Office at 730 Simms Street, Golden, Colorado, and at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Denver, Colorado, this 15 day of April, 1988.

For the Nuclear Regulatory Commission.

Edward F. Hawkins,

Chief, Licensing Branch 1, Uranium Recovery Field Office Region IV.

[FR Doc. 88–9119 Filed 4–25–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-338]

Virginia Electric and Power Co. et al; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR 50.55a to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), for the North Anna Power Station, Unit No. 1 (NA-1), located in Louisa County, Virginia.

Environmental Assessment

Identification of Proposed Action

10 CFR 50.55a(g)(4) requires that licensees update their inservice inspection (ISI) and testing (IST) programs to a newer edition of Section XI of the ASME Code every 10 years. Since the regulations require these updates based on the 10-year anniversary of facility commercial operation, multi-unit sites often find that each unit has an ISI and IST program structured to a slightly different edition of the Code. The exemption would allow a common start date for ISI and IST for NA-1&2. A common start date would be achieved by extending the present Unit 1 program expiration date from June 6, 1988 to December 14, 1990.

The proposed exemption is in response to the licensee's application dated March 3, 1988.

The Need for the Proposed Action

The proposed exemption is needed because ISI and IST at NA-1&2 would be accomplished for some period of time to two different ASME Codes if a common start date were not established. Although administratively possible, this situation could contribute to increased administrative overhead in the performance of inspection and testing requirements to two different versions of the Code. This will create a substantial and additional administrative workload for what can be described as only nominal technical differences in the inspection and testing requirements.

Environmental Impacts of the Proposed Action

The proposed exemption will provide a degree of ISI and IST that is equivalent to that required by 10 CFR 50.55a(g)(4) such that there is no increase in the risk of failure for operational readiness of pumps and valves whose funtion is required for safety at these facilities. Consequently, the probability of failure for operational readiness of components has not been increased, the radiological risk would not be greater than previously determined, and the required exemption would not otherwise affect plant radiological effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It would not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Altnerotives to the Proposed Action

Since we have concluded that the environmental impacts of the porposed action are not significant, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. Since the staff has determined that granting this exemption would not result in any environmental impacts, denial of this request would only result in requiring the licensee to perform for some period of time the ISI and IST program at NA-1&2 to two different ASME Codes, which would create an additional administrative workload for what can be described as only nominal technical differences in the inspection and testing requirments.

Alternative Use of Resources

The proposed action does not involve the use of environmental resources not previously considered in the Final Environmental Statement (as amended) for the North Anna Power Station, Unit Nos. 1 and 2.

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 exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed acation will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption from the requirement of 10 CFR 50.55a(g)(4) dated March 3, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Rockville, Maryland, this 19th day of April, 1988.

For the Nuclear Regulatory Commission.

Harley Silver,

Acting Director, Project Directorate II-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-9120 Filed 4-25-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act [42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on May 5-7, 1988, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on March 22, 1988.

Thursday, May 5, 1988

8:30 a.m.-8:45 a.m.: Comments by ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest.

8:45 a.m.-12:00 Noon: Fire Risk Scoping Study (Open)—Discuss report by Sandia National Laboratory regarding the fire risk scoping study of nulcear power plants.

1:00 p.m.-4:00 p.m.: Babcock & Wilcox Nuclear Power Plants (Open)—Review B&W Owners' Group safety reassessment of B&W water-cooled nuclear power plants.

4:15 p.m.-5:15 p.m.: Integrated Safety Assessment (Open)—Review NRC Staff proposed requirements for continuation of the ISAP program.

5:15 p.m.-6:30 p.m.: Thermal-Hydraulic Phenomena (Open)—Discuss proposed ACRS comments regarding NRC thermal-hydraulic research program.

Friday, May 6, 1988

8:30 a.m.-10:15 a.m.: Generic Issues (Open)—Discuss proposed prioritization of new generic issues.

10:30 a.m.-11:30 a.m.: World Association of Nuclear Operators (Open)—Briefing regarding the objectives, etc. of the World Association of Nuclear Operators.

11:30 a.m.–12:30 p.m.: Individual Plant Examination (Open)—Review proposed NRC generic letter regarding IPEs for nuclear power plants.

1:30 p.m.–3:00 p.m.: Revised ECCS Rule (Open)—Review proposed revision of 10 CFR 50.46, Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Plants.

3:15 p.m.–4:45 p.m.: Human Factors (Open)—Review proposed NRC Policy Statement regarding Professional Conduct of Nuclear Power Plant Operators.

4:45 p.m.–5:30 p.m.: Containment of Nulcear Plants (Open)—Briefing regarding the status of the NRC program to evaluate the integrity of Mark–1 containment systems to withstand severe accidents.

5:30 p.m.–6:00 p.m.: Future ACRS Activities (Open)—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

6:00 p.m.–6:30 p.m.: Appointment of New Members (Closed)—Discuss qualifications of candidates proposed for appointment to the Committee.

This session will be closed as required to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Saturday, May 7, 1988

8:30 a.m.–12:30 p.m.: Preparation of ACRS Reports (Open)—Discuss proposed reports to NRC regarding items considered during this meeting and a report on key design features related to advanced reactors considered during the 336th ACRS meeting.

1:30 p.m.–2:30 p.m.: Miscellaneous (Open)—Reports on and discussion of topics related to ACRS subcommittee assignments and ACRS activities including proposed revision of ACRS subcommittee assignments and membership, participation by members in meetings which are not sponsored by ACRS, ACRS subcommittee review of the Westinghouse Advanced PWR, and the proposed revision of an NRC Regulatory Guide on Seismic Qualification of Electrical and Mechanical Components.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 2, 1987 (51 FR 37241). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 109(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m.

Dated: April 20, 1988.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 88–9109 Filed 4–25–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–413 and 50–414]

Duke Power Co., et al.; 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–35 and NPF–52 issued to Duke Power Company, et al. (the licensee), for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The amendments would revise Technical Specifications (TS) Tables 3.3–12, 3.3–13, 4.3–8, 4.3–9, 4.11–1 and 4.11–2, to add TS requirements to cover operation of systems and components associated with the Monitor Tank Building (MTB) which is being constructed at Catawba Nuclear Station. Also, TS Figure 5.1–4 "Unrestricted Area and Site Boundary for Radioactive Gaseous Effluent" will be revised to show the MTB as a potential release point.

At the present time, Catawba does not have the capability to process large volumes of liquid radwaste due to restrictions on releases and release rates. This is particularly true for peak load conditions associated with routine plant operations such as during refueling outages.

The MTB and associated components, including additional tankage, will increase process rates and ensure segregation for the various liquid waste streams. By providing a piping arrangement and process area to accommodate portable temporary equipment, the facility will provide surge capacity and processing flexibility to incorporate such future problems as load cycling, ice condenser ice melt and potential volume reduction requirements.

These revisions to the technical specifications would be made in response to the licensee's application for amendments dated March 23, 1988. Additional submittals may be requested by the Commission during the course of its review of this matter.

The licensee in its March 23, 1988, submittal provided the following evaluations of the MTB and its related accident analysis.

The MTB includes many ALARA design features that will reduce the maintenance and operations dose currently received. Its primary functions are to provide additional processing capacity for high radwaste inventories during normal operation, primary to secondary leaks, and contaminated powdex processing.

The MTB and associated trenches do not house any equipment which is important to safety and being a remote facility, cannot adversely affect any equipment which is important to safety. An accident or malfunction within the facility can, however, result in a radioactive release to the environment. The most severe consequences would be those following a tank failure.

The accident which is already analyzed in the FSAR is the failure of the refueling water storage tank (RWST) which results in the release of 395,000 gallons of contaminated water directly to Lake Wylie. Since the total volume of all MTB tankage is much less than that of the RWST and since the radionuclide concentrations of liquids within the MTB will be less than those assumed in the RWST analysis, the consequences of the MTB accident will be much less severe than the RWST accident. The releases resulting from the postulated RWST failure were

determined to be within the limits of 10 CFR 20, Appendix B.

Accidents and malfunctions within the MTB will, therefore, not affect the safe operation or shutdown of the plant and will not adversely affect the health and safety of the public.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 26, 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 a 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 David B. Matthews, 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, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 23, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Rockville, Maryland, this 19th day of April 1988.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Project Directorate II-3, Division of Reactor Projects—I/II.

[FR Doc. 88-9121 Filed 4-25-88; 8:45 am]

BILLING CODE 7950-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 127 to Facility Operating License No. DRP-31 and Amendment No. 121 to Facility Operating License No. DPR-41, issued to the Florida Power and Light Company (the licensee), which revised the Technical Specifications for operation of the Turkey Point Plant, Units 3 and 4 (the facilities), located in Dade County, Florida. The amendment was effective as of the date of its issuance.

The amendments revised the Technical Specifications for D.C. Power Sources to upgrade them towards Standard Technical Specifications. Specifically, the surveillance and test requirements for station batteries and battery chargers were revised.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Hearing in connection with this action

was published in the **Federal Register** on March 15, 1988 (53 FR 8527).

Also in connection with this action, the Commission prepared an Environmental Assessment and Finding of No Significant Impact, which was published in the **Federal Register** on April 13, 1988 (53 FR 12203).

For further details with respect to the action, see: (1) The application for amendments dated December 22, 1987, as supplemented March 17, 1988, (2) Amendment No. 127 to License No. DPR–31, and Amendment No. 121 to License No. DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Rockville, Maryland this 18th day of April, 1988.

For the Nuclear Regulatory Commission.

Gordon E. Edison, Sr.,

Project Manager, Project Directorate II–2, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–9122 Filed 4–25–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–029]

Yankee Atomic Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–3, issued to the Yankee Atomic Electric Company (the licensee), for operation of the Yankee Nuclear Power Station, located near Rowe, Massachusetts.

The proposed amendment would modify the Technical Specifications by changing the shutdown margin switching temperature from 490°F to 470°F. In addition, a typographical error is corrected. The licensee's application for amendment is dated March 23, 1988.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 26, 1988, the licensees may file a request for hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a request for hearing and a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board 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 a petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard H. Wessman: 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 Thomas Dignan, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 23, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Local Public Document Room, Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland, this 19th day of April, 1988.

For the Nuclear Regulatory Commission.

Richard Wessman,

Director, Project Directorate I-3, Division of Reactor Projects I/II.

[FR Doc. 88-9123 Filed 4-25-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Leesa Martin, (202) 632-0728.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on March 29, 1988 (53 FR 10177). Individual authorities established or revoked under Schedule A, B, or C between March 1, 1988, and March 31, 1988, appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

No Schedule A exceptions were established or revoked during March.

Schedule B

No Schedule B exceptions were established or revoked during March.

Schedule C

One Staff Assistant to the Secretary. Effective March 8, 1988.

Department of Commerce

One Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Affairs. Effective March 9, 1988.

One Confidential Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs. Effective March 9, 1988.

One Confidential Assistant to the Assistant Secretary for Communications and Information. Effective March 18, 1988.

One Confidential Assistant to the Secretary of Commerce. Effective March 18, 1988.

One Confidential Assistant to the Secretary. Effective March 24, 1988.

One Confidential Assistant to the Special Assistant to the Secretary. Effective March 24, 1988.

Department of Defense

One Chauffeur to the Secretary. Effective March 4, 1988.

One Confidential Assistant to the Secretary of Defense. Effective March 16, 1988.

One Private Secretary to the Deputy Secretary of Defense. Effective March 23, 1988.

One Staff Assistant to the Deputy Assistant Secretary for Family Support, Education and Safety. Effective March 23, 1988.

One Staff Assistant to the Assistant Secretary of Defense for Force Management and Personnel. Effective March 23, 1988.

One Personal and Confidential Assistant to the Under Secretary of Defense for Acquisition. Effective March 30, 1988.

Department of Education

One Special Assistant to the Deputy Under Secretary for Management. Effective March 1, 1988.

One Special Assistant to the Director for Intergovernmental Affairs Staff. Effective March 3, 1988.

One Executive Assistant to the Assistant Secretary for Legislation. Effective March 3, 1988.

One Special Assistant to the Commissioner for Rehabilitation Services Administration. Effective March 10, 1988.

One Confidential Assistant to the Deputy Under Secretary for Policy and Planning, Office of Education Research and Improvement. Effective March 11, 1988.

One Confidential Assistant to the Senior Special Assistant for Scheduling, Briefing and Private Sector Initiative Staff. Effective March 16, 1988.

One Confidential Assistant to the Chief of Staff/Counselor to the Secretary. Effective March 28, 1988.

Department of Energy

One Senior Policy Assistant to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs. Effective March 1, 1988.

One Legislative Affairs Specialist to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs. Effective March 16, 1988.

One Special Assistant for Legislation to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs. Effective March 18, 1988.

Department of Health and Human Services

One Special Advisor to the Commissioner of Social Security. Effective March 1, 1988.

One Confidential Staff Assistant to the Director for Office of Community Services. Effective March 10, 1988.

One Confidential Secretary to the Administrator for Health Care Financing Administration. Effective March 17, 1988.

One Executive Assistant to the Assistant Secretary for Human Development Services. Effective March 18, 1988.

One Special Assistant to the Associate Commissioner for the Office of Disability. Effective March 23, 1988.

Department of Housing and Urban Development

One Special Assistant to the President for Government National Mortgage Association. Effective March 10, 1988.

One Special Assistant to the General Deputy Assistant Secretary for Community Planning and Development. Effective March 11, 1988.

Department of Interior

One Staff Assistant for Intergovernmental Affairs to the Assistant to the Secretary and Director for External Affairs. Effective March 2, 1988.

One Staff Assistant to the Commissioner for Bureau of Reclamation. Effective March 3, 1988.

One Confidential Assistant to the Deputy Under Secretary. Effective March 8, 1988.

One Special Assistant to the Assistant Director for External Affairs. Effective March 28, 1988.

Department of Justice

One Confidential Assistant to the Deputy Director for Office of Liaison Services. Effective March 1, 1988.

One Special Assistant to the Deputy Attorney General. Effective March 4, 1988.

One Special Assistant to the Assistant Attorney General for Civil Division. Effective March 10, 1988.

One Staff Assistant to the Assistant Attorney General for Office of Legal Policy. Effective March 14, 1988.

One Missing Children's Program Coordinator to the Administrator for Office of Juvenile Justice and Delinquency Prevention. Effective March 14, 1988.

Department of Labor

One Staff Assistant to the Deputy Secretary. Effective March 18, 1988.

One Staff Assistant to the Secretary of Labor. Effective March 23, 1988.

Department of State

One Staff Assistant to the Under Secretary for Management. Effective March 9, 1988.

One Foreign Affairs Officer to the Assistant Secretary. Effective March 16, 1988.

One Special Assistant to the Assistant Secretary for Bureau of Near Eastern Affairs. Effective March 23, 1988.

One Secretary (Stenography) to the Assistant Secretary for the Bureau of International Organization Affairs. Effective March 24, 1988.

Department of Transportation

One Executive Assistant to the Federal Railroad Administrator. Effective March 4, 1988.

One Special Assistant to the Administrator for Federal Aviation Administration. Effective March 8, 1988.

One Special Assistant to the Director for Office of Public and Consumer Affairs. Effective March 14, 1988.

One Special Assistant to the Deputy Administrator for Urban Mass Transportation Administration. Effective March 14, 1988.

One Staff Assistant to the Press Secretary to the Secretary. Effective March 16, 1988.

One Special Assistant to the Deputy Assistant Secretary for Governmental Affairs. Effective March 17, 1988.

One Special Assistant to the External Affairs Officer for Federal Aviation Administration. Effective March 21, 1988.

One Director to the Deputy Assistant Secretary for Intergovernmental and Consumer Affairs. Effective March 23, 1988.

One Director to the Director for Office of Congressional Affairs. Effective March 23, 1988.

One Deputy Director to the Director for Office of Intergovernmental and Consumer Affairs. Effective March 24, 1988.

Arms Control and Disarmament Agency

One Secretary (Typing) to the Chairman for General Advisory Committee. Effective March 4, 1988.

Agency for International Development

One Special Assistant to the Special Assistant for Bureau for External Affairs. Effective March 10, 1988.

Commission on Civil Rights

One Special Assistant to the Commissioner. Effective March 17, 1988.

Commodity Futures Trading Commission

One Administrative Assistant to the Commissioner. Effective March 19, 1988.

One Administrative Assistant to the Chairman. Effective March 10, 1988.

Environmental Protection Agency

One Staff Assistant to the Associate Administrator for Regional Operations. Effective March 25, 1988.

Equal Employment Opportunity Commission

One Research Specialist to the Chairman. Effective March 10, 1988.

General Services Administration

One Confidential Assistant to the Director for Executive Secretariat. Effective March 18, 1988.

International Trade Commission

One Staff Assistant (Legal) to the Commissioner. Effective March 2, 1988.

One Confidential Assistant to the Commissioner. Effective March 11, 1988.

One Staff Assistant (Legal) to the Chairman. Effective March 21, 1988.

Interstate Commerce Commission

One Attorney Advisor (Transportation) to the Commissioner. Effective March 1, 1988.

Office of Personnel Management

One Special Assistant to the Deputy Director. Effective March 28, 1988.

United States Tax Court

One Secretary (Confidential Assistant) to a Judge. Effective March 3, 1988.

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

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 88–8645 Filed 4–25–88; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–25604; File No. SR–NASD–88–14]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Notice to Membership and Press of Suspensions, Expulsions, Revocations and Monetary Sanctions and Release of Certain Information Regarding Disciplinary History of Members and Their Associated Persons

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 14, 1988, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends the Resolution of the Board of Governors concerning "Notice to Membership and Press of Suspensions, Expulsions, Revocations, and Monetary Sanctions," ("Resolution") at Article V, Section 1 of the NASD Rules of Fair Practice, by adding language to the effect that the NASD may release certain information contained in the Central Registration Depository ("CRD") System about the employment and disciplinary history of its members and their associated persons in response to written inquiries from the general public. The information released may include past and present employment history with NASD members, final disciplinary actions taken by federal or state securities agencies or self-regulatory organizations that relate to securities or commodities transactions, and criminal convictions reported on Form BD or Form U–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD stated that the purpose of the amendment to the Resolution is to permit members of the public to have access to information that will help them to determine whether or not to conduct, or continue to conduct, business with an NASD member or any of the members' associated persons.

The statutory basis for the amendment to the Resolution can be found in section 15A(b)(6) of the Act, which provides, *inter alia*, that the rules of a national securities association shall be designed to promote just and equitable principles of trade and to protect investors and the public interest. The NASD believes that the proposed amendment is consistent with this section.

The NASD believes that the amendment to the Resolution will create no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e), Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–88–14 and should be submitted by May 17, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: April 20, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–9143 Filed 4–25–88; 8:45 am]

BILLING CODE 8010–01–M

TENNESSEE VALLEY AUTHORITY

Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Pub. L. 99–591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: Storage Water Heater Specifications and Work Completion Form.

Frequency of Use: On Occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 1,000.

Estimated Total Annual Burden Hours: 217.

Need For and Use of Information: The Storage Water Heater Demonstration Project is designed to encourage installation of storage water heaters to reduce TVA's future peak demand for electricity. This information is required to administer the project, provide for quality assurance, and develop marketing data and strategy.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 88–9062 Filed 4–25–88; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF TRANSPORTATION

Office of The Secretary

[Order 88–4–58]

Fitness Determination of Flight Operations Airline Division, Inc. d/b/a Holiday Airlines

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination—Order 88–4–58, order to show cause.

SUMMARY: The Department of Transportation is proposing to find that Flight Operations Airline Division Inc., d/b/a Holiday Airways is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, Room 6420, Department of Transportation, 400 7th Street SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than May 6, 1988.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Air Carrier Fitness Division, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366–2342.

Dated: April 20, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88–9147 Filed 4–25–88; 8:45 am]

BILLING CODE 4910–62–M

[Docket 45241]

Order Establishing Bush Mail Rate Adjustment for Peninsula Airways, Inc.

Peninsula Airways, Inc. has petitioned the Department of Transportation for a declaratory ruling on the applicable mail rate to be paid by the United States Postal Service for its bush service provided in certain Aleutian markets.

By Order 88–4–56 the Department has determined the rate shall be the bush rate established by the Department as follows:

$7.0946 per billed mail ton mile; and
$.1536 per mail pound originated;

and shall be retroactively effected as of October 23, 1987, and shall continue in effect at such rate until further order of the Department.

By the Department of Transportation.

Date: April 20, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88-9146 Filed 4-25-88; 8:45 am]

BILLING CODE 6910-62-M

[Order 88-4-60]

Fitness Determination of Redwing Airways, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination—Order 88-4-60, order to show cause.

SUMMARY: The Department of Transportation is proposing to find Redwing Airways, Inc., fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., Room 6420, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than May 6, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P-56, Room 6420), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: April 20, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88-9148 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 44346]

Remanded Texas Air-Eastern Acquistion Case; Prehearing Conference

April 20, 1988.

Notice is hereby given that pursuant to Department of Transportation Order 88-4-54 instituting the above-titled proceeding, a prehearing conference will be held on April 28, 1988, at 10 a.m. (local time), in Room B-111, International Trade Commission, 500 E Street, *Southwest*, Washington, DC, before the undersigned Administrative Law Judge.

The parties are directed to submit one copy to each other and two copies to the Judge of: (1) Proposed requests for information, (2) any proposals for changes in the procedural schedule contained in the instituting order, (3) proposed stipulations, and (4) a statement of position.

The above material shall be circulated in time to reach the Judge and Washington counsel for the other parties before 3 p.m. on April 27, 1988.

William A. Kane, Jr.,

Chief Administration Law Judge.

[FR Doc. 88-9144 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-62-M

[Docket 44346]

Remanded Texas Air-Eastern Acquisition Case; Assignment of Proceeding

April 20, 1988.

This proceeding has been assigned to Chief Administrative Law Judge William A. Kane, Jr. All future pleadings and other communications regarding the proceeding shall be served on him at the Office of Hearings, M-50, Room 9228, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2142.

William A. Kane, Jr.,

Chief Administrative Law Judge.

[FR Doc. 88-9145 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Proposed Advisory Circular 20-XX; Airworthiness and Operational Approval of Traffic Alert and Collision Avoidance Systems (TCAS II) and Mode S Transponders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of Proposed Advisory Circular (AC) 20-XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) pertaining to airworthiness and operational approval of traffic alert and collision avoidance systems (TCAS II) and Mode S Transponders. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before July 31, 1988.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the above address, telephone (206) 431-2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 20-XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

The material provided in AC 20-XX addresses the design aspects, characteristics, mechanization, testing, training, and the criticality of system failure cases for Traffic Alert and Collision Avoidance Systems and Mode S transponders. The guidance material is directed at systems which provide traffic resolution advisories in the vertical axis only (TCAS II) and to systems where the operational performance standards are defined in technical documents that were developed by a joint air transport industry/government group.

Issued in Seattle, Washington on April 12, 1988.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 88-9053 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-88-14]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part

11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before May 16, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on April 18, 1988.

Denise D. Hall,

Acting Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25344	General Electric Aviation Service Operation Pte. Ltd. of Singapore.	14 CFR 145.73(a)	To amend Exemption No. 4873 that allows petitioner to perform maintenance, preventive maintenance, and alteration of certain GE-manufactured aircraft with no restriction as to their geographic scope of operation. This amendment, if granted, would include additional GE-manufactured parts.
25573	Air Transport Association of America	14 CFR 43.3(a) and Part 43, Appendix A, paragraph (b)(1).	To allow petitioner's Part 121 members to classify structural repairs for transport category airplanes in accordance with a logic system based on identification of principal structural elements.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
25025	Continental Airlines, Inc.	14 CFR 121.371(a) and 121.378	To amend Exemption No. 4727 that permits petitioner to utilize original equipment manufacturers and foreign repair stations to perform maintenance, preventive maintenance, and alterations on selected components of the petitioner's A-300B4 aircraft, as listed in Appendix B of the exemption. *GRANT, April 4, 1988, Exemption No. 4727A*
25104	CFI, Inc	14 CFR 43.3(g)	To allow petitioner's pilots to change the seating configuration in its Mitsubishi MU-2 and Cessna 414A aircraft. *GRANT, April 4, 1988, Exemption No. 4920*
25280	American Airlines	14 CFR Special Federal Aviation Regulation No. 36, paragraphs 11(a) and 11(b)(2).	To allow storage of substantiating data for a major repair at an original equipment manufacturer's facility in lieu of the petitioner's maintenance facility as required by SFAR 36. This would apply to certain original equipment manufacturer-generated reports concerning test/stress investigations and when the reports are considered to be proprietary by the original equipment manufacturer. *DENIAL, April 8, 1988, Exemption No. 4921*

[FR Doc. 88-9050 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 163 (5th Mtg.)- Unintentional or Simultaneous Transmissions that Adversely Affect Two-Way Radio Communications; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; U.S.C. App. I), notice is hereby given of a meeting of RTCA Special Committee 163 on Unintentional or Simultaneous Transmissions that Adversely Affect Two-Way Radio Communications to be held on May 16-18, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of the fourth meeting's minutes; (3) Review task assignments; (4) Review the 2nd draft of the MOPS; (5) Assignment of tasks; (6) Other business; and (7) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 19, 1988.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 88-9048 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; 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 RTCA Executive Committee to be held on May 13, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's remarks and introductions; (2) Approval of minutes of the meeting held on March 18, 1988; (3) Executive Director's Report; (4) Special Committee Activities Report for March–April 1988; (5) Report of the Fiscal and Management Subcommittee Report; (6) Approve Report of the Future Planning Group; (7) Consideration of Proposals to Establish New Special Committees; (8) Other business; (9) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 15, 1988.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 88–9049 Filed 4–25–88; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

International Harmonization of Safety Standards; Calendar of Meetings

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of meetings.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) will continue its participation during this year in the international meetings to harmonize U.S. and foreign motor vehicle safety standards. These meetings will be conducted by the Working Party on the Construction of Vehicles (WP29) under the Principal Working Party on Road Transport of the United Nations' Economic Commission for Europe (ECE), and by the six Meetings of Experts (formerly called Groups of Rapporteurs) of WP29. The NHTSA currently represents the United States in all of the Meetings of Experts except those on Pollution and on Noise.

DATES: For a list of scheduled meetings, see the Supplementary Information section of this Notice. Inquiries or comments related to specific meetings should be made at least two weeks preceding that meeting.

FOR FURTHER INFORMATION CONTACT: Francis J. Turpin, Office of International Harmonization (NOA–05), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202–366–2114).

SUPPLEMENTARY INFORMATION: As a result of the reorganization of the structure of the Inland Transport Committee and its subsidiary bodies, WP29 and its subsidiary groups have been renamed to more accurately reflect their functions. Thus, the Group of Experts on the Construction of Vehicles (WP29) has been changed to the Working Party on the Construction of Vehicles and retained its designation as WP29. Also, the Ad-Hoc Group on the Coordination of WP29 Activities (AC.2) has been renamed the Administrative Committee for the Coordination of Work of WP29 and retained its designation of AC.2. Finally, WP29's six Groups of Rapporteurs have been renamed Meetings of Experts and retained their previous designations.

This calendar consists of those ECE meetings currently scheduled. It is published for information and planning purposes and the meeting dates and places are subject to change. NHTSA attendance at these meetings will be affected by agenda content, priorities and availability of travel funds.

April 25–27, 1988

Meeting of Experts on Lighting and Light-Signalling (GRE), Nineteenth Session—Geneva, Switzerland

May 24–27, 1988

Meeting of Experts on General Safety Provisions (GRSG), Fifty-Second Session—Geneva, Switzerland

May 30–June 1, 1988

Meeting of Experts on Pollution and Energy (GRPE), Seventeenth Session—Geneva Switzerland

June 7–10, 1988

Meeting of Experts on Passive Safety (GRSP), Third Session—Moscow, USSR

June 20, 1988

Administrative Committee for the Coordination of Work of WP29 (AC. 2), Thirty-Seventh Session—Geneva, Switzerland

June 21–24, 1988

Working Party on the Construction of Vehicles (WP–29), Eighty-Fifth Session—Geneva, Switzerland

July 13–15, 1988

Meeting of Experts on Noise (GRB), Fifteenth Session—Geneva, Switzerland

September 5–7, 1988

Meeting of Experts on Pollution and Energy (GRPE), Eighteenth Session—Geneva, Switzerland

September 19–22, 1988

Meeting of Experts on Brakes and Running Gear (GRRF), Twenty-Second Session—Geneva, Switzerland

October 10, 1988

Administrative Committee for the Coordination of Work of WP29 (AC. 2), Thirty-Eighth Session—Geneva, Switzerland

October 11–14, 1988

Working Party on the Construction of Vehicles (WP–29), Eighty-Sixth Session—Geneva, Switzerland

October 31–November 4, 1988

Meeting of Experts on Passive Safety (GRSP), Fourth Session—Geneva, Switzerland

November 28–December 2, 1988

Meeting of Experts on General Safety Provisions (GRSG), Fifty-Third Session—Geneva, Switzerland

November 29–December 2, 1988

Meeting of Experts on Lighting and Light-Signalling (GRE), Twentieth Session—Geneva, Switzerland

The following meetings took place earlier this year:

March 7, 1988

Administrative Committee for the Coordination of Work of WP29 (AC. 2), Thirty-Sixth Session—Geneva, Switzerland

March 8–11, 1988

Working Party on the Construction of Vehicles (WP–29), Eighty-Fourth Session—Geneva, Switzerland

March 21–24, 1988

Meeting of Experts on Brakes and Running Gear (GRRF), Twenty-First Session—Geneva, Switzerland

Issued on April 20, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88-9140 Filed 4-25-88; 8:45 am]

BILLING CODE 4910-59-M

UNITED STATES INFORMATION AGENCY

Educational Exchanges With Eastern Europe; Application Notice for Fiscal Year 1988

USIA invites applications from U.S. educational, cultural and other not-for-profit institutions to conduct exchanges of students and young people with the countries of Eastern Europe: Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in conformity with recent legislation (Pub. L. 100-204, section 302) authorizing support of exchanges with Eastern Europe.

Overall authority for these exchanges is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87-256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries * * * to strengthen the ties wich unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world."

Summary

The Bureau of Educational and Cultural Affairs of the United States Information Agency announces a program of support for educational and cultural exchanges of students and young people between the U.S. and the countries of Eastern Europe through a wide variety of substantive bilateral activities. USIA seeks to encourage participation of a broad range of sectors, institutions, and geographic areas in the U.S. and Eastern Europe. Support will be available for projects of up to two-years' duration. Preference will be given to projects that expand the range of existing U.S.-East European exchanges (by scope, field of focus or institutional base), although support for ongoing activities will not be excluded.

Support is offered for two categories of exchange programs. Category A supports exchanges of young people between the ages of 15 and 25. Category B supports student or student-related exchanges at the undergraduate or graduate level. Both existing and new projects are eligible.

Applications must be received by USIA no later than 5:00 p.m. EDT on May 27, 1988.

Category A: Youth Exchange

Grant funding for projects submitted under this category is intended to encourage exchanges of young people between the ages of 15 and 25. Participants must be citizens either of the U.S. or of the partner country or countries.

Organizations must document one or more of the following qualifications: (1) Three years or more of experience in conducting youth exchanges; (2) three years or more of experience in sponsoring substantitve activities for young people; (3) experience conducting youth or adult exchanges with Eastern Europe; (4) experience arranging programs for foreign students or visitors in the U.S. Additionally, organizations should be able to demonstrate an adequate resource base for conducting programming in more than one location, if the project requires it. Organizations seeking funds for a high-school study program must be designated by USIA under the "Criteria for Teenager Exchange Visitor Programs."

Preference is given for project activities that exhibit the following features:

—Thematic focus—The substantive portion of the program should have a specific focus. Eligible foci may include, but are not limited to: the arts (theater, dance, music, literature, fine arts and film/video); language and culture; conservation and the environment; historic preservation; political, social and economic issues; and agriculture (rural or farm-based exchanges). All projects must demonstrate a balance of views in the presentation of the central theme. The balance of substantive programming and other activities will be carefully reviewed for contribution to project goals. For-credit post-secondary study is not eligible for support, nor are single-country performing arts tours.

—Extensive interaction between American and East European youth—Activities should be carefully programmed to provide substantial interaction between the two societies, *e.g.*, homestays, joint seminars, and summer enrichment or camping programs (*e.g.* language or computer camps) in both countries.

—Orientation programs—All participants should be provided an orientation which introduces the program theme, administrative issues, and substantive issues likely to be raised by their U.S. or East European counterparts.

—Minimum stay of four weeks—USIA has a preference for programs in which the duration of stay in country is longer than four weeks. Consideration will be given to those projects which, for reasons of requirements of the partner country or countries, are shorter, but under no circumstances will a proposal be reviewed if the length of stay in country is less than three weeks.

—Language qualifications—Language capability is desirable, but not required. However, some participants in each incoming delegation should be conversant in English; some participants in each outgoing delegation should be conversant in the relevant East European language(s).

—Adequate lead time to ensure a successful exchange—Projects should include adequate planning time. For those projects involving exchanges to occur after October 1, 1988, the application must demonstrate to the Agency's satisfaction the need to secure commitments or to undertake advance planning before October 1.

Allowable costs for Category A projects: Project awards will be made in a wide range of amounts but will not normally exceed $50,000. The primary objective of grant funding is to expand or enhance exchange programs along the lines described above. Therefore, grant-funded items of expenditure will generally be limited to the following categories:

—In-country travel and per diem.
—Orientation or preparation costs; briefing materials.
—Speaker honoraria (not to exceed $150 per day per speaker).
—Cultural allowances (not to exceed $150 per participant).
—Admission fees, camping fees, conference/registration fees.
—International travel, normally limited to partial support for outgoing Americans.
—Up to 20% of costs requested of USIA may be allotted to administrative costs.

It is expected that applications will demonstrate substantial cost sharing.

Category B: Academic Exchange

Grant funding under this category is intended to enhance and expand the scope of US-East European student and student-related exchanges in ways that complement existing exchange programs between the partner countries. Applications for substantive academic exchange activities will be accepted

from accredited, degree-granting U.S. universities or colleges and from not-for-profit organizations engaged in international educational exchange at the undergraduate or graduate level. Participants must be citizens either of the U.S. or of the partner country or countries.

Preference will be given to proposals that represent new approaches to exchange with Eastern Europe, introduce contact with government ministries and educational and cultural institutions beyond those typically involved in exchanges to date, including institutions below the ministerial level, or involve placement of American students in geographic areas outside capital cities. Preference will be given to proposals for exchanges primarily in the arts, humanities, and social sciences.

Language qualifications: Students should have sufficient fluency in the language of the country to be visited to pursue university studies in that language and to converse with citizens of the country without the aid of interpreters.

Allowable costs for Category B projects: Project awards will be made in a wide range of amounts but will not normally exceed $50,000. Grant-funded items of expenditure will be limited to the following categories:

—In-country travel and per diem.
—Orientation or preparation costs; briefing materials.
—Speaker honoraria (not to exceed $150 per day per speaker).
—Cultural allowances (not to exceed $150 per participant.)
—Academic program fees.
—International travel, normally limited to partial support for outgoing Americans.
—Up to 20% of costs requested of USIA may be allotted to administrative costs.

It is expected that applications will demonstrate substantial cost sharing, including tuition waivers where applicable.

Requirements for Application (Both Categories)

1. *Eligibility*: In cases where an application is being submitted on behalf of a U.S. and an Eastern European institution, applications must be submitted by the U.S. partner.

2. *Application procedures*: Applicants must submit one original and eleven (11) complete copies of their proposals to:

For Category A Proposals

U.S.-East European Exchanges Program, Youth Exchange Staff, E/YX, Room 357, United States Information Agency, 301 4th Street SW., Washington, DC 20547.

For Category B Proposals

U.S.-East European Exchanges Program, European Exchanges Branch, Office of Academic Programs, E/AEE, Room 208, United States Information Agency, 301 4th Street SW., Washington, DC 20547.

In order to be eligible for review, the proposal must include:

(1) *Summary document*: A typed, double-spaced abstract of approximately two pages;

(2) *Narrative*: Total text not to exceed fifteen (15) typed, double-spaced pages, including:

a. A brief (two-page) description of the participating institutions, with a copy of the charter and list of Board of Directors of the U.S. institution; information on the applicant's prior experience with East European exchanges, if any, including details on numbers and length of exchanges in each direction; and a description of the institution's resources that would support the movement of participants from one location to another (if proposed) during the course of the project. Institutions seeking support from USIA for the first time, or those whose experience in the field of exchanges proposed for support is of less than four-years' duration, should state this fact.

N.B. Organizations with less than four years' experience with exchanges are limited by USIA grant guidelines to grants of $60,000.

b. A detailed description of the proposed exchange, including but not limited to: A statement of specific project goals, with reference to ways in which the proposed exchange can contribute to overall understanding between the U.S. and the partner country; name and qualifications, including language skills, of project director and senior project personnel; general description of potential participants and their qualifications, including language skills; a detailed, specific description of program activities, including when and where they will occur, and a justification for each proposed activity in terms of the project's overall goals. Proposals must include a timetable for project activities. Proposals for ongoing activities should identify ways in which the original scope of the exchange will be broadened or enriched as a result of the USIA grant. Each proposal must also include a plan for institutional evaluation of the exchange activity. *N.B.: All projects must document active planning with foreign counterpart institutions before October 1, 1988.*

(3) *A detailed, three-column budget* outlining specific expenditures and sources(s) from which funds are anticipated. The budget should include any in-kind and cash contributions to the program made by the U.S. and non-U.S. institutions.

Required format for budget: All proposed expenditures should be individually listed, using the format below. Each request for travel should specify the number of round trips by number of participants per year. Each maintenance request should specify number of participants and rate. For per diem, the request should specify rate time number of participants times number of days. Breakdowns for each category should be provided. Direct and administrative costs absorbed by each institution should be specified along with absorbed salary and benefits, under the U.S. and partner institutions columns.

	USIA	US Inst.	Partner Inst.[1]
Year 1:			
International travel			
Domestic travel			
Maintenance and per diem costs [2]			
Salary and benefits [3]			
Academic program costs			
Orientation costs			
Enrichment programs			
Cultural allowances			
Other (specify)			
Year 2:			
(Repeat above categories for year 2)			

[1] Assignment of exact dollar or East European currency costs may not be possible. In such cases, please provide specific descriptions of activities to be supported by the partner institution.
[2] Per diem rates may not exceed the maximum set by the U.S. Department of State for overseas locations and the General Services Administration for U.S. localities.
[3] Participating institutions are expected to continue full salary and benefits for staff responsibilities for organizing and managing the exchange.

No dependents' costs are allowable.

(4) *Appendices* should be kept to a minimum but must include:

a. Bio-sketches of professional accomplishments of the principal project staff, not to exceed two pages in length each, clearly indicating the level of language skills; overseas experience, including experience in Eastern Europe, and particularly with the proposed partner country or countries; experience related to youth or academic exchange, as appropriate; relevant publications and research activities; and citizenship. Bio-sketches for the U.S. project staff must be included; those of non-U.S. staff are desirable but not required.

(b) Documentation of institutional support for the proposed exchange program, *including a signed letter of endorsement from the U.S. institution's president, vice-president, chancellor or provost.* Proposals should also provide evidence (if possible, in the form of signed letters from or agreements with heads of universities or other organizations) that designated East European partner institutions are prepared to participate in and support the exchange described in the proposal. General agreements signed or under negotiation with the intended partner institution would also be evidence of partner-country interest and should be cited.

3. *Review process:* USIA will acknowledge all proposals and will send cover sheets and other forms for completion and return to the Agency to applicants whose proposals have arrived complete and within deadline. Technically eligible proposals will be forwarded to committees of USIA officers for review in conformity with the guidelines and criteria set forth herein. All proposals will be reviewed by the Agency's Office of General Counsel. Category B proposals will also be submitted to the Board of Foreign Scholarships.

Complete applications in both categories consistent with the above guidelines will be reviewed according to the following criteria:

a. Soundness of proposal, *e.g.*, as reflected in focused goals, selection of activities, and consistency with Agency program purposes.

b. Feasibility of the program plan.

c. Applicants' experience relevant to program goals.

d. Language capability of program participants as defined above.

e. Multiplier effect. The effects of the exchanges should extend beyond the immediate participants.

f. Contribution to expanding the range of U.S.-East European exchanges. If the proposal is for support for an established activity, it should provide evidence that USIA support would enhance the exchange relationship.

g. Cost effectiveness. USIA encourages cost-sharing.

4. *Deadline:* Complete proposal packages must be received by USIA on or before May 27, 1988, 5:00 p.m. EDT. Applicants are responsible for the submission of complete applications. All required items must be received in one package by deadline.

5. *Notification:* All applicants will be notified of the results of the review process on or about August 15, 1988. Funded proposals will be subject to periodic reporting and evaluation requirements.

Inquiries

Category A: Janet Garvey, Youth Exchange Staff (202) 485–7299.

Category B: William Dickson, Academic Exchanges Division, Europe Branch (202) 485–1509.

Dated: April 20, 1988.

Mark Blitz,

Associate Director.

[FR Doc. 88–9079 Filed 4–25–88; 8:45 am]

BILLING CODE 8230–01–M

Office of the United States Trade Representative

Avisory Committee for Trade Negotiations; Meeting and Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations to be held April 28, 1988 from 1:30 p.m. to 4:00 p.m., in Washington, DC., will include the development, review and discussion of current issues which influence the trade policy of the United States. Pursuant to section 2155(f)(2) of Title 19 of the United States Code, I have determined that this meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions.

More detailed information can be obtained by contacting Barbara North, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington DC 20506.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 88–9068 Filed 4–25–88; 8:45 am]

BILLING CODE 3190–01–M

VETERANS' ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans' Administration.

ACTION: Notice.

The Veterans' Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Ann Bickoff, Department of Medicine and Surgery (136E) Veterans' Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 233–2282. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: April 13, 1988.

By direction of the Administrator.

Frank E. Lalley,

Director, Information Management and Statistics.

New Collection

1. Department of Medicine and Surgery.
2. Veterans' Health Services Survey (VHSS).
3. VA Form 10–20862 (NR).

4. This is a pilot demonstration of two VA medical clinics. Respondents will be randomly selected volunteers recruited from all patients visiting the clinic during a six-month period. The findings will be used by VA to make decisions on the feasibility of delivering primary health care to veterans living in remote rural areas.
5. Other (nonrecurring).
6. Individuals or households.
7. 875 responses.
8. 289 hours.
9. Not applicable.

[FR Doc. 88-9075 Filed 4-25-88; 8:45 am]
BILLING CODE 8320-01-M

Agency Form Under OMB Review

AGENCY: Veterans' Administration.
ACTION: Notice.

The Veterans' Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from John Turner, Department of Veterans Benefits (203C), Veterans' Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2744. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: April 13, 1988.

By direction of the Administrator.

Frank E. Lalley,

Director, Information Management and Statistics.

Extension

1. Department of Veterans Benefits.
2. Request for Estate Information.
3. VA Form Letter 27-439.
4. This form letter provides the information necessary to determine whether size of estate is within legal boundaries for discontinuance of benefits to incompetent veterans when specific conditions exist.
5. On occasion.
6. Individuals or households.
7. 24,000.
8. 4,000.
9. Not applicable.

Extension

1. Department of Veterans Benefits.
2. Application for Dependency and Indemnity Compensation or Death Pension.
3. VA Form 21-4182.
4. This is a joint form used by survivors of veterans or service personnel to apply for benefits for social security and Veterans' Administration benefits.
5. On occasion.
6. Individuals or households.
7. 28,200.
8. 4,700.
9. Not applicable.

Reinstatement

1. Department of Veterans Benefits.
2. Quarterly Report of State Approving Agency Activities.
3. VA Form 22-7398.
4. This form will be used by State approving agencies to report work performed pursuant to the provisions of the yearly reimbursement contracts.
5. Quarterly.
6. State or local governments.
7. 70.
8. 280.
9. Not applicable.

[FR Doc. 88-9076 Filed 4-25-88; 8:45 am]
BILLING CODE 8320-01-M

Advisory Committee on Readjustment Problems of Vietnam Veterans; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Advisory Committee on Readjustment Problems of Vietnam Veterans will be held May 24 and 25, 1988. This is a regularly scheduled meeting for the purpose of reviewing Agency and other relevant services to Vietnam veterans and to formulate Committee recommendations and objectives. The meeting will be held in the Omar Bradley Conference Room at VA Central Office, 810 Vermont Avenue, NW., Washington, DC 20420, on Tuesday, May 24, 1988. The meeting on Wednesday, May 25, 1988, will be held in the Lafayette Building, Room 442, 811 Vermont Avenue, NW., Washington, DC 20420.

The meeting on May 24 will begin at 9:00 a.m. and conclude at 4:00 p.m. The day's agenda will consist of update and review of the National Vietnam Veterans Readjustment Study, Department of Labor veterans employment programs and statistics, VA Vocational Rehabilitation and Education Services, and the VA Advisory Group on Rehabilitation. The meeting on May 25 will begin at 8:45 a.m.and conclude at 4 p.m. The second day's agenda will consist of a status report on Agent Orange research and medical treatment, and Vietnam Veteran media coverage. Both day's meetings will be open to the public to the seating capacity of the room.

Due to the limited seating capacity of the room, those who plan to attend or who have questions concerning the meeting should contact Arthur S. Blank, Jr., M.D., Director, Readjustment Counseling Service, Veterans Administration Central Office, (phone number 202 233-3317/3303).

Dated: April 20, 1988.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 88-9078 Filed 4-25-88; 8:45 am]
BILLING CODE 8320-01-M

Geriatrics and Gerontology Advisory Committee; Availability of Report

Under section 10(d) of Pub. L. 94-463 (Federal Advisory Committee Act) notice is hereby given that the Geriatrics and Gerontology Advisory Committee has issued a report entitled, "Oral Health Concerns of the Aging Veteran."

The report focuses on research, education, treatment and reimbursement for oral health problems in the aging veteran. It is available for public inspection at two locations:

Federal Documents Section, Exchange and Gift Division, LM 632, Library of Congress, Washington, DC 20540

and

Veterans Administration Central Office, Office of Geriatrics and Extended Care (18B), Room 865, 810 Vermont Avenue, NW., Washington, DC 20420

Dated: April 20, 1988.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 88-9077 Filed 4-25-88; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 80
Tuesday, April 26, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time) Tuesday, May 2, 1988.

PLACE: Clarence M. Mitchell, Jr., Conference Room, No. 200–C on the Second Floor of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, DC 20507.

STATUS: Part of the meeting will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)

Closed Session

1. Agency Adjudication and Determination on Federal Agency Discrimination Complaint Appeals
2. Litigation Authorization: General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on the EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Hilda D. Rodriguez, Executive Officer (Acting) on (202) 634–6748.

Date: April 21, 1988.

Hilda D. Rodriguez,

Executive Officer (Acting), Executive Secretariat.

[FR Doc. 88–9238 Filed 4–25–88; 8:45 am]

BILLING CODE 6750–06–M

NATIONAL COUNCIL ON THE HANDICAPPED

QUARTERLY MEETING

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Council on the Handicapped. This notice also describes the functions of the Council. Notice of this meeting is required under section 522(b)(10) of the "Government in Sunshine Act" (Pub. L. 94–409).

DATES:

May 2, 1988, 9:00 a.m. to 5:00 p.m.
May 3, 1988, 8:00 a.m. to 3:00 p.m.

LOCATION: Washington Hilton & Tower, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Andrea Farbman, National Council on the Handicapped, 800 Independence Avenue, SW., Suite 814, Washington, DC 20591, (202) 267–3846, TDD: (202) 267–3232.

The National Council on the Handicapped is an independent Federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Pub. L. No. 95–602 in 1978), the Council was initially an advisory board within the Department of Education. In 1984, however, the Council was transformed into an independent agency by the Rehabilitation Act Amendments of 1984 (Pub. L. No. 98–221).

The Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting disabled individuals and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR).

The meeting of the Council shall be open to the Public. The proposed agenda includes:

Reports from Chairperson and Executive Director

Discussion of plans and strategies pertaining to Council initiatives on: personal assistance for severely disabled people, living arrangements for severely disabled children, proposed conference of parents and family members, and due process and Least Restrictive Environment concept.

Discussion of unfinished and new business.

Records shall be kept of all Council proceedings and shall be available after the meeting for public inspection at the National Council on the Handicapped.

Signed at Washington, DC on April 19, 1988.

Lex Frieden,

Executive Director.

[FR Doc. 88–9177 Filed 4–22–88; 9:16 am]

BILLING CODE 6820–BS–M

Corrections

Federal Register
Vol. 53, No. 80
Tuesday, April 26, 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 DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25, 31, and 52

[Federal Acquisition Circular 84-36]

Federal Acquisition Regulation (FAR); Restrictions on Federal Public Works Projects, and Promotion of American Aerospace Exports at Domestic and International Exhibits

Correction

In rule document 88-7992 beginning on page 12128 in the issue of Tuesday, April 12, 1988, make the following correction:

On page 12129, in the second column, in the second line, the date should read "April 12, 1988"

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Halofuginone and Bacitracin Methylene Disalicylate

Correction

In rule document 88-7368 appearing on page 11065 in the issue of Tuesday, April 5, 1988, make the following correction:

In the second column, in the first line, "Part 29" should read "Part 20".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86N-0499]

Advisory List of Critical Devices—1988

Correction

In notice document 88-5884 beginning on page 8854 in the issue of Thursday, March 17, 1988, make the following corrections:

1. On page 8855, in the table, under PART 868—ANESTHESIOLOGY DEVICES, in the fourth column, in the last entry, "audit" should have read "adult".

2. On the same page, in the table, under PART 870—CARDIOVASCULAR DEVICES, in the second column, in the 10th line from the bottom, "polytetrafluoroethylene" should not have been hyphenated.

3. On page 8856, in the table, under PART 876—GASTROENTEROLOGY-UROLOGY DEVICES, in the fourth column, in the last entry, insert "commercial" between "in" and "distribution".

4. On page 8858, in the table, in the second column, in the 22nd line from the bottom, "tibial" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 37978]

Recordable Disclaimer of Interest; Louisiana

Correction

In notice document 88-7600 appearing on page 11565 in the issue of Thursday, April 7, 1988, make the following correction:

In the second column, in the first paragraph, in the ninth line, "E½SE¼" should read "E½SW¼".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 88-02]

Regatta; Sacramento Water Festival

Correction

In proposed rule document 88-8203 appearing on page 12434 in the issue of Thursday, April 14, 1988, make the following correction:

In the second column, under Economic Assessment and Certification, in the 10th line, "necessary" should read "unnecessary".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 25590; Amdt. Nos. 121-196 and 135-25]

Smoking Aboard Aircraft

Correction

In rule document 88-8204 beginning on page 12358 in the issue of Wednesday, April 13, 1988, make the following corrections:

1. On page 12360, in the first column, the second line from the bottom of the page should read "when the no smoking sign is lighted, except during landing and takeoff. An exception is necessary".

2. On page 12361, in the first column, in the second complete paragraph, in the 15th line, "responsible" was misspelled.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3304-8]

Standards of Performance for New Stationary Sources; New Residential Wood Heaters

Correction

In rule document 88-2071 beginning on page 5860 in the issue of Friday,

February 26, 1988, make the following corrections:

§ 60.533 [Corrected]

1. On page 5877, in the first column, in § 60.533(k)(2), in the 13th line, "(E)(1)(ii)" should read "(e)(1)(ii)".

§ 60.538 [Corrected]

2. On page 5883, in the first column, in § 60.538(a), the fifth line should read "(g)(2)".

Appendix A—[Corrected]

Method 5G—[Corrected]

3. On page 5888, in the first column, the first formula should read:

$$m_{aw} = \left(\frac{m_a V_{aw}}{V_a} \right) \qquad \text{Eq. 5G-2}$$

4. On the same page, in the same column, the second formula should read:

$$PR = \left(\frac{\Theta (V_{mi} v_s T_m T_{si})}{10 (V_m v_{si} T_s T_{mi})} \right) \times 100 \qquad \text{Eq. 5G-6}$$

Method 28—[Corrected]

5. On page 5904, in the third column, under 8.1, the fifth line should read "k_i = Test run weighting factor = $P_{i+1} - P_{i-1}$;".

6. On page 5905, in the first column, the first formula should read:

$$BR = \frac{60\ W_{wd}}{\theta} \frac{100 - \%M_w}{100} \qquad \text{Eq. 28-2}$$

7. On page 5912, in the second column, under 5.5.1.2, in the second and third lines, "FO" should read "F_o".

Method 5H—[Corrected]

8. Also on page 5896, in the second and third columns, the text for 7.10 through 7.13 including equation 5H-10 is repeated for the reader because it did not flow properly, it should have read as follows:

7.10 Carbon Balance for Total Moles of Exhaust Gas (dry)/Kg of Wood Burned in the Exhaust Gas.

$$N_T = \left(\frac{K_3\ N_C}{(Y_{CO_2} + Y_{CO} + Y_{HC})} \right)$$

Eq. 5H-7

where:

$K_3 = 1000$ g/kg for metric units.
$K_3 = 1.0$ lb/lb for English units.

Note: The NO_x/SO_x portion of the gas is assumed to be negligible.

7.11 Total Stack Gas Flow Rate.

$Q_{sd} = K_4\ N_T\ BR$ Eq. 5H-8

where:

$K_4 = 0.02406$ for metric units, $dsm^3/g\text{-mole}$.
$= 384.8$ for English units, dscf/lb-mole.

7.12 Particulate Emission Rate.

$E = c_s Q_{sd}$ Eq. 5H-9

7.13 Proportional Rate Variation. Calculate PR for each 10-minute interval, i, of the test run.

$$PR = \left(\frac{\theta\ S_i\ V_{mi(std)}}{10 \sum_{i=1}^{n} [S_i\ V_{mi(std)}]} \right) \times 100$$

Eq. 5H-10

BILLING CODE 1505-01-D

federal register

Tuesday
April 26, 1988

Part II

Environmental Protection Agency

40 CFR Part 148

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions, Phase Two; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 148

[FRL-3318-1]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions, Phase Two

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing rules implementing the Congressionally mandated prohibitions on the underground injection of selected hazardous wastes. This proposed action is being taken in response to amendments to the Resource Conservation and Recovery Act (RCRA) enacted through the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Today's notice proposes effective dates for "California list" wastes (as defined by section 3004(d) of RCRA), as well as certain wastes prohibited under section 3004(g) of RCRA.

The general framework for implementing the land disposal restrictions for injection of hazardous wastes was proposed on August 27, 1987 (52 FR 32446 *et seq.*); that proposal should be consulted for a more thorough explanation of the Agency's rationale concerning the implementation of the no-migration standard and other general requirements.

DATES: Comments must be received on or before May 26, 1988; the public hearing will be held on May 9, 1988, from 10:00 A.M. to 5:00 P.M. EDT; requests to present oral testimony must be received on or before May 2, 1988.

ADDRESSES: Comments (in triplicate), requests to testify, and inquiries concerning the Public Docket should be addressed to Eric Callisto, EPA, Office of Drinking Water (WH-550), 401 M Street SW., Washington, DC 20460. The hearing will be held in the Auditorium of the EPA Training Center, Waterside Mall, 401 M Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Atcheson, Office of Drinking Water, EPA, (202) 382-5508.

SUPPLEMENTARY INFORMATION

Preamble Outline

I. Background

A. Statutory Authority

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the continued land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the wastes remain hazardous (RCRA sections 3004(d)(1), (e)(1), (f)(2), (g)(5)). Congress established a separate schedule in section 3004(f) for making determinations regarding the disposal of dioxins and solvents and the list of wastes specified in section 3004(d)(2), termed the California list, in injection wells.

Wastes meeting the treatment standards set by EPA under section 3004(m) of RCRA may be land disposed. The statute requires EPA to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized" (RCRA section 3004(m)(1)).

Land disposal prohibitions are effective immediately upon promulgation of rules banning disposal unless the Agency sets another effective date based on the earliest date that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment will be available (RCRA sections 3004(h)(1) and (2)). However, these effective date variances may not exceed 2 years beyond the otherwise applicable statutory effective date. In addition, two 1-year, case-by-case extensions of the effective date may be granted under certain circumstances (RCRA sections 3004(h)(3)).

For the purposes of the land disposal restrictions program, the statute specifically defines land disposal to include, but not be limited to, any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome or salt bed formation, or underground mine or cave (RCRA section 3004(k)). The statute also sets forth a series of deadlines for Agency action.

The land disposal prohibitions apply to all hazardous wastes identified or listed under RCRA section 3001 as of November 8, 1984, the date of enactment of HSWA. For any hazardous waste identified or listed under RCRA section 3001 after November 8, 1984, EPA is required to make land disposal restriction determinations within 6 months of the date of identification or listing (RCRA section 3004(g)(4)). However, the statute does not impose an automatic prohibition on land disposal if EPA misses a deadline for any newly listed or newly identified waste.

1. Section 3004(f)

Section 3004(f) addresses the disposal by injection of solvents, dioxins, and California list wastes. Specifically, this section requires the Administrator to promulgate rules prohibiting the disposal of such wastes into wells if it may "reasonably be determined that such disposal may not be protective of

human health and the environment for as long as the waste remain hazardous * * *". If EPA does not determine those instances where disposal would be protective, the injection of these wastes is prohibited on August 8, 1988, under section 3004(f)(3).

2. Section 3004(g)

Section 3004(g) of RCRA applies to all methods of land disposal. It requires the Agency to set a schedule for making land disposal restriction decisions for all hazardous wastes listed in 40 CFR Part 261 under RCRA section 3001(c) as of November 8, 1984, other than the wastes referred to in sections 3004(d) and (e). EPA promulgated this schedule on May 28, 1986 (51 FR 19300 *et seq.*)

Section 3004(g)(5) provides that the regulation promulgated by the Administrator must prohibit methods of land disposal except for methods "which the Administrator determines will be protective of human health and the environment for as long as the waste remains hazardous * * *".

Furthermore, the section provides that, except for wastes which have been treated to the standards expressed in section 3004(m), a method of land disposal may not be determined to be protective of human health and the environment, "unless, upon application by an interested person, it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous."

3. Proposed Standard for Demonstrating Protection of Human Health and the Environment

On August 27, 1987 (52 FR 32446 *et seq.*), the Agency proposed to apply the same standard to injection of hazardous waste, regardless of whether the waste was covered under section 3004(f) or section 3004(g). The comment period closed on October 26, 1987. A brief summary of that proposal follows.

As noted in that proposal, sections 3004 (f) and (g) do not use the same language, but both require a demonstration that injection is protective of human health and the environment. Under section 3004(g) it is clear that such a demonstration must include a showing of no migration from the injection zone for as long as the wastes remain hazardous. EPA believes that the no-migration standard of section 3004(g) helps define what is protective of human health and the environment under section 3004(f). Section 3004(g), by its terms, restricts the injection of certain hazardous wastes into injection wells. Since the wastes covered under section 3004(f) are just as hazardous to human health and the environment as those under section 3004(g), EPA believes that injection of either set of wastes should be subject to the same standard. Thus, the Agency believes that the no-migration demonstration should be similar for all injection wells regardless of the type of injected waste, and that the no-migration standard should apply to all facilities injecting hazardous waste regardless of which section of the statute they are subject to.

B. Effect on State UIC Primacy

States need not seek authorization to administer the land disposal restrictions program codified in Part 148 to maintain Underground Injection Control (UIC) primacy. These provisions are in effect in all states as a matter of federal law. However, the Agency expects that State agencies which have primacy for the UIC program will wish to implement Part 148, and receive authorization to grant no-migration exemptions from land disposal restrictions as well as case-by-case extensions under section 3004(h)(3). However, before such authorization can be granted, the State would have to demonstrate that it has the authority to implement sections 3004 (f) and (g) and (h)(3) of RCRA, and receive authorization to do so. A thorough discussion of the conditions under which such authorization can take place can be found in 50 FR 28728 *et seq.*, July 15, 1985, 51 FR 40618 *et seq.*, Nov. 7, 1986, and 52 FR 25783 *et seq.*, July 8, 1987. In addition, where jurisdiction for UIC and RCRA do not reside in the same State agency, EPA will require a Memorandum of Understanding between the two entities, clearly outlining responsibility for granting exemptions.

C. Summary of the Land Disposal Restrictions Framework

1. Regulatory Framework

On November 7, 1986, EPA promulgated a final rule (51 FR 40572) establishing the regulatory framework for implementing the land disposal restrictions. Corrections to the November 7, 1986, final rule were included in a June 4, 1987, **Federal Register** notice (52 FR 21010) to clarify the Agency's approach to regulating restricted wastes. Some changes to the framework were also made in the July 8, 1987, rulemaking on the California list wastes (52 FR 25760). Rules which specifically address disposal of hazardous waste through injection wells were proposed on August 27, 1987 (52 FR 32446).

By each deadline, according to a schedule established either in the statute under sections 3004 (d), (e), or (f) (or promulgated on May 28, 1986 (51 FR 19300), for section 3004(g) wastes), the Agency intends to promulgate the applicable treatment standards for each hazardous waste. Restricted wastes may be land disposed in a Subtitle C facility if they meet the applicable treatment standards.

After the effective dates of the prohibitions, wastes that do not comply with the applicable treatment standards will be prohibited from continued disposal in injection wells unless a petition has been approved under Subpart C of Part 148 demonstrating that continued management of those hazardous wastes in the injection well is protective of human health and the environment for as long as the waste remains hazardous. Also, § 148.4 provides that EPA may, on a case-by-case basis, grant an extension to the effective date according to the procedures outlined in § 268.5. An extension may not exceed one year, and the Administrator may not renew an extension more than once.

2. Applicability

Land disposal is defined as including, but not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, underground mine or cave, and concrete vault or bunker.

The land disposal restrictions apply prospectively to the affected wastes. In other words, hazardous wastes placed into land disposal units after the effective date of a statutory or regulatory prohibition are subject to the restrictions, but wastes land-disposed prior to the applicable effective date are not required to be removed or exhumed for treatment. Similarly, the restrictions on storage of affected hazardous wastes apply only to wastes placed in storage after the effective date of an applicable land disposal restriction. If, however, wastes subject to the land disposal restrictions are removed from either a storage unit or land disposal unit after the effective date, such wastes would be subject to the restrictions and treatment standards.

The provisions of the land disposal restrictions apply to wastes produced by all generators of over 100 kilograms of hazardous waste (or greater than 1 kg of acute hazardous waste) in a calendar month; however, wastes produced by generators of less than 100 kilograms of

hazardous waste (or less than 1 kg of acute hazardous waste) per calendar month are exempt from the land disposal prohibitions.

The land disposal restrictions apply to both interim status and permitted facilities. All permitted facilities are subject to the restrictions regardless of existing permit conditions. The regulations at 40 CFR 270.4(a) have been amended so that compliance with a RCRA permit (including permits-by-rule under § 270.60(b)) no longer constitutes compliance with Subtitle C as a whole.

3. Development of Section 3004(m) Treatment Standards

In the November 7, 1986, rulemaking, EPA promulgated a technology-based approach to setting treatment standards under section 3004(m). These treatment standards are based on the performance of the best demonstrated available technology (BDAT) identified for the hazardous constituents.

In developing the treatment standards, EPA first characterizes the wastes and establishes treatability groups for wastes having similar physical and chemical properties, and thus, similar treatability characteristics. Once the treatability groups are established, EPA collects and analyzes data on identified technologies used to treat the wastes in each treatability group.

EPA identifies those technologies that are "demonstrated" by full-scale operation. The demonstrated technologies are then evaluated to determine whether they may be considered "available". To be considered "available", the Agency determines whether the demonstrated technologies: (1) Are commercially available, (2) do not present a clear increase in risk to human health and the environment when compared to land disposal of the untreated wastes into a RCRA subtitle C facility, and (3) substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized.

As explained in the November 7, 1986, final rule, the Agency evaluates the risks associated with treatment technologies and land disposal technologies (51 FR 40589). Based on a comparative risk assessment, those technologies that are found to present greater total risk than land disposal of untreated wastes into a RCRA Subtitle C facility are considered "unavailable" as a basis for establishing BDAT levels.

In modeling the risk of underground injection, the Agency intends to follow the same general approach as the one applied to surface land disposal units. However, the Agency does not believe the portion of the modeling done to date for predicting waste fate and transport is appropriate for underground injection. Such models must be capable of simulating flow in deep, pressurized systems at high temperatures through highly mineralized connate waters. Accordingly, the Agency intends to use a model specifically designed to simulate such conditions.

The risk analyses done to date use assumptions which are appropriate for modeling fate and transport in unconfined systems from surface land disposal units. This analysis has not resulted in situations where the risks of alternate treatment technologies are greater than those associated with surface land disposal of untreated hazardous waste. However, preliminary studies suggest that, at least for certain wastes, land disposal by injection poses total risks which may be less than the risks for treatment technologies which have been used to set BDAT levels with respect to surface land disposal facilities.

This result could pose a dilemma for the Agency. Specifically, it could lead to situations in which practices which are manifestly safer might be banned while more risky practices would be allowed to continue. For example, if injection were found to be safer than any of the forms of treatment available for a given waste stream, BDAT would not be established for injected waste; BDAT would be available for surface land disposal, however. Thus, the waste could continue to be land disposed in surface units, provided that the waste were treated—a process which the Agency's own analyses would have shown to pose a greater risk than injection. Injection of this waste stream, on the other hand, would be prohibited (unless the site could make a no-migration demonstration under § 148.20).

In light of this, the Agency is reconsidering the role of risk in determining the availability of BDAT. The Agency intends to publish a Notice of Data Availability which outlines the results of the comparative risk analyses. At that time, or in an earlier notice, EPA may propose an alternative framework for consideration of risk in establishing BDAT.

The performance data on the demonstrated available technologies are evaluated to determine whether the data are representative of well-designed and well-operated treatment systems. Only data from well-designed and operated systems are included in determining BDAT. Such performance data are then statistically analyzed to determine the performance level representative of treatment by the candidate technology. EPA may set the treatment standards as either a specific technology or as a performance level of treatment monitored by measuring the concentration level of the hazardous constituents in the waste or treatment residual, or an extract of the waste or treatment residual. When possible, EPA would prefer to set a treatment standard as a performance level, allowing the regulated community greatest flexibility in meeting the treatment standard. When treatment standards are set as performance levels, the regulated community may use any technology (not otherwise prohibited, e.g., dilution) to treat the waste to meet the treatment standard, and is not limited to only those technologies which have been considered in determining BDAT.

In the final rule prohibiting land disposal of solvents and dioxins by means other than injection (52 FR 40593, November 7, 1986), EPA promulgated regulations requiring the regulated community to use the Toxicity Characteristic Leaching Procedure (TCLP) (Part 268 Appendix I) when developing the extract from the waste or treatment residual. This extract must be analyzed to determine whether the concentrations of hazardous constituents meet the applicable treatment standards (which are expressed in Table CCWE at § 268.41 as constituent levels in the TCLP extract). The TCLP has only been promulgated for monitoring compliance with the treatment standards established for the F001–F005 spent solvent wastes and the F020–F023 and F026–F028 dioxin contaminated wastes treatment standards, and will only be used when the treatment standards are expressed as concentration of hazardous constituents in a waste (or treatment residual) extract.

4. Determination of Alternative Capacity and Ban Effective Dates

a. Establishing Effective Dates. The manner in which effective dates are established differs according to what sections of the statute govern particular wastes. Solvents, dioxins, and California list wastes, which are covered under sections 3004 (d), (e), and (f), are subject to the so-called "hard hammer". Under this statutory scheme, the waste is automatically banned upon the statutory deadline, regardless of whether the Agency acts to set BDAT or fails to prohibit disposal of such wastes

(although the Agency may, under section 3004(h)(2), provide variances for up to 2 years based on lack of alternate capacity). The statutory deadline prohibiting land disposal of these wastes by injection is August 8, 1988.

Scheduled wastes, covered under section 3004(g), are initially subject to a "soft hammer". Under this approach, the Agency must establish a schedule by which any hazardous wastes not covered under sections 3004 (d), (e), or (f), are banned. The statute mandates that these scheduled wastes be addressed in three stages: August 8, 1988; June 8, 1989; and May 8, 1990. It further states that the wastes should be placed in one of these "thirds" based on their intrinsic hazard and volume. High-volume, highly hazardous wastes are placed in the first third; wastes with relatively lower hazards or which are produced in lower volumes are placed in the later thirds. Unlike the wastes subject to the "hard hammer", there is no immediate statutory ban in cases where the Agency fails to take action. If EPA fails to set BDAT or otherwise establish prohibition dates for the first two-thirds by the 8/8/88 or 6/8/89 deadlines, respectively, the wastes in the first two "thirds" are not banned by the statute from land disposal until May 8, 1990, unless EPA issues regulations establishing an earlier effective date for the ban. If these wastes were to be managed in a landfill or surface impoundment, the units would have to comply with the requirements of section 3004(o) during the period the facilities were not subject to a ban.

b. Effective Dates Based on National Capacity Determinations. The Agency has the authority to grant national variances (for up to a two-year maximum) from the statutory effective date based upon a lack of adequate alternative capacity. To make this determination, EPA considers, on a nationwide basis, both the physical capacity of alternative treatment technologies (permitted and interim status facilities that are expected to be on-line by the effective date) and the quantity of restricted wastes generated. If adequate capacity is available, the restriction on land disposal of that waste goes into effect upon the statutory deadline. If there is a significant shortage of national capacity, EPA may set an alternative effective date based on the earliest date on which capacity for treatment that is protective of human health and the environment will be available.

During the period of the national variance, the waste is not subject to the land disposal prohibitions.

c. Case-by-Case Extensions. The Agency will consider granting up to a one-year extension (renewable only once) of a ban effective date on a case-by-case basis to an applicant who applies for such an extension. The applicant must demonstrate (among other things stated in § 268.5(a)(1)) that a good faith effort has been made to locate and contract with treatment, recovery, or disposal facilities nationwide to manage his wastes, and that he has entered into a binding contractual commitment to construct or otherwise provide alternative capacity that cannot reasonably be made available by the applicable effective date due to circumstances beyond his control. During the period of the extension, the waste is not subject to the land disposal prohibitions.

5. Exemption for Treatment in Surface Impoundments

Wastes that would otherwise be prohibited from one or more methods of land disposal may be treated in a surface impoundment that meets certain technological requirements (§ 268.4(a)(3)) as long as treatment residuals that fail to meet the applicable treatment standard or prohibition level are removed within one year of entry into the impoundment and are not placed into any other surface impoundment. The owner or operator of such an impoundment must certify to the Regional Administrator that the technical requirements have been met and must also submit a copy of the waste analysis plan that has been modified to provide for testing treatment residuals in accordance with § 268.4.

As promulgated in the California list final rule (52 FR 25760), evaporation of hazardous constituents as the principal means of treatment is not considered treatment for the purposes of this exemption (§ 268.4(b)).

6. Dilution Prohibition

As established in the November 7, 1986, rule, and modified in the July 8, 1987, rule, dilution is prohibited as a substitute for adequate treatment. This includes dilution to achieve compliance with a treatment standard or compliance level, as well as dilution to circumvent the effective date of a prohibition, to otherwise avoid or circumvent a land disposal prohibition (§ 268.3). However, dilution is permitted as a necessary part of the treatment process.

7. Storage Prohibition

Storage of restricted wastes is prohibited except where storage is solely for the purpose of accumulating such quantities of wastes as are necessary to facilitate proper treatment, recovery, or disposal (§ 268.50). RCRA-permitted treatment, storage, and disposal facilities may store restricted wastes for as long as needed, provided such storage is solely for this purpose. However, if the facility stores a restricted waste for more than one year, it bears the burden of proof that such storage was solely for this purpose (no notification of storage exceeding one year is required). For storage of less than one year, EPA bears the burden of proof that such storage was not for the sole purpose of accumulating such quantities of wastes as are necessary to facilitate proper treatment, recovery, or disposal. This statutory prohibition on storage does not apply to RCRA wastes which meet the treatment standard, wastes which have been granted a variance or an extension to the effective date, and stored wastes which are the subject of a "no-migration" exemption under § 148.20.

8. Variance from the Treatment Standard

EPA established the variance from the treatment standard to account for those wastes which are unable to be treated to meet the applicable treatment standards, even if well-designed and well-operated systems are used (§ 268.44). Petitions must demonstrate (among other things) that the waste is significantly different from the wastes evaluated by EPA in setting the treatment standard and that the waste cannot be treated in compliance with the applicable treatment standard. This variance procedure could establish a new waste treatability group and corresponding BDAT treatment standard that would apply to all wastes meeting the criteria of the new waste treatability group.

9. "No-Migration" Exemption

Proposed § 148.20 (52 FR 32451 *et seq.*) outlined in detail the Agency's plan for implementing the no-migration provisions of RCRA with respect to injected wastes. Briefly, a petitioner would be required, through modeling, to demonstrate there would be no migration of hazardous constituents from the injection zone for as long as the waste remained hazardous. This demonstration could be made in one of two ways. The operator could demonstrate, using flow and transport models, that the site conditions are such that injected fluids would not migrate vertically out of the injection zone or migrate within the injection zone to a point of discharge for a period of ten thousand years. Alternatively, an owner

or operator could show that the waste is transformed, due to geochemical processes, for example, in such a manner that it would become nonhazardous at the edge of the injection zone. In keeping with existing policy, the Agency proposed to use established health-based standards, such as Maximum Contaminant Levels (MCLs), to define hazardous levels. A demonstration based on geochemical modeling could not rely on attenuative mechanisms occurring outside the injection zone.

Also, an owner or operator would have to certify that the well was in compliance with the proposed new area of review, corrective action, and mechanical integrity requirements of Part 146 as proposed on August 27, 1987 (52 FR 32457 *et seq.*).

II. Summary of Today's Proposal—California List Wastes

A. Background

This section of today's proposal outlines the Agency's approach for determining effective dates implementing the ban on injection of California list wastes pursuant to section 3004(f) of RCRA. On December 11, 1986, the Agency proposed to codify the statutory levels for California list wastes as set forth in section 3004(d) of RCRA. The Agency also requested comment on lowering levels for metals based on Extraction Procedure (EP) toxicity characteristics where they exist, and on other factors for metals not covered by the EP toxicity characteristic.

EPA promulgated the land disposal restrictions final rule applicable to land disposal facilities other than injection wells for some California list wastes on July 8, 1987 (52 FR 25760). This rule promulgated treatment standards and corresponding effective dates for the California list hazardous wastes containing polychlorinated biphenyls (PCBs) and most halogenated organic compounds (HOCs), and codified the statutory prohibition levels on certain corrosive wastes.

The California list final rule integrated a number of TSCA requirements into the RCRA framework. This ensures that where inconsistencies exist between TSCA and RCRA standards, the more stringent regulations govern.

The final rule established treatment standards as methodologies for PCBs and HOCs (except dilute HOC wastewaters). All liquid and nonliquid hazardous wastes containing HOCs (listed in Appendix III of Part 268) in total concentration greater than or equal to 1000 mg/1, except dilute HOC wastewaters (i.e., primarily water mixtures containing HOCs in concentrations greater than or equal to 1000 mg/1 but less than 10,000 mg/1), must be incinerated in accordance with the requirements of Part 264 Subpart O or Part 265 Subpart O. However, with respect to surface land disposal, EPA determined that there is a nationwide lack of incineration capacity, and therefore granted a 2-year variance from the treatment standard. Dilute HOC wastewaters need not be incinerated, but they must be treated to below the 1000 mg/1 prohibition level prior to being land disposed by means other than injection. Dilute HOC wastewaters were not granted a variance and were prohibited from land disposal by means other than injection as of July 8, 1987.

Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be treated in accordance with existing TSCA thermal treatment regulations at 40 CFR Part 761. For PCB concentrations greater than or equal to 50 ppm but less than 500 ppm, incineration in accordance with the technical requirements of 40 CFR 761.70 or burning in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60 is required. For PCB concentrations greater than or equal to 500 ppm, incineration in accordance with the technical requirements of 40 CFR 761.70 is required. Thermal treatment for PCBs must also be in compliance with applicable regulations in Parts 264, 265, and 266. No variance to the effective date (7/8/87) was granted for land disposal of PCBs equal to or greater than 50 ppm by means other than injection.

No prohibition levels, treatment standards, or effective dates were established for the California list liquid hazardous wastes containing metals or free cyanides. A notice of data availability and request for comment which outlines the Agency's findings with respect to establishing more stringent prohibition levels was published August 12, 1987 (52 FR 29992).

B. Determination of Treatability Groups, Establishment of Best Demonstrated Available Technology (BDAT), and Effective Dates

1. Free Cyanides and Metals

In the August 12, 1987, Notice of Data Availability, the Agency presented technologies which are applicable to the treatment of California list metal and cyanide wastes (52 FR 29998 *et seq.*). The Agency also presented data that indicates that the existing technologies can achieve the EP regulatory levels or analogous levels for these wastes. A rulemaking to lower the prohibition levels and/or establish BDAT technology or treatment standards for the California list metal and cyanide wastes, however, has not been finalized.

The Agency believes that it is still possible to make capacity determinations, however, even in the absence of established BDAT standards or statutory ban levels. Moreover, EPA believes that the earlier the Agency signals to the concerned community its intentions regarding capacity variances, the more information it will have when making final determinations.

In order to accomplish this, the Agency will assess whether capacity variances are necessary based on waste quantities resulting from both the statutory ban concentrations, and the lower concentrations suggested on August 12, 1987. This can be accomplished by determining the quantity of waste generated in each treatability group for each proposed ban concentration and comparing it to the national capacity of the various treatment methods appropriate to that group.

As indicated in the August 12, 1987, notice, the data available on both quantities of waste generated and capacity of treatment are limited. The Agency has relied principally on the 1981 RIA mail survey (Ref. 1) and a recent analysis of that survey to refine the information on treatment capacity (Ref. 2). In addition, the Agency just completed an updated survey of both treatment capacity and quantities of waste disposed of in injection wells (Ref. 3). Additional data on treatment capacities and waste volumes generated were available from a survey conducted by Tischler and Kocurek for the Chemical Manufacturers Association (Ref. 4).

The Agency believes the information used in these determinations to be accurate. However, some uncertainty remains. Although these reports are based on recent discussions with state regulatory agencies, EPA Regional Offices, and owners and operators of facilities with injection wells, it was in a few cases difficult to determine whether the data provided referred to volume of waste generated, or volume injected, or if indeed there is a difference. In addition, in some instances, concentration data were not always available, and therefore some wastes which were lower in concentration than either the statutory or suggested ban levels could have been included in the analysis. Nevertheless, the Agency believes the values obtained to be sufficiently accurate to assess capacity.

a. Effective Dates Based on Statutory Ban Levels. The primary treatment methods used for metals other than hexavalent chromium are chemical precipitation and chemical fixation. Other technologies exist, such as ion exchange and high temperature metals recovery, but they are generally better suited to more concentrated waste streams than those which are disposed of by injection (52 FR 29999). Moreover, the availability of these treatments are limited, and would still warrant capacity variances.

There are 243,200,000 gallons of these wastes disposed of by injection each year (excluding chromium-containing wastes). The Agency's best data show a commercial capacity of 4,710,000 gallons for fixation, and 163,440,000 gallons for chemical precipitation (Ref. 2). An additional 8,440,000,000 gallons of metal bearing wastes are disposed of in surface land disposal units (52 FR 30000). The Agency has determined that there is little on-site treatment capacity available to handle injected waste streams (Ref. 3).

Although EPA anticipates that on-site capacity will increase when the minimum technology requirements of section 3005(j)(1) go into effect on November 8, 1988, it will not be sufficient to accommodate the volumes currently injected. Most, if not all, of this capacity will be used to handle waste currently land disposed in surface units. In addition, EPA believes the volume of wastes resulting from cleanup activities required under section 3004(u) of RCRA will be significant. In most cases, these wastes will be handled on-site, further limiting the amount of on-site treatment capacity available.

The most appropriate and generally available treatment method for chromium VI is chemical reduction to the tri-valent state. It is important to note that further treatment is necessary to remove the chromium III from solution. Current information shows a commercial capacity for chromium reduction of 35,000,000 gallons. There are currently 105,115,000 gallons of chromium VI waste injected each year. On-site capacity appears to be very small, and will not be substantially increased, in all likelihood, for several years. Any increased capacity that does become available as a result of surface impoundments complying with section 3005(j)(1) is expected to be used by surface land disposal units.

Accordingly, EPA is proposing to grant a variance and ban the injection of metal bearing wastes at the levels specified in the statute at section 3004(d)(2)(B) on August 8, 1990.

Cyanide oxidation, which chemically destroys free cyanides found in solution, is the most appropriate and generally available treatment for wastes containing free cyanides. In cases where the cyanide is complexed with a metal ion, oxidation will not work and the waste must first be treated using chemical precipitation. The above discussion demonstrated that the available capacity to treat using chemical precipitation is inadequate, so this discussion will focus on cyanide oxidation.

There are currently 169,200,000 gallons of cyanide-bearing waste injected annually. An additional 690,000,000 gallons is disposed of in surface disposal units. The current capacity to treat using cyanide oxidation is 63,720,000 gallons (Ref. 2).

Based on the above analysis, the Agency is proposing to grant a variance from the statutory ban date and instead ban injection of such cyanide-bearing wastes (at any concentration greater than that specified in section 3004(d) of RCRA) on August 8, 1990.

b. Effective Date Based on Suggested Ban Levels. The estimated volume of wastes injected at concentrations above the levels suggested on August 12, 1987 (52 FR 29998), for these constituents is as follows:

Metals (specified in RCRA, section 3004(d)(2)(B), excluding chromium) 300,000,000 GPY
Chromium—342,000,000 GPY
Cyanides—1,357,000,000 GPY

Since the treatment capacities would still be inadequate to handle the volume of wastes at these concentrations in any of the categories, the Agency is proposing to grant 2 year variances from the statutory ban date at the levels suggested on 8/12/87. The ban would go into effect on August 8, 1990.

2. Corrosives

The Agency has not proposed nor assessed a particular treatment technology for neutralizing corrosive wastes. Instead, the Agency suggested that any treatment which raised the pH to above 2 or rendered the waste non-liquid would make the waste eligible for land disposal (52 FR 25768, July 8, 1987).

As indicated in section (II)(C) of this preamble, the Agency believes that the high volumes of corrosives generated and disposed of in injection wells pose significant problems, beyond strict capacity driven concerns.

There are specific technical problems associated with treatment of corrosives that uniquely affect the disposal of the treated waste in injection wells. When the pH of a waste is raised, formations may become plugged with precipitates or suspended solids which form both in the waste stream and as a result of reactions with the highly mineralized formation waters. Thus, in many instances, the treated waste would plug the formation and therefore could not be injected for long. In these instances, the operator would have to find alternative capacity for both the treatment residual and the neutralized waste stream. Such capacity could be in the form of releases to surface water, subtitle D facilities, or other alternatives.

Thus, the Agency believes that given the extremely large volumes of corrosive waste injected, a variance is justified. Current estimates indicate that 1,014,100,000 gallons of corrosive waste are injected annually. The EPA believes that the full two year variance permissible under section 3004(h)(2) of RCRA will be necessary to develop capacity adequate to handle such quantities of waste. Accordingly, the Agency is proposing to ban disposal, by injection, of corrosives having a pH less than 2 on August 8, 1990. The Agency specifically solicits comment on whether capacity exists of which EPA is currently unaware, or on whether other data may exist which is relevant to this determination.

3. Polychlorinated Biphenyls (PCBs)

At this time, information available to the Agency indicates that only 25,000 gallons per year of PCB-containing waste are injected. The Agency found that adequate capacity, in the form of boilers and other methods, existed (see 52 FR 25775, July 8, 1987). Restricting these wastes from injection should not place a significant demand on available treatment capacity and the Agency is proposing that the ban prohibiting injection of PCB-containing wastes at concentrations greater than or equal to 50 ppm apply on August 8, 1988.

4. Halogenated Organic Compounds (HOCs)

On July 8, 1987, the Agency stated that HOC containing-wastes subject to the California list restriction were defined by those HOCs listed in 40 CFR Part 268, Appendix III. Further, with respect to surface land disposal, EPA granted a two-year variance for HOCs at concentrations equal to or above 10,000 mg/l. The Agency specified incineration as BDAT for such wastes, and noted that there was not adequate capacity. Recent information suggests that cement kilns may add substantially to the available incineration capacity. The Agency is not aware of any HOCs being injected at concentrations above 10,000

ppm, but would review the data to determine whether a variance from the ban on injection would be warranted if any were.

The Agency specified wastewater treatment as BDAT for dilute HOC wastewaters that are at concentrations between 1,000 and 10,000 mg/l (HOCs below 1,000 mg/l are not subject to California List prohibitions). On August 27, 1987, the Agency indicated that 85,000,000 gallons of dilute HOC wastewaters above the statutory concentration levels (1,000 mg/l) are injected annually (52 FR 32451). Since then, the Agency has updated the data base on which these figures were based (Ref. 3). Currently there are 319,096,000 gallons of dilute HOC-containing wastewaters injected each year at concentrations above 1,000 mg/l. The Agency has found previously that appropriate wastewater treatment capacity was inadequate (see 51 FR 40607 *et seq.*, November 7, 1986, and 52 FR 32450, August 27, 1987) and still believes that to be the case. Accordingly, EPA proposes to grant a two year capacity variance and impose the prohibition on injection of dilute HOC wastewaters at concentrations greater than or equal to 1,000 mg/l (and less than 10,000 mg/l) on August 8, 1990.

C. Considerations Relative to High Volume Wastes

In the June 11, 1987, Notice of Data Availability, the Agency noted that tank capacity not regulated under RCRA could be installed relatively easily, and that treatment of corrosive wastes could be accomplished with relative ease (52 FR 22359). The Agency also noted that large volume waste streams could pose significant capacity problems. Several commenters to that proposal pointed out that injection wells posed unique problems, due both to the quantity of waste handled and, in the case of corrosives, operational problems specific to injection wells. The Agency believes the comments have merit.

After further analysis, the Agency is convinced that high volume waste streams do indeed pose significant problems. For example, EPA investigated several factors which might complicate treatment of high-volume waste streams: the availability of tanks of sufficient size and of material capable of withstanding the high temperatures associated with some reactions, the need to handle large volumes of residuals, and the difficulty involved in obtaining needed permits (both State and Federal) were seen to limit availability (Ref. 4). The Agency also investigated the limits that transportation might impose on the availability of treatment (Refs. 3 and 4). This analysis indicated that the availability of transportation could pose a serious impediment to making commercial treatment accessible. The problem is particularly acute in view of the fact that most of the available treatment was located at substantial distances from areas where the majority of hazardous waste is injected (Ref. 4).

To transport the 4.8 billion gallons of injected solvents, California list metals, cyanides, and corrosives that are injected each year would require over 240,000 rail cars per year (approximately 657 per day) or 960,000 tank trucks per year (approximately 109 truck loads every hour for 365 days each year) (Ref. 5). These problems are compounded since only 17% of the currently known available treatment capacity is in the Gulf Coast area, while 65.3% of these hazardous wastes are generated in the Gulf States (Ref. 4). Considering the inevitable logistical difficulties involved in moving this volume of waste, it is highly unlikely that the transportation industry would be able to meet the vastly increased demand that would result from immediately effective prohibitions. Until such time as the transportation industry could meet this demand, adequate alternative treatment capacity would effectively be unavailable. Primary adjustment would be at individual injection facilities, many of which would need to acquire adequate space and facilities to accommodate more than 63 trucks a day (Ref. 4). Treatment facilities would also have to develop the capability to deal with additional traffic. The Agency solicits comments on the impact these transportation problems have on the availability of adequate treatment capacity for injected hazardous waste.

III. Summary of Today's Proposal—First Third of the Scheduled Waste

A. Background

EPA has estimated that approximately 261 million gallons of the generated First Thirds wastes with identified treatment standards and methods are injected every year. The Agency based this estimate on an ongoing survey that is updating the Hazardous Waste Injection Well Database (HWIWDB). As treatment standards and methods are specified for the remaining First Thirds wastes, this volume will get larger. It must be noted that the data were collected at the point of generation. The actual volume of fluid containing First Thirds constituents that is injected annually is much greater than 261 million gallons due to preinjection mixing with other hazardous and nonhazardouis wastes. The EPA is using the smaller volume because section 3004(g) requirements are applicable at the point of generation.

B. Determination of Treatability Groups and Establishment of Best Demonstrated Available Technology

The 261 million gallons of injected First Thirds waste with identified BDAT treatment standards can be delineated as follows:

RCRA waste code	Volume injected (gallons/year)
K016	98,640,000
K019	91,000
K030	45,000
K049	6,000
K050	55,000
K051	51,000
K052	45,000
K062	148,676,000
K071	45,000
K104	12,924,000
Total	[1] 260,978,000

[1] See reference 3.

A very small amount (less than 1/10 of 1%) of the above total may have been double-counted due to incomplete data on certain facilities which inject waste streams containing more than one waste subject to § 3004(g) restrictions. In some cases where more than one RCRA waste code was contained in a single stream, the total volume of the waste stream was attributed to each waste code.

It is important to note that this proposal would set effective dates for K019 wastes which had been listed with the Second Thirds. The Agency expects to propose BDAT for K019 wastes shortly; when finalized, the effective date of the prohibition for this waste would likely be moved from 6/8/90 to an earlier date. Accordingly, this proposal addresses K019 wastes.

EPA's framework for the determination of BDAT was promulgated on November 7, 1986 (51 FR 40572 *et seq.*). Following this framework, EPA has identified treatment methods which the Agency intends to propose as BDAT for about half of the 50 First Thirds wastes in the near future. At that time, concentration standards (or methods) of the regulated constituents in each of the wastes will also be proposed. For the purpose of today's capacity determinations, however, such concentration standards are unnecessary. The treatment methods which EPA expects to propose as BDAT which address injected wastes are outlined below:

Treatment train	Affected RCRA wastes	Capacity required to treat injected wastes (gallons per year)
Chromium Reduction→ Chemical Precipitation→ Vacuum Filtration.	K062	148,676,000
Solvent Extraction→ Steam Stripping→ Activated Carbon Adsorption.	K104	12,924,000
Sulfide Precipitation→ Filtration.	K071	45,000
Incineration→ Metals Stabilization.	K016, K019, K030, K049, K050, K051, K052	99,333,000
Total		[1] 260,978,000

[1] See reference 3.

C. Capacity Currently Available and Effective Dates

All of the above methods expected to be proposed as BDAT involve two or more treatment steps. Consequently, the available capacity for each treatment train has been calculated as the lowest available volume for any single treatment step in the treatment train under consideration.

The following effective dates for the ban on land disposal of certain hazardous wastes by deep well injection are being proposed today:

1. K062. EPA has estimated that approximately 230,000,000 gallons of surface disposed K062 waste will require treatment (Ref. 6) and that such capacity will exist by 8/8/88 due to retrofitting of surface facilities. As noted, much of this available capacity will be used either by wastes from surface facilities or wastes resulting from corrective actions. Thus, the Agency believes there will not be adequate capacity for the additional 148 million gallons of injected K062 waste. This determination is supported by the 1981 RIA Mail Survey which indicates an available capacity of only 10,000 gallons for filtration, an integral part of the K062 treatment train. Available treatment is further limited by the lack of sufficient chemical precipitation treatment capacity. The Agency thus proposes to grant a two-year national capacity variance from the statutory ban effective date for injected K062 waste, thereby allowing injection of this waste until August 8, 1990.

2. K104. EPA has estimated that about 30 million gallons of surface disposed K104 waste will require treatment and that such treatment capacity is not available and will not become available in the near future (Ref. 6). An additional 13 million gallons of deep well injected K104 will require treatment. Based on the analysis peformed for surface disposal, such capacity is not available. Consequently we are proposing to grant a two-year national capacity variance from the statutory ban effective date and ban injection of K104 wastes on August 8, 1990.

3. K071. EPA has estimated that about 8 million gallons of surface disposed K071 will require chemical treatment annually and that no commercial treatment facilities currently manage this waste (Ref. 6). As noted above, the 1981 RIA Mail Survey indicates only 10,000 gallons of available capacity for filtration, a step in the treatment train for K071. Consequently we are proposing to grant a two-year national capacity variance from the statutory ban effective date and ban the injection of K071 wastes on August 8, 1990.

4. K016, K019, K030, K049–K052. EPA has estimated that about 170 million gallons of surface disposed K016, K019, K030, and K049–K052 wastes will require fluidized bed or rotary kiln incineration treatment annually (Ref. 6). The Agency determined for the Solvents and Dioxins Rule (51 FR 40572) that there is not enough commercial fluidized bed or rotary kiln incineration capacity for wastes. The latest data available to the Agency suggests that on-site incineration capacity for facilities that generate these wastes is inadequate. The RIA survey indicates that only 22 million gallons of alternative capacity exist for incineration. Again, cement kilns may substantially increase the capacity available, but the Agency does not believe such capacity is available now. The Agency is proposing today, therefore, to grant a two-year national capacity variance and ban these wastes from injection on August 8, 1990. For dilute waste streams with less than 1% organics, wastewater treatment would be more amenable. As noted, the Agency has determined that such capacity is inadequate, and therefore is proposing a capacity variance for such wastes.

IV. Regulatory Requirements

A. Regulatory Impact Analysis

Executive Order 12291 requires EPA to assess the effect of contemplated Agency actions during the development of regulations. Such an assessment consists of a quantification of the potential benefits and costs of the rule, as well as a description of any beneficial or adverse effects that cannot be quantified in monetary terms. In addition, Executive Order 12291 requires that regulatory agencies prepare an analysis of the regulatory impact of major rules. Major rules are defined as those likely to result in:

1. An annual cost to the economy of $100 million or more; or

2. A major increase in costs or prices for consumers or individual industries; or

3. Significant adverse effects on competition, employment, investment, innovation or international trade.

The Agency has performed an analysis of the proposed regulation to assess the economic effect of associated compliance costs for the California list and the First Thirds List wastes (Refs. 7 and 8). Total compliance costs of the proposed regulation are estimated at $41.9 million for both lists of wastes, or $11.8 million annualized. Alternate treatment costs are estimated to total $36 million ($11.44 million annualized) and petition costs are estimated to be $5.9 million ($0.42 million annualized). These costs indicate that the proposal does not constitute a major rule under Executive Order 12291.

B. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency publishes a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have significant economic effect on a substantial number of small entities.

Owners and operators of hazardous waste injection wells are generally major chemical, petrochemical and other manufacturing companies. The Agency is not aware of any small entities that would be affected by this rule. Section 148.1(c)(3) of the proposed regulatory framework for this rule exempts any small quantity generator, as defined in § 261.5, from the underground injection prohibitions proposed in that framework. The Administrator certifies that this rule will not have significant economic effects on a substantial number of small businesses. As a result of this finding EPA has not prepared a formal Regulatory Flexibility Analysis.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget

(OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request document for both the California list and First Thirds wastes has been prepared by EPA (ICR No. 0370.05) and a copy may be obtained from Eric Strassler, Information Policy Branch, EPA, 401 M Street SW. (PM-223), Washington, DC 20460 or by calling (202) 382-2738. Submit comments on these requirements to EPA and: Office of Information and Regulatory Affairs, OMB, 726 Jackson Place NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

V. References

(1) National Survey of Hazardous Waste Generators and Treatment, Storage and Disposal Facilities Regulated Under RCRA in 1981; Office of Solid Waste, U.S. EPA, April, 1984.

(2) Tank Treatment Capacity—An Analysis of the RIA Mail Survey, Vol. I, Radian Corporation, November 1986.

(3) Findings on Class I Hazardous Wells Affected by the Land Ban Rules; Temple, Barker and Sloane, December, 1987.

(4) Evaluation of Availability of Alternate Treatment and Disposal Capacity for Injected Hazardous Wastes; Tischler/Kocurek for the Chemical Manufacturers Association, October 1987.

(5) Comments of the Chemical Manufacturers Association on EPA's Proposed Rule Regarding Hazardous Waste Disposal Injection Restrictions; Chemical Manufacturers Association, October 1987.

(6) Background Document for First Third Wastes to Support 40 CFR Part 268 Land Disposal Restrictions, Proposed Rule, First Third Waste Volumes, Characteristics, and Required and Available Treatment Capacity; U.S. EPA, OSW, December 1987. (Preliminary Document)

(7) Regulatory Impact Analysis of Proposed Hazardous Waste Disposal Restrictions for Class I Injection of California List Wastes, EPA Report, Contract No. 68-03-3348; Cadmus Group, Inc., October 1987.

(8) Regulatory Impact Analysis of Proposed Hazardous Waste Disposal Restrictions for Class I Injection of First Thirds List Wastes, EPA Report, Contract No. 68-03-3348; Cadmus Group, Inc., October 1987.

List of Subjects in 40 CFR Part 148

Administrative practice and procedure, Confidential business information, Environmental protection, Hazardous materials, Hazardous materials transportation, Hazardous waste, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply, Water pollution control.

Dated: April 18, 1988.

Lee M. Thomas,

Administrator.

Therefore it is proposed that Chapter I of Title 40 be amended as follows:

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

1. The authority citation for Part 148 continues to read as follows:

Authority: Section 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

2. Section 148.12 is added to read as follows:

§ 148.12 Waste specific prohibitions—California list wastes.

(a) Effective August 8, 1988, liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm are prohibited from underground injection.

(b) Effective August 8, 1990, the hazardous wastes listed in section 3004 (d)(2) of RCRA (the California list), other than those listed in paragraph (a) of this section, are prohibited from underground injection.

(c) The requirements of paragraphs (a) and (b) of this section do not apply:

(1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268; or

(2) If an exemption from a prohibition has been granted in response to a petition under Subpart C of this part; or

(3) During the period of extension of the applicable effective date, if an extension is granted under § 148.4 of this part.

3. Section 148.14 is added to read as follows:

§148.14 Waste specific prohibitions—First Third wastes.

(a) Effective August 8, 1990, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K016, K019, K030, K049, K050, K051, K052, K062, K071, and K104 are prohibited from underground injection.,

(b) The requirements of paragraph (a) of this section do not apply:

(1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268; or

(2) If an exemption from a prohibition has been granted in response to a petition under Subpart C of this part; or

(3) During the period of extension of the applicable effective date, if an extension is granted under § 148.4 of this part.

[FR Doc. 88-8960 Filed 4-25-88; 8:45 am]

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Federal Register

Tuesday
April 26, 1988

Part III

Department of Defense

Corps of Engineers, Department of the Army

33 CFR Parts 209, 335, 336, 337, and 338

Discharge of Dredged Material Into Waters of the U.S. or Ocean Waters; Operation and Maintenance; Final Rule

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Parts 209, 335, 336, 337, and 338

Final Rule for Operation and Maintenance of Army Corps of Engineers Civil Works Projects Involving the Discharge of Dredged Material Into Waters of the U.S. or Ocean Waters

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This rule revises and relocates 33 CFR 209.145 for Army Corps of Engineers (Corps) operations and maintenance activities involving the discharge of dredged or fill material in waters of the United States and ocean waters. These revisions are needed to reflect laws, Executive Orders (EOs), court decisions, and policy changes that have occurred since the current regulations were issued on July 22, 1974. The purpose of this rule is to provide for the environmental compliance aspects of the Corps' national dredging program which balances economics, engineering and environmental requirements. These regulations provide updated procedures for compliance with state water quality certification and coastal zone consistency requirements of Corps maintenance dredging and disposal activities; provide procedures to promote consistent implementation of the environmental protection requirements of Corps operation and maintenance activities; and will better enable the Corps to implement the provisions of the Clean Water Act (CWA) and Ocean Dumping Act (ODA) when undertaking operations and maintenance activities involving dredged material disposal in waters of the U.S. and ocean waters.

EFFECTIVE DATE: April 26, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Mathis or Mr. Joe Wilson, (202) 272-0397.

SUPPLEMENTARY INFORMATION:

On May 30, 1986, we published (51 FR 19694) proposed revisions to 33 CFR 209.145 (39 FR 26636, July 22, 1974). On July 10, 1986, the Corps sent a copy of the proposed rule to the Governors of each of the 50 states. The comment period for the proposed rule closed on July 29, 1986. Fifty-six letters of comment were received in response to the **Federal Register** notice and letters to the Governors.

Environmental Documentation

We have determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. An Environmental Assessment (EA) has been prepared discussing the proposed changes to the current regulation, subsequent expected environmental impacts, and overall need for revisions. The EA and Finding of No Significant Impact are available upon request.

Determination Under Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Army has determined that the revisions to these regulations do not contain a major proposal requiring the preparation of a regulatory analysis under EO 12291. The Department of the Army certifies, pursuant to section 605(b) of the Regulatory Flexibility Act of 1980, that these regulations will not have a significant economic impact on a substantial number of entities.

These final regulations implement changes in environmental laws, EOs, court decisions, and policy changes that have occurred since the 1974 rule was issued. Generally, this rule will clarify and codify numerous policies regarding Corps maintenance dredging and disposal activities that were established since the 1974 rule was issued. This rule will also specifically address five areas of the Corps dredging program that are contributing to delays and increasing costs of routine maintenance dredging and disposal activities.

1. *Section 335.4 Policy.* This regulation prescribes the policies and procedures that should be followed to establish environmental compliance for Corps operations and maintenance activities. The need and justification for operations and maintenance work are made during the Army Civil Works annual Congressional budget review process. Once the relative priority of a maintenance project is determined and Congress allocates funds, it is the responsibility of the Corps to carry out the work by selecting the dredged material disposal alternative(s) which is the least costly and consistent with sound engineering practices and appropriate environmental quality standards. This regulation focuses on procedures and documentation necessary to establish compliance with certain environmental statutes and regulations. Cost and engineering feasibility considerations, however, play a critical role in the ultimate course of action.

The policy statement in Part 335 indicates that the Corps undertakes operations and maintenance activities in a manner which recognizes cost, engineering requirements, and other factors while ensuring environmentally responsible choices. When evaluating operations and maintenance projects, the Corps fully considers all practicable alternatives on an equal basis.

2. *Section 335.7 Federal Standard.* In recent years, questions have arisen regarding respective roles and decision authorities of the states and the federal government in actions involving the disposal of dredged material. The Federal standard should clarify the respective roles and ensure a greater degree of National consistency in management of dredged material disposal. The procedures of the environmental laws and regulations (primarily the CWA and the ODA) require consideration of all facets of the dredging and disposal operation to include cost, engineering feasibility, environmental concerns, and all practicable alternatives. The alternative selected should be the one which meets required environmental laws and regulations in the least costly manner consistent with sound engineering practices. This is defined as the Federal Standard. When seeking state certifications or evaluating resource agency and public comments, the district engineer will be using the alternative(s) selected on this basis as a point of reference.

3. *Section 336.2 Corps Authority to Select Dredged Material Disposal Sites in the Territorial Sea and Ocean Waters.* Presently, the Environmental Protection Agency (EPA) has authority under section 102 of the ODA for designating ocean disposal sites in the territorial sea and ocean waters. The Secretary of the Army has authority under section 103 of the ODA to authorize the transportation for disposal of dredged material in the territorial sea and ocean waters and also to select ocean disposal sites for dredged material should an EPA designated site not be feasible for use. The Secretary will continue to exercise this site selection authority as necessary. In exercising its authority, the Secretary is required to apply the environmental factors and criteria established by the EPA pursuant to section 102(a), relating to the site selection process. Presently, the EPA has designated 107 ocean dredged material disposal sites serving approximately 100 coastal Federally authorized navigation projects. To the extent feasible, the Corps uses and will continue to use the EPA designated sites; however, the Corps may select an ocean dredged material disposal site or

sites under the authority of section 103 of the ODA, in consultation with EPA, for situations where no EPA designated site exists or can be feasibly used.

4. *Section 336.1(b)(8) and (9) State Requirements.* Since implementation of the 1977 amendments to the CWA, the Corps has sought state water quality certification for dredged material disposal activities that occur in waters of the United States. Additionally, the Coastal Zone Management Act, (CZMA) in general terms, requires the Corps to provide a determination that its activities subject to the CZMA are consistent with an approved state coastal zone management plan to the maximum degree practicable.

Some confusion has existed over respective authorities and responsibilities of the Federal government and the states under the CWA and CZMA. Appropriate sections have been added to the regulation to recognize the role of the states in evaluating water quality and coastal zone impacts of Corps maintenance dredging and disposal projects, while assuring that the states provide timely responses as required by Congress in the relevant Federal statutes.

5. *Section 336.1(b)(8) and (9) Certification Requests.* Since implementation of the CWA and CZMA, the Corps has been providing information to affected states in support of requests for water quality certification and coastal zone consistency determinations. Generally, thorough project description information is adequate to determine compliance with state water quality standards and impacts to approved coastal zone programs. The absence of a Federal regulation to specify what information would be provided to the state in support of the water quality certification request and coastal zone consistency determination has led to inconsistent field implementation. The rule specifies the information that will be provided to the states in support of Corps requests for water quality certification and coastal zone consistency determinations.

Section-by-Section Analysis

Part 335—Operation and Maintenance of Army Corps of Engineers Civil Works Projects Involving the Discharge of Dredged or Fill Material Into Waters of the U.S. or Ocean Waters

Section 335.3: One commenter inquired as to whether these regulations were intended to apply to Corps activities other than construction and maintenance of navigation projects. As stated in § 335.3, these regulations apply only to operation and maintenance activities at Army Corps Civil Works projects. Another commenter noted that the regulations should provide that the Corps meet the same requirements as the regulations that apply to the general public. The Corps is subject to the same Federal environmental laws and regulations as the general public even though the Corps does not issue a permit document to authorize its activities. This rule reflects the requirement to meet the same standards (see § 336.1(a)). There is, however, a somewhat different perspective between projects undertaken by the general public and Corps operations and maintenance activities. When a private entity proposes to perform work requiring a Corps permit, the Corps must decide whether than work would be contrary to the public interest. In contrast, this rule applies to operation and maintenance of Federal projects which have already been determined by the Congress to be in the public interest. This difference shifts the Corps focus from a question of whether the work should be accomplished to a question of how the work can most reasonably be accomplished. The Corps analysis, therefore, is directed at evaluation of the environmental effects of dredged material disposal alternatives and demonstration of compliance with the applicable environmental laws and regulations rather than a basic decision of whether a particular project should proceed.

Section 335.4: Several commenters expressed concern with language requiring that alternatives be developed in a "least costly" manner and "consistent with engineering requirements established for the project." One commenter stated that the policy statement would limit the scope of alternatives evaluation in a manner inconsistent with applicable law. It is the policy of the Corps to evaluate maintenance dredging and disposal activities to seek maximum public benefits and economy as well as full compliance with environmental laws and regulations. Cost and engineering practicability play vital roles in selecting the ultimate course of action. We do not, however, intend to limit consideration of practicable alternatives nor to minimize or neglect the importance of the environment in the decision-making process. The scope of the alternatives evaluation is as broad as practicable, including the no dredging alternative. We believe the policy statement in § 335.4 reflects that all practicable alternatives will be evaluated on an equal basis and that cost, engineering requirements, and the environment must be fully considered in the ultimate course of action. We have substituted the word "requirement" for "constraints" at the end of the definition to avoid confusion.

Sections 335.5 and 335.6: Two commenters noted that the listing of applicable Federal laws and EOs fails to provide the reader with the relationship of each law and EO to the proposed rule nor the relative importance of each to the proposed rule; and that we should explicitly state which statutory provisions apply. The relevant provisions of each law and EO apply to dredging and disposal activities. We do not believe that a synopsis or specific statutory reference is necessary, since these laws and EO's "speak for themselves" (i.e., the texts are readily available to the public). Evaluation of the applicability of these authorities are made on a case-by-case basis. One commenter noted that the list of laws made no reference to the applicability of the Resource Conservation and Recovery Act (RCRA) to dredged material.

After careful study of RCRA and its legislative history, we do not believe that Congress intended that RCRA regulate dredged material disposal. Dredged material does not clearly fall within the RCRA definitions of solid waste or hazardous waste. Also, the CWA and ODA provide the appropriate legal and regulatory regimes for dredged material disposal, and those regimes are substantially incompatible with regulation under RCRA. Notwithstanding this legal distinction, we are concerned with the substance of the issue of disposal of dredged material that may be considered highly contaminated. Over the past several years, the Corps has been actively developing state-of-the-art procedures for evaluating and managing all types of dredged material including the 1–3 percent of dredged material which is considered highly contaminated. These procedures have been developed because the EPA RCRA testing and disposal guidelines are technically inappropriate for characterizing the environmental impacts of highly contaminated dredged material. The Corps-developed testing protocol and management strategy for the disposal of dredged material considers the degree of contamination and the potential migration pathways of the contaminants to the environment when evaluating disposal alternatives and results in an equivalent level of environmental protection as would occur under RCRA

Section 335.7: Several commenters indicated that the definition of

emergency was overly broad, particularly with respect to the term economic hardship. The definition of emergency and its use at § 337.7 allows the Corps to respond to certain unexpected dredging and disposal operations on an expedited basis. We do not intend to bypass the requirements of Federal environmental laws but rather to assure that the necessary environmental standards are met in a time period necessary to remedy the emergency situation. We have modified § 337.7 to remove some of the equivocal terminology. One commenter noted that the definition of emergency should include situations which might result in unacceptable environmental degradation. Should the district engineer determine that unacceptable adverse impacts would result from dredging and disposal operations, he has the discretion and obligation to correct the situation. Such corrective actions do not generally fall within the purview of the emergency definition and procedures which focus on the Corps responsibility for maintaining safe, reliable, and economically efficient Federal interstate navigation system in circumstances where emergency conditions jeopardize that national requirement.

The definition and use of the term "Federal standard" received a great deal of comment. Many commenters objected to the Federal standard concept and its use. A number of commenters did not understand how the Corps could develop a Federal standard before factoring in the requirements of the CZMA and CWA. Some commenters noted that the Federal standard must reflect mandatory compliance with the CWA 404(b)(1) guidelines. One commenter recommended use of the term "Corps preferred alternative," instead of "Federal Standard". Regardless of whether we change the term to "preferred alternative" the meaning and use of the term would not change. We believe the term "Federal standard" more accurately describes our intent. In developing dredged material disposal alternatives, the Corps must consider all facets of the dredged and disposal operation to include cost, engineering feasibility, environmental concerns, and the no dredging option. The alternative selected should represent the least costly one consistent with sound engineering practices and meeting required environmental standards. We believe that developing the Federal standard for dredging and disposal projects is essential for assuring consistency in how we manage the Corps national dredging program. Some comments received indicated the major concern was not over whether the Corps develops the Federal standard, but rather when the alternatives are developed, which lead to a determination of the Federal standard i.e., before or after the Corps request for water quality certification or consistency determination. When the Corps issues CWA public notices and seeks state CWA 401 certifications and CZMA determinations for dredging and disposal projects, the Corps must specify proposed disposal site(s). The disposal alternatives are developed using the 404(b)(1) guidelines or ocean disposal criteria. Through the public involvement processes of the CWA or ODA, the Corps solicits public review of the alternatives. The Corps also seeks specific state review of the Corps' alternatives through the certification and consistency determination requirements of the CWA/CZMA. In accordance with long held Corps procedures and consistent with requirements of the CWA and NEPA, all public input is fully considered and the final course of action chosen which appropriately reflects the public interest.

State water quality standards are established in accordance with the provisions of the CWA and are available to the Corps and concerned public. The Corps uses the 404(b)(1) guidelines to determine the appropriate tests to be performed on the dredged material to demonstrate compliance with the guidelines and state water quality standards. Appropriate chemical/biological testing is performed on the material to be dredged and on the disposal site using the 40 CFR Subpart G—Evaluation and Testing procedures or, if appropriate, the ocean disposal criteria at 40 CFR Part 227 Criteria for the Evaluation of Permit Applications for Ocean Dumping of Materials. The 404(b)(1) guidelines in 40 CFR Subpart B § 230.10(b)(1) prohibit the disposal of dredged material that "causes or contributes, afer consideration of disposal site dilution and dispersion, to violations of any applicable state water quality standards." The Corps assesses through the 404(b)(1) guidelines, or, if appropriate the ocean disposal criteria, if the proposed disposal activity will violate state water quality standards. The findings concerning compliance with the 404(b)(1) guidelines or ocean disposal criteria and state water quality standards are submitted to the state along with the request for water quality certification. The Corps Federal standard will comply with the 404(b)(1) guidelines, or, if appropriate the ocean disposal criteria.

Similarly, state coastal zone management plans are approved by the Secretary of Commerce and are made available to the Corps and concerned public. The Corps evaluates the proposed dredging and disposal activity against the state coastal zone management plan and provides the state coastal zone management agency with a consistency determination. The Federal standard must be developed before the request for a consistency determination; otherwise, the state would not be able to determine consistency. The state must either concur or object to the Corps consistency determination. The National Oceanic and Atmospheric Administration (NOAA) Office of Coastal Resource Management has determined that the NOAA regulations implementing the CZMA doe not contemplate conditional concurrences by state coastal zone management agencies.

We have deleted that portion of the Federal standard definition after "criteria" to reflect that the Federal standard is developed using the 404(b)(1) guidelines or ocean disposal criteria and should not be construed as an alternative developed through public involvement. We believe that developing a Federal standard before the request for the state water quality certification and coastal zone consistency determinations is procedurally appropriate.

Some commenters noted that the Federal standard would be developed on economic rather than environmental concerns. As stated in the policy in § 335.4, all alternatives are considered on an equal basis. This includes consideration of cost, beneficial uses of dredged material, and the environment. Given this policy statement, development of the Federal standard will provide proper focus to both economic and environmental concerns. Two commenters indicated that beneficial uses of dredged material should be incorporated into the Federal standard. It is the policy of the Corps (§ 337.9) to use dredged material beneficially within existing authority and funding, and consistent with the Federal standard process.

One commenter stated that the term "Navigable Waters of the U.S." should be changed to "Tidal Waters of the U.S." In the draft, we repeated parts of the definition of navigable waters of the U.S. from the Corps regulatory program at 33 CFR Part 329 and added a qualifier at the end of the definition. Our intent was not to change the meaning of navigable waters within the context of the Corps regulatory program, but to

include for the purposes of this regulation those situations where dredged material is removed from navigation approach channels seaward of the outer limit of the territorial sea.

Two commenters noted that the term "practicable" focused on cost to the exclusion of environmental protection and another stated that the definition should include consideration of fish and wildlife resources and water quality. The term practicable was taken from the Environmental Protection Agency 404(b)(1) guidelines in 40 CFR 230.3(q). We believe that cost, engineering requirements, and the environment all play appropriate roles in determining the Corps' ultimate course of action. We repeated the EPA definition because of its relevance to the Corps' dredging program. One commenter recommended that the term practicable in places other than those pertaining to the coastal zone consistency process should be clarified since the term "practicable" may have a different meaning within the context of the NOAA regulations for the CZMA. We have attempted to reduce the use of the term practicable in the final regulation except as the term pertains to the coastal zone consistency process.

The states of Texas and Florida requested recognition of the jurisdictional variation of their territorial sea on the Gulf as 10.3 miles. The proposed definition of territorial sea was taken directly from the CWA definition. Based on Federal laws and treaties, the U.S. territorial sea extends three miles seaward from the baseline established by the Convention of the Territorial Sea and Contiguous Zone, 15 U.S.T. 1606. We believe the definition accurately reflects the extent of the U.S. Territorial Sea and have retained the definition in the final rule.

Part 336—Factors to be Considered in the Evaluation of Army Corps of Engineers Navigation Dredging Projects Involving the Discharge of Dredged Material Into Waters of the U.S. and Ocean Waters

Section 336.0: One commenter noted that the Corps treatment of the ODA and CWA in the territorial sea appears contrary to a settled legal case (*Pacific Legal Foundation v. Quarles*). In that case, the court concluded that the CWA controlled discharges into navigable waters, including the territorial sea, and that the ODA covered pollution from vessels beyond the territorial sea. While the court discussed the overlap of CWA and ODA jurisdiction in the territorial sea as it relates to section 402 discharges, the court did not consider the jurisdictional relationship as it relates to section 404 and the disposal of dredged material in the territorial sea. The respective ODA and the CWA jurisdictions overlap in the territorial sea, but do not conflict, as evidenced by the fact that both Acts were under consideration by Congress at the same time in 1972. The legislative history of the ODA indicates Congress intended the ODA to have jurisdiction over disposal of *dredged* material in the territorial sea. Additionally, the EPA 404(b)(1) guidelines in 40 CFR 230.2(b) have required the application of the ODA criteria for discharges of *dredged* material in the territorial sea since 1975. Furthermore, the same EPA regulations require the application of the CWA 404(b)(1) guidelines for discharges of *fill* material into the territorial sea. We believe that in those cases where the intent is to fill, that the 404(b)(1) guidelines provide a more appropriate means of evaluating the environmental consequences of the activity.

One commenter suggested that ocean disposal activities in the territorial sea should meet the requirements of both the CWA and ODA. Another commenter indicated that the CWA should be used to supplement, but not substitute for, the ODA criteria where the CWA applies. The jurisdiction of the CWA extends to all navigable waters of the U.S. including the territorial sea. The jurisdiction of the ODA begins at the baseline (as defined in the Convention on the Territorial Sea and Contiguous Zone, 15 U.S.T. 1606) and extends beyond the seaward limit of the territorial sea. The EPA regulations in 40 CFR 230.2(b) address the jurisdiction of activities involving the discharge of dredged or fill material into regulated waters. We do not believe that Congress intended for the Corps to duplicate or delay its evaluation of a dredged material disposal activity by requiring analysis pursuant to both statutes.

The Congress declared in Title I of the CWA that "It is the national policy that to the maximum extent possible the procedures utilized for implementing this Act shall encourage . . . the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government" 33 USC 1351(f). The procedures in § 336.0 recognize the overlapping jurisdiction of the CWA and ODA in the territorial sea and provide a means for evaluating the dredged material disposal activity using the most appropriate regulations (i.e., CWA *or* ODA). We believe this approach fulfills Congressional intent, complies with the statutes and regulations and eliminates duplicative evaluations. Additionally, the EPA may veto a Corps discharge activity using its CWA 404(c) procedures or reject the district engineer's ODA 103 determination of acceptability for ocean dredged material disposal using the ODA 103(c) procedures. We believe that this EPA authority provides adequate safeguards should the EPA not agree with a Corps evaluation.

Section 336.1 (a), (b), and (c): We have decided to move those provisions of § 336.1, (a) (b), and (c) that pertain to water quality certification and coastal zone consistency to the new § 336.1(b)(8) and § 336.1(b)(9) respectively. The number of comments received and the apparent confusion over our procedures necessitates this change. Although we have not made substantive changes in the procedures in the new subsections, we have gone into a greater level of detail.

The analysis of the comments to § 336.1 will follow the numerical sequence of the FR version as proposed on May 30, 1986.

Section 336.1(a)(3) moved to 336.1 (b)(9): Many commenters objected, some strongly, to the Corps assertion that dredging and disposal activities must be "within" rather than "directly affecting" the state's coastal zone before the consistency provisions of the CZMA apply. As discussed earlier, it is important to clarify respective authorities and responsibilities of the Federal and state governments relative to the CWA and CZMA. Our intent is to recognize the role of the states in evaluating water quality and coastal zone impacts of Corps maintenance dredging and disposal activities while ensuring that the states provide timely responses as required by Congress and the relevant Federal statutes. We did not intend to misstate existing court interpretations or the scope of the CZMA. However, we believe that the CZMA and case law leave some doubt regarding the authority of a state to control Corps dredging and disposal activities not physically located "within" a state's coastal zone or within a Federal enclave and directly affecting the coastal zone. The Corps will comply with section 307 of the CZMA as interpreted by the decisions of the Federal courts. Accordingly, the wording of this section has been modified.

Section 336.1(b)(3) moved to 336.1(b)(8) and 1(b)(9): A number of commenters questioned whether the information in a public notice was sufficient to constitute a request for water quality certification and coastal zone consistency. Two commenters suggested that the regulation distinguish the consistency review from the request

for certification. One commenter indicated that applications for certification must be made in accordance with the procedures of the certifying agency. Moving the water quality cetification and coastal zone consistency procedures to § 336.1(b)(8) and § 336.1(b)(9), respectively, should avoid confusion and clarify the Corps procedures. We agree that the water quality certification and coastal zone consistency procedures are distinct and should be treated separately.

The NOAA procedures in 15 CFR Part 930, Subpart C provide a procedural guide for consistency determinations. Consistency determinations will include the information required at 15 CFR 930.39. The final regulation requires the district engineer to supplement the information contained in the public notice if it is not sufficient to meet the requirements of 15 CFR 930.39. The public notice information at § 337.1 has been revised to include the information requirements of 15 CFR 930.39.

In their letter of comment, the NOAA Office of Coastal Resource Management has advised the Corps that the NOAA regulations do not contemplate conditional concurrences. If the state's recommendations for making a project consistent would require the Corps to exceed either authorization or appropriation, then the Corps has complied to the maximum extent practicable without adding such conditions. Thus, we are requiring in the final regulation that district engineers carefully evaluate a state's recommendations and adopt the conditions, controls and requirements necessary to make a project consistent to the maximum extent practicable while assuring that the Corps authority and funding for the project are not exceeded. In cases where state-imposed requirements would exceed Corps authority or available funds dredging will be deferred. Costs associated with requirements that exceed Congressional appropriations will be referred to the non-Federal project sponsor. Any such additional costs will be allocated to project costs. Projects, whether with or without non-Federal project sponsors, will be re-evaluated to determine their continued economic feasibility where a state imposed conditions would serve to increase project costs.

In accordance with the provisions of sections 401 and 404 of the CWA, the Corps will seek state water quality certifications and will comply with state water quality standards. The EPA regulations in 40 CFR 121.3 allow the Corps to determine the appropriate information to be included in the request for state water quality certification. In conjunction with the public notice for the project, the Corps will provide data and the water quality analyses, which may include that information required by the 404(b)(1) guidelines, in support of the request for water quality certification.

Section 336.1(b)(7): A number of comments were received concerning inclusion of local beneficiaries activities in the compliance process for the Corps activity. Most commenters supported this provision. Three commenters believed that the procedures in this section would undermine the Corps section 404 regulatory program. One commenter indicated that this section was contrary to the CZMA. We do not agree that this section is contrary to the CZMA. Furthermore, NOAA, regulations in 15 CFR 930.21 support our efforts to include local sponsor's activities in the Corps compliance process. We believe that inherent in construction and maintenance of Congressionally authorized Federal navigation projects is the local project users ability to receive timely authorization for construction and maintenance activities for which the Federal project was intended. This provision is also contained in the Corps regulations in 33 CFR 322.5(c). We have made some clarifications to provide for consistency with the Corps regulatory program.

Section 336.1(c)(1): A number of comments were received concerning the Corps "Federal standard" concept. See background discussion at Supplementary Information concerning development and rationale of the Federal standard. We have clarified that the formal public involvement processes (primarily NEPA coordination and CWA public notice) follow designation of the Federal standard and that the ultimate decision may depart from the Federal standard in appropriate cases.

Several comments were received concerning Corps economic evaluations. One commenter requested that we clarify how economic evaluations were performed, since states do not always agree on how these evluations are developed. Two commenters asked that we require tradeoff analysis among economic and environmental effects of alternative methods and levels of maintenance dredging and disposal. Another commenter indicated that the regulation should not give full consideration to the impact of the failure to maintain navigation on local and regional economies, since these are more properly the responsibility of state and local governments. This regulation pertains to maintenance of Congressionally authorized navigation projects. The economic justification for such projects is contained in the project authorizing documents. Normally, economic projections extend to the life of a project (50 years). Since both the project conditions and the economic justification for any particular project may change, the Corps periodically evaluates the project conditions to ensure that there is a continuing need for the proposed dredging and it is in the overall public interest.

The Corps has a number of sources for determining commercial traffic through Corps navigation projects including data from the Waterborne Commerce Statistics Center in New Orleans, Louisiana. Frequently, it is difficult to determine if local waterborne commerce benefits local, regional, or national economies. Interstate, recreational boat traffic stopping at a local marina for fuel and supplies would be difficult to factor into economic benefits, but nonetheless would be considered interstate commerce. We agree that the impact of navigation projects on local economies is more appropriately the responsibility of state and local governments. Any reference to local benefits has been deleted. In certain instances regional benefits are also national benefits. Thus, we have retained inclusion of regional benefits in appropriate cases in economic justifications.

Section 336.1(c)(2): We have expanded this section to explain our water quality evaluations under the 404(b)(1) guidelines or ocean disposal criteria. The information pertaining to state water quality certifications has been moved to new § 336.1(b)(8). Many comments were received concerning the time requirements for state's response to Corps requests for water quality certification. Many of the same commenters questioned the Corps authority to impose time limits on the state's response and the type and amount of information that would constitute a valid request for state water quality certification. A number of commenters indicated that the proposed regulation arbitrarily restricts the state to a two-month review period, rather than the one-year authorized by the CWA. The CWA provides that states must act on requests for certification within a *reasonable* period of time, which shall not exceed one year from the date of the request. Additionally, the EPA regulations in 40 CFR 121.16 provide that a waiver can be presumed when the licensing or permitting agency notifies EPA "of the failure of the State or interstate agency concerned to act on such request for certification within a

reasonable period of time after receipt of such request, as determined by the licensing or permitting agency (which period shall generally be considered six months, but in any event shall not exceed one year)." Based on our experience since enactment of the 1977 CWA amendments, we believe that two months is a reasonable period of time for states to act on requests for routine maintenance dredged material disposal activities. More complex projects or projects with potential water quality problems may require more time. Thus, we believe that the requirement for the states to act on requests for certification within two months, and within six months as a maximum period of time, is reasonable.

Some commenters indicated that the time frame for processing a water quality certification should begin only after a state has given written notification that an application is complete. We believe that the EPA regulations in 40 CFR 121.3 allow the Corps to determine what information should be provided to the state in support of the request for certification. The final rule at § 336.1(b)8 will require that the public notice and information demonstrating compliance with applicable state water quality standards will be provided to the state in support of the request for certification.

In such cases where the dredged material disposal may violate applicable state water quality standards after considering disposal site dilution and dispersion, the district engineer will follow the procedures outlined in the Corps technical manual for contaminant testing and controls. This report is currently cited as: Francingues, N.R., Jr., et al., 1985. "Management Strategy for Disposal of Dredged Material: Contaminant Testing and Controls," Miscellaneous Paper D–85–1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS. This manual, which has received extensive peer review from both the scientific and regulatory community, was developed in response to our concern over the continued leaching of contaminants from point and non-point sources into Corps navigation projects. It will be modified and updated as appropriate. The testing protocol and management strategy provide a scientifically valid systematic process for evaluating cost-effective, environmentally responsible alternatives for disposal of contaminated dredged material. The Corps district engineers will refer to and use this manual for cases where dredged material contains contaminants at a level sufficient to cause environmental concern. This technical manual will be updated as the state of knowledge regarding evaluation of highly contaminated sediments advances.

One commenter indicated that dredging activities are not exempt from the water quality certification requirements because dredging activities constitute a discharge into navigable waters. We do not agree. The CWA requires regulation of discharges of dredged or fill material. Incidental soil movement as a result of the dredging operation does not constitute the discharge of dredged or fill material for purposes of regulation under the CWA. As indicated in the preamble of the Corps regulations in 51 Federal Register page 41210, November 13, 1986, regarding de minimis discharges associated with normal dredging operations, the purpose of dredging is to remove material from the water, not to discharge material into the water. Therefore, de minimis releases in a normal dredging operation are incidental to the dredging operation. If there are tests involved, we believe they should relate to the intent and result of the dredging operations. If the intent is to remove material from the water and the results support this intent, then the activity involved must be considered as a normal dredging operation and not subject to section 404 of the CWA.

Section 336.1(c)(3) moved in part to 336.1(b)(9): The procedural parts of this section have been moved to the new § 336.1(b)(9). A number of commenters disagreed with the time requirements for the state to act on Corps consistency determinations. The NOAA regulations in 15 CFR 930.41 allow 45 days for state review with an additional 15 days upon request by the state. We will not depart from the time allowances provided by the NOAA regulations. Some commenters noted that water quality certification may be required as a condition of coastal zone consistency. We believe that the water quality certification and coastal zone consistency processes are separate and one should not be a prerequisite to the other.

Section 336.1(c)(4): One commenter indicated that this section radically amended the treatment of wetlands in existing § 209.145(e)(3). Another commenter recommended referring to wetlands designated on the National Wetlands Inventory as being important. The existing section on wetlands has been in effect since 1974. Since that time, a number of court cases and regulatory changes have occurred, but the essential regulatory treatment of wetlands is similar between the 1974 and the current regulation. As noted on the National Wetlands Inventory maps, the maps may include or exclude wetlands subject to consideration under the CWA. Generally, wetlands jurisdictional determinations are made on a case-by-case basis by the Corps. We have substituted the word "most" for "some" at the beginning of the section for consistency with the Corps regulatory program.

Section 336.1(c)(5): One commenter recommended consideration of state-listed endangered species. State fish and game agencies have an opportunity to comment on proposed maintenance dredging and disposal activities through the public coordination process. The Corps will consider recommendations concerning state-listed endangered species from such state agencies. However, we will rely on the recommendations from the U.S. Fish and Wildlife Service regarding Federally protected threatened or endangered species for purposes of compliance with the Federal Endangered Species Act.

Section 336.1(c)(6): Several comments were received from the Advisory Council on Historic Preservation (ACHP) regarding the procedures for protecting historic resources. We have included reference to section 106 of the National Historic Preservation Act and deleted reference to the term "cultural resources" as the ACHP believes this term to be misleading. The terms "historic properties" and "historic resources" have been substituted instead. We have also modified this section to be more consistent with the ACHP regulations. The first paragraph of this section has been revised to remove some of the restrictive terminology.

Section 336.1(c)(8): One commenter indicated that limiting resource agency review to the public notice comment period is inconsistent with the intent of the Fish and Wildlife Coordination Act. One commenter asked that this section *require* minimization of impacts to fish and wildlife resources. A commenter recommended that the first paragraph be modified to require evaluation of all justifiable and appropriate means or measures to protect and conserve fish and wildlife resources by including modification of or mitigation for proposed operations to eliminate or mitigate any damage to fish and wildlife resources.

It is the policy of the Corps to fully consider all facets of the dredging and disposal operation with a view towards attaining maximum overall public benefits. Over the past 15 years, the Corps has constructed over 19,000 acres

of wetlands and over 2,000 dredged material disposal islands, some of which are considered the richest bird rookeries in the country. Unfortunately, as with almost any construction operation, some adverse impacts to fish and wildlife resources will occur. The creation of wetlands using dredged material requires alteration of the topography of the water bottom to the detriment of the benthic communities, for example. In such cases, a trade-off of water bottoms and benthic communities for wetlands occurs. It is with these trade-offs in mind that we actively solicit the views and recommendations of the resource agencies through the public involvement processes of the CWA and ODA. In some cases we are able to use the dredged material to benefit fish and wildlife resources without long-term adverse effects. In the final analysis, we believe it is a Corps responsibility to determine the most appropriate course of action, including justifiable means and measures to lessen the damage to fish and wildlife resources. The public notification process is the means by which we solicit input from all concerned agencies and individuals. We believe the notification period, which is normally 30 days, is adequate for resource agency review and comment.

Two commenters indicated that the statement "Corps funding of Fish and Wildlife Service activities is not applicable for Corps operations and maintenance projects" was inconsistent with the conservation mandates of the Fish and Wildlife Coordination Act. The Transfer of Funds Agreement between the Corps and Fish and Wildlife Service implementing the Fish and Wildlife Coordination Act does not apply to Corps maintenance activities.

Section 336.1(c)(10): Several commenters requested clarification of the statement in this section regarding our policy for not seeking permits or licenses that were not reasonably related to the control or abatement of pollution. One commenter indicated that this statement overlooked the fact that the state may own submerged lands. The Federal navigation servitude provides authority for Federal activities in aid of navigation notwithstanding owenership of submerged lands. See *Cherokee Nation of Oklahoma v. United States, —U.S. (1987).* Moreover, established principles of U.S. law make clear that a Federal agency cannot be required to seek a state or local governmental permit absent a clear, explicit, and unambiguous Congressional waiver of Federal soverign immunity. We have revised this section to be consistent with those principles of U.S. law.

Section 336.1(c)(11): The first sentence of paragraph (i) has been moved to the new § 336.1(b) (8) and (9).

Section 336.2: The EPA regulations in 40 CFR Part 227, Subpart C provide guidance on evaluating the need for ocean disposal and alternatives to ocean disposal. The Subpart C guidance does not clearly apply to all categories of dredged material or provide procedures for the Corps when evaluating the full range of disposal alternatives. This section provides supplementary guidance for evaluating the need for and alternatives to ocean disposal for Corps maintenance dredging activities. Supplementary guidance for the Corps 103 permit program is contained in 33 CFR Parts 320–330. Under section 103 of the ODA, evaluation of need for and alternatives to ocean disposal of dredged material is a Corps of Engineers responsibility. This section, in conjunction with 40 CFR Part 227 is intended to be used by the Corps to guide such evaluations for maintenance dredging activities until such time as this separate Corps regulation is promulgated.

One commenter requested the basis for the Corps assertion of authority for selecting ocean disposal sites. Section 103 of the ODA requires the Corps to make an independent determination relative to the need for, alternatives to, and appropriate locations for ocean disposal of dredged material. This section also requires permits from the Corps for the transportation for ocean disposal of all dredged material. In evaluating permits the Corps must use the criteria established by the EPA pursuant to section 102(a) of the ODA relating to the effects of disposal. The Corps must, to the extent feasible, use EPA designated sites when considering appropriate locations for disposal. Over the past ten years, the Corps has been working with the EPA to facilitate EPA site designations for dredged material. Since dredged material amounts to over 90 percent of all material disposed of in ocean waters, the Corps has considered ocean disposal site designations as a high priority. Over the past several years the EPA has been working actively with the Corps to complete final designation for the remaining ocean dredged material disposal sites. Nonetheless, we believe that the Corps has ample authority within section 103 to select (not designate for general use) ocean dredged material disposal sites, if use of an EPA designated site is not feasible. Section 336.2 provides appropriate procedural guidance for this site selection authority, which requires consultation with EPA and use of the same site selection environmental considerations as are required by EPA under its site designation authority. We have used this selection authority in the past and will continue to use it in the future on an as needed basis.

Section 336.2(c): A number of coastal states objected to the proposition that the ODA may preempt the CZMA in the territorial sea. While we have decided to revise the language in the final rule, we still believe that the terms and legislative history of the ODA leave considerable doubt regarding whether a state has the legal authority to exert control over Corps ocean disposal of dredged material in the territorial sea. Nonetheless, voluntarily and as a matter of comity the Corps will apply for state section 401 water quality certification and determine consistency with a Federally approved coastal zone management plan for ocean disposal of dredged material within the three-mile extent of the territorial sea. Moreover, the Corps will attempt to comply with any reasonable request or suggestion made by a state in the course of the water quality certification or the CZMA consistency determination processes. Nonetheless, the Corps reserves its legal rights regarding any case where, within the limits of the territorial sea, a state unreasonably denies or conditions a water quality certification for proposed Corps disposal of dredged material or asserts that such dredging or disposal would not be consistent with an approved state CZMA plan.

Section 336.2(d)(4): One commenter recommended clarification to indicate that the use of an undesignated ocean disposal site does not constitute a formal site designation by EPA. We agree, and paragraph (d)(4) of this section has been changed to reflect this recommendation.

Part 337—Practices and Procedures

Section 337.1: A number of comments were received regarding the proposed publc notice format and procedures. Some state agencies objected to the Corps procedure that would allow the public notice to serve as information sufficient to constitute a request for water quality certification or a coastal zone consistency determination. In part we agree. However, much useful information is contained in the public notice, including a description and the location of the proposed project and status of water quality certification and coastal zone consistency. Therefore, we are retaining in § 336.1(b) (8) and (9) the requirement to submit a public notice to

the respective state agencies to support the request for water quality certification and coastal zone consistency. Three commenters recommended that public notices be issued for a prescribed rather than an indefinite period of time. We do not agree. The CWA and ODA require that public notices be issued for proposed discharges of dredged material. The CWA and ODA do not prescribe an expiration period for public notices. We believe that as long as the public notice accurately describes the dredging and disposal activity, a new notice need not be issued. If a change in the disposal plan is warranted, however, and the change involves the discharge of dredged material into waters of the U.S., a new revised public notice will be issued. Three commenters recommended that public notices be issued for no less than 30 days. We do not agree. Oftentimes, maintenance activities that are otherwise routine or minor must be performed more quickly than would be possible if a 30 day public notice and comment period had to be undertaken. Such examples might include jetty stabilization to protect the integrity of a jetty or removal of a minor unexpected shoal causing a serious threat to public safety or interstate commerce. We believe that remediable procedures are necessary for such unexpected events in an expedited time period without employing the emergency procedures of § 337.7.

One commenter questioned why public notice information in existing 33 CFR 209.145 had been dropped. Over the past 15 years of issuing public notices, we have learned that certain public notice information does not solicit meaningful input into the Corps decision-making process on the proposed maintenance activity. This information, including the laws under which the activity is to be reviewed, and a description of the existing properties immediately adjacent to the disposal area, generally is included on location maps, or is subject to potentially erroneous interpretation. However, we have established a procedural format for Corps maintenance dredging and disposal public notices to promote Corps-wide consistency, and have added a number of useful items to the notice format to facilitate public involvement. Two commenters recommended adding sediment quality information to the public notice, and another commenter recommended public notices that address multiple Corps projects. We do not believe that the public notice is the proper place to describe evaluation and testing of the dredged material. Such evaluations are more appropriately conducted in the 404(b)(1) analysis or ocean disposal criteria compliance document. We have added a statement to paragraph (a) of this section to reflect that the same public notice may be used for more than one Corps project in appropriate cases.

Section 337.2: A number of commenters objected, some strongly, to the statement that the local project sponsor or the state would be asked to fund state requirements deemed excessive or unnecessary by the Corps. One commenter indicated that this section gives district engineers the authority to dismiss arbitrarily the assessments and recommendations of state and Federal resource agencies regarding fish and wildlife resources and water quality unless the state or local sponsor is willing to bear all additional costs beyond those of the lowest cost alternatives. Another commenter indicated that nowhere in the CZMA, ODA, or CWA is there authority to support the Corps effort to shift to the states the financial burden of Federal compliance with state requirements. Other commenters indicated that the Corps should include state water quality certification and coastal zone consistency determination conditions and requirements as line items in annual funding requests to Congress. Several commenters indicated that state agencies should not be required to bear the cost of reasonable and necessary monitoring or testing.

We agree that neither agencies nor non-Federal project sponsors should be required to bear the cost of reasonable and necessary monitoring or testing. However, in individual cases, it is not always clear how much monitoring and testing is reasonable and necessary. The Corps through its Federal standard process determines technically sufficient monitoring or testing. State 401 requirements which exceed these provisions should not be at Federal expense unless specifically authorized and funded by Congress. The Corps assesses compliance with the applicable state water quality standards using the 404(b)(1) guidelines or ODA criteria. The Corps has spent well over $100 million on pure and applied research during the past 15 years regarding dredging and the environmental impacts of disposal. Much of this research has directly focused on potential water quality problems of open water disposal of dredged material, with special attention to applicable state water quality standards. Thus, when the Corps submits findings of compliance with applicable water quality standards to a state, those findings are based on sufficient data to demonstrate compliance with the state standards. Unfortunately, in some instances state agencies may disagree with Corps findings. The question then becomes one of the relative extent of Federal and state authorities for their respective programs. We do not dispute or disagree with a state's right to protect its water quality. At the same time, the Corps has a responsibility to assure that Federal funds are used to carry out authorized Federal purposes. Should the Corps believe that state requirements for testing, monitoring, or other conditions of state approval exceed reasonable Federal responsibility, three options are available. First, further coordination with the state could produce mutually satisfactory requirements to meet state water quality standards or be consistent with a Federally approved coastal zone management program. Second, the non-Federal project sponsor may wish to assume the responsibility for the additional requirements in order to allow the project to proceed. Finally, the Corps may determine it would be in the public interest to defer dredging and seek re-evaluation of the authorization and funding of the project in light of the unresolved state requirements.

The NOAA Office of Coastal Resource Management has advised us that the states do not have authority to issue conditional CZMA concurrences. Furthermore, if a state attempts to impose conditions, controls, or requirements that cause the Corps to exceed either its authority or funding for a project, then the Corps will have complied to the maximum extent practicable without adding those requirements. Thus, with the exception of minor word changes to remove some equivocal terminology and reorganization to more clearly reflect our intent, § 337.2 has not been substantially changed from the proposed rule.

Section 337.5: Several comments were received regarding the proposed general authorizations. Most commenters agreed with our proposed procedures. Three commenters recommended inclusion of procedures for general consistency determinations for repetitive activities and negative determinations for activities with little effect on the coastal zone. We agree and have added general consistency provisions to this section and negative determinations to § 336.1(b)(9). One commenter noted that related activities should not be included in general authorizations. The CWA and ODA do not require that general authorizations exclude categories of

users. We believe that general authorizations can allow for beneficiaries of Federal navigation projects to realize the benefits for which the projects are intended. One commenter indicated that general authorizations are contrary to the Corps background statement that "the most appropriate alternative can be selected only on a case-by-case basis." We do not believe that general authorizations are contrary to that background statement. General authorizations are intended for routine minor activities. They are not intended for controversial disposal actions involving large quantities of material or dredged material disposal projects involving potentialy significant environmental impacts. Nonetheless, dredged material disposal activities meeting the criteria for a general authorization will still be evaluated to determine if the requirements of the Federal standard are satisfied. These requirements include full consideration of all practicable alternatives.

Section 337.6: One commenter recommended that the Statement of Findings (SOF) be submitted to the state in draft form since it stands as a final decision once it is signed. We do not agree. The district engineer is the ultimate decision maker for Corps maintenance dredging and disposal activities. The district engineer must consider a multitude of factors primarily relating to whether the project is in the Nation's best interest. Although the state may withhold or deny water quality certification or not concur in a Corps consistency determination, such actions by the state do not replace the district engineer's decision-making authority. The district engineer may elect to override a state's denial of a request for water quality certification using the CWA section 511(a) or 404(t) provisions or proceed in spite of a non-concurrence from the state coastal zone management agency. The Corps has not exercised such options in the past, nor are these options necessarily expected to be used in the future. The SOF represents the final step in the district engineers decision process. All views of interested parties are fully considered and appropriately integrated into the decision process by that time.

Section 337.7: In addition to comments regarding the definition of emergency at § 335.7, one commenter recommended that the states should be notified of emergency actions. Another commenter recommended that the states should be allowed to provide input in the determination of what constitutes an emergency. This section provides that states should be notified of emergency actions to the maximum extent practicable after taking into account the emergency situation. However, we believe that it is a Corps responsibility to determine what constitutes an emergency situation. Thus, we have only edited this section to remove some equivocal terminology.

Section 337.8: One commenter recommended that this section be revised to be consistent with existing reporting procedures in 33 CFR 209.145(k). The reporting procedures and format were revised from the existing rule based on our experience and the need for reporting. Much of the information required in the existing reporting procedure is not needed for higher level decisionmakers. We believe the new procedures and format will facilitate decisionmaking while reducing paperwork and unnecessary information.

Section 337.9: Three comments were received concerning identification and use of disposal areas. One commenter recommended periodic review and reconsideration of long-term water quality certifications and consistency agreements. Another commenter recommended that long-term certifications be conditioned to indicate that the state must be notified of any changes in procedures or practices in the projects as certified. Finally, one commenter recommended that 40 CFR 230.80 should be used as a mechanism for identifying suitable disposal areas. We agree that the EPA regulations in 40 CFR 230.80 (Advanced Identification of Disposal Areas) be referenced as a useful mechanism for planning to shorten processing time. We have included this reference in the final rule. When states process requests for water quality certification and review Corps determinations of consistency for long-term dredging and disposal operations, timeframes for the operations are generally specified in the Corps requests to the state. These timeframes are usually based on past practices and projected dredging and disposal needs. Where changes occur and those changes warrant reevaluation under the CWA or CZMA, the state will be notified regarding the need to revise the water quality certification or coastal zone consistency determination. We do not expect our district offices to contact state agencies whenever changes in operations or procedures do not fall within the purview of the CWA or CZMA. As the state of the art regarding environmental protection advances, changes in dredging or disposal operations may be warranted. State agencies will be advised of such changes if they fall within the purview of the CWA or CZMA.

General Comments

One comment was received regarding the lack of reflection in the regulation for increased participation by non-Federal interests resulting from the Water Resources Development Act of 1986 (Pub. L. 99–662). The recent Water Resources Development Act requires non-Federal cost-sharing for maintenance dredging of depths greater than 45 feet. We do not expect cost sharing and partnership arrangements to alter Federal responsibilities to assure cost-effective projects consistent with sound engineering principles and in compliance with Federal environmental requirements.

Three comments were received regarding our policies for managing highly contaminated dredged material. One commenter requested the basis for the Corps assertion that the substantive requirements of RCRA and the Toxic Substances Control Act are considered when evaluating alternatives for dredging and disposal projects. Another commenter indicated that the regulations presented little in the way of policy or procedure for evaluating the impact of contaminants associated with some dredging activities. Finally, one commenter recommended more reference to dredging and disposal of contaminated sediments.

Over the past several years the Corps has engaged in a concentrated effort to both identify and responsibly deal with the one to three percent of the total sediments dredged from Corps navigation projects which are considered highly contaminated. These state-of-the-art procedures are being refined and demonstrated at a number of EPA Superfund sites around the country where dredging has been identified as a potential remedial action. In response to the serious concern over highly contaminated dredged material, the Corps developed guidance regarding management and disposal of this material. This guidance includes a technical management strategy for disposal with emphasis on appropriate testing and contaminant controls. The basis of the strategy is an extensive data base developed in both Corps and EPA environmental research and

development programs and over a decade of operational experience gained in managing and disposing of contaminated dredged material in a variety of disposal environments (e.g., in-water, intertidal, upland). It is Army policy to use the management strategy, where appropriate, to supplement the review procedures and requirements outlined in the 404(b)(1) guidelines (40 CFR Part 230) and the Ocean Dumping Criteria (40 CFR Part 220). The Corps developed management strategy represents the current state of knowledge in testing and interpretation of environmental effects and consequences in disposal of contaminated dredged material. It also provides detailed guidance on the selection of contaminant controls to include technologies being considered and implemented for remedial action under the Superfund Amendments and Reauthorization Act, where dredging and disposal of highly contaminated sediments is the recommended cleanup alternative. As the state of knowledge advances, this guidance document and policy may be revised.

List of Subjects

33 CFR Part 335

Environmental protection, Intergovernmental relations, Navigation, Definitions.

33 CFR Part 336

Environmental protection procedures, Water pollution control, Navigation, Clean Water Act procedures, Marine Protection, Research and Sanctuaries Act procedures.

33 CFR Part 337

Administrative practice and procedure.

33 CFR Part 338

Navigation, Environmental protection, Waterways, Natural resources.

For the reasons set out in the preamble, Title 33 of the Code of Federal Regulations, is amended as set forth below:

Dated: April 5, 1988.

Robert W. Page, Sr.,

Assistant Secretary of the Army (Civil Works).

PART 209—[AMENDED]

§ 209.145 [Removed]

1. 33 CFR 209.145 is removed.

2. Parts 335, 336, 337, and 338 are added as set forth below:

PART 335—OPERATION AND MAINTENANCE OF ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECTS INVOLVING THE DISCHARGE OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. OR OCEAN WATERS

Sec.

Authority: 33 U.S.C. 1344; 33 U.S.C. 1413.

§ 335.1 Purpose.

This regulation prescribes the practices and procedures to be followed by the Corps of Engineers to ensure compliance with the specific statutes governing Army Civil Works operations and maintenance projects involving the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposal into ocean waters. These practices and procedures should be employed throughout the decision/management process concerning methodologies and alternatives to be used to ensure prudent operation and maintenance activities.

§ 335.2 Authority.

Under authority delegated from the Secretary of the Army and in accordance with section 404 of the Clean Water Act of 1977 (CWA) and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, hereinafter referred to as the Ocean Dumping Act (ODA), the Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States and the transportation of dredged material for the purpose of disposal into ocean waters. Section 404 of the CWA requires public notice with opportunity for public hearing for discharges of dredged or fill material into waters of the U.S. and that discharge sites can be specified through the application of guidelines developed by the Administrator of the Environmental Protection Agency (EPA) in conjunction with the Secretary of the Army. Section 103 of the ODA requires public notice with opportunity for public hearing for the transportation for disposal of dredged material for disposal in ocean waters. Ocean disposal of dredged material must be evaluated using the criteria developed by the Administrator of EPA in consultation with the Secretary of the Army. Section 103(e) of the ODA provides that the Secretary of the Army may, in lieu of permit procedures, issue regulations for Federal projects involving the transportation of dredged material for ocean disposal which require the application of the same criteria, procedures, and requirements which apply to the issuance of permits. Similarly, the Corps does not issue itself a CWA permit to authorize Corps discharges of dredged material or fill material into U.S. waters, but does apply the 404(b)(1) guidelines and other substantive requirements of the CWA and other environmental laws.

§ 335.3 Applicability.

This regulation (33 CFR Parts 335 through 338) is applicable to the Corps of Engineers when undertaking operation and maintenance activities at Army Civil Works projects.

§ 335.4 Policy.

The Corps of Engineers undertakes operations and maintenance activities where appropriate and environmentally acceptable. All practicable and reasonable alternatives are fully considered on an equal basis. This includes the discharge of dredged or fill material into waters of the U.S. or ocean waters in the least costly manner, at the least costly and most practicable location, and consistent with engineering and environmental requirements.

§ 335.5 Applicable laws.

(a) The Clean Water Act (33 U.S.C. 1251 et seq.) (also known as the Federal Water Pollution Control Act Amendments of 1972, 1977, and 1987).

(b) The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) (commonly referred to as the Ocean Dumping Act (ODA)).

§ 335.6 Related laws and Executive Orders.

(a) The National Historic Preservation Act of 1966 (16 U.S.C. 470a et seq.), as amended.

(b) The Reservoir Salvage Act of 1960 (16 U.S.C. 469), as amended.

(c) The Endangered Species Act (16 U.S.C. 1531 et seq.), as amended.

(d) The Estuary Protection Act (16 U.S.C. 1221).

(e) The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), as amended.

(f) The National Environmental Policy Act (42 U.S.C. 4341 et seq.), as amended.

(g) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) as amended.

(h) Section 307(c) of the Coastal Zone Management Act of 1976 (16 U.S.C. 1456 (c)), as amended.

(i) The Water Resources Development Act of 1976 (Pub. L. 94–587).

(j) Executive Order 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1971, (36 FR 8921, May 15, 1971).

(k) Executive Order 11988, *Floodplain Management*, May 24, 1977, (42 FR 26951, May 25, 1977).

(l) Executive Order 11990, *Protection of Wetlands*, May 24, 1977, (42 FR 26961, May 25, 1977).

(m) Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982, (47 FR 3959, July 16, 1982).

(n) Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, January 4, 1979.

§ 335.7 Definitions.

The definitions of 33 CFR Parts 323, 324, 327, and 329 are hereby incorporated. The following terms are defined or interpreted from Parts 320 through 330 for purposes of 33 CFR Parts 335 through 338.

"Beach nourishment" means the discharge of dredged or fill material for the purpose of replenishing an eroded beach or placing sediments in the littoral transport process.

"Emergency" means a situation which would result in an unacceptable hazard to life or navigation, a significant loss of property, or an immediate and unforeseen significant economic hardship if corrective action is not taken within a time period less than the normal time needed under standard procedures.

"Federal standard" means the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.

"Navigable waters of the U.S." means those waters of the U.S. that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, have been used in the past, or may be susceptible to use with or without reasonable improvement to transport interstate or foreign commerce. A more complete definition is provided in 33 CFR Part 329. For the purpose of this regulation, the term also includes the confines of Federal navigation approach channels extending into ocean waters beyond the territorial sea which are used for interstate or foreign commerce.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

"Statement of Findings" (SOF) means a comprehensive summary compliance document signed by the district engineer after completion of appropriate environmental documentation and public involvement.

"Territorial sea" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, extending seaward a distance of three miles as described in the convention on the territorial sea and contiguous zone, 15 U.S.T. 1606.

PART 336—FACTORS TO BE CONSIDERED IN THE EVALUATION OF ARMY CORPS OF ENGINEERS DREDGING PROJECTS INVOLVING THE DISCHARGE OF DREDGED MATERIAL INTO WATERS OF THE U.S. AND OCEAN WATERS

Sec.

Authority: 33 U.S.C. 1344; 33 U.S.C. 1413.

§ 336.0 General.

Since the jurisdiction of the CWA extends to all waters of the U.S., including the territorial sea, and the jurisdiction of the ODA extends over ocean waters including the territorial sea, the following rules are established to assure appropriate regulation of discharges of dredged or fill material into waters of the U.S. and ocean waters.

(a) The disposal into ocean waters, including the territorial sea, of dredged material excavated or dredged from navigable waters of the U.S. will be evaluated by the Corps in accordance with the ODA.

(b) In those cases where the district engineer determines that the discharge of dredged material into the territorial sea would be for the primary purpose of fill, such as the use of dredged material for beach nourishment, island creation, or construction of underwater berms, the discharge will be evaluated under section 404 of the CWA.

(c) For those cases where the district engineer determines that the materials proposed for discharge in the territorial sea would not be adequately evaluated under the section 404(b)(1) guidelines of the CWA, he may evaluate that material under the ODA.

§ 336.1 Discharges of dredged or fill material into waters of the U.S.

(a) *Applicable laws.* Section 404 of the CWA governs the discharge of dredged or fill material into waters of the U.S. Although the Corps does not process and issue permits for its own activities, the Corps authorizes its own discharges of dredged or fill material by applying all applicable substantive legal requirements, including public notice, opportunity for public hearing, and application of the section 404(b)(1) guidelines.

(1) The CWA requires the Corps to seek state water quality certification for discharges of dredged or fill material into waters of the U.S.

(2) Section 307 of the Coastal Zone Management Act (CZMA) requires that certain activities that a Federal agency conducts or supports be consistent with the Federally-approved state management plan to the maximum extent practicable.

(b) *Procedures.* If changes in a previously approved disposal plan for a Corps navigation project warrant re-evaluation under the CWA, the following procedures should be followed by district enginers prior to discharging dredged material into waters of the U.S. except where emergency action as described in § 337.7 of this chapter is required.

(1) A public notice providing opportunity for a public hearing should be issued at the earliest practicable time. The public notification procedures of § 337.1 of this chapter should be followed.

(2) The public hearing procedures of 33 CFR Part 327 should be followed.

(3) As soon as practicable, the district engineer will request from the state a 401 water quality certification and, if applicable, provide a coastal zone consistency determination for the Corps activity using the procedures of § 336.1(b) (8) and (9), respectively, of this part.

(4) Discharges of dredged material will be evaluated using the guidelines authorized under section 404(b)(1) of the CWA, or using the ODA regulations, where appropriate. If the guidelines alone would prohibit the designation of a proposed discharge site, the economic impact on navigation and anchorage of the failure to use the proposed discharge site will also be considered in evaluating whether the proposed discharge is to be authorized under CWA section 404(b)(2).

(5) The EPA Administrator can prohibit or restrict the use of any defined area as a discharge site under 404(c) whenever he determines, after

notice and opportunity for public hearing and after consultation with the Secretary of the Army, that the discharge of such materials into such areas will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas, wildlife, or recreation areas. Upon notification of the prohibition of a discharge site by the Administrator the district engineer will complete the administrative processing of the proposed project up to the point of signing the Statement of Findings (SOF) or Record of Decision (ROD). The unsigned SOF or ROD along with a report described in § 337.8 of this chapter will be forwarded through the appropriate Division office to the Dredging Division, Office of the Chief of Engineers.

(6) In accordance with the National Environmental Policy Act (NEPA), and the regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508), an Environmental Impact Statement (EIS) or Environmental Assessment (EA) will be prepared for all Corps of Engineers projects involving the discharge of dredged or fill material, unless such projects are included within a categorical exclusion found at 33 CFR Part 230 or addressed within an existing EA or EIS. If a proposed maintenance activity will result in a deviation in the operation and maintenance plan as described in the EA or EIS, the district engineer will determine the need to prepare a new EA, EIS, or supplement. If a new EA, EIS, or supplement is required, the procedures of 33 CFR Part 230 will be followed.

(7) If it can be anticipated that related work by other Federal or non-Federal interests will occur in the same area as Corps projects, the district engineer should use all reasonable means to include it in the planning, processing, and review of Corps projects. Related work normally includes, but is not necessarily limited to, maintenance dredging of approach channels and berthing areas connected to Federal navigation channels. The district engineer should coordinate the related work with interested Federal, state, regional, and local agencies and the general public at the same time he does so for the Corps project. The district engineer should ensure that related work meets all substantive and procedural requirements of 33 CFR Parts 320 through 330. Documents covering Corps maintenance activities normally should also include an appropriate discussion of ancillary maintenance work. District engineers should assist local interests to obtain from the state any necessary section 401 water quality certification and, if required, the section 307 coastal zone consistency concurrence. The absence of such certification or concurrence by the state or the denial of a Corps permit for related work shall not be cause for delay of the Federal project. Local sponsors will be responsible for funding any related work. If permitting of the related work complies with all legal requirements and is not contrary to the public interest, section 10, 404, and 103 permits normally will be issued by the district engineer in a separate SOF or ROD. Authorization by nationwide or regional general permit may be appropriate. If the related work does not receive a necessary state water quality certification and/or CZMA consistency concurrence, or are determined to be contrary to the public interest the district engineer should re-examine the project viability to ensure that continued maintenance is warranted.

(8) *State water quality certification:* Section 401 of the CWA requires the Corps to seek state water quality certification for dredged material disposal into waters of the U.S. The state certification request must be processed to a conclusion by the state within a reasonable period of time. Otherwise, the certification requirements of section 401 are deemed waived. The district engineer will request water quality certification from the state at the earliest practicable time using the following procedures:

(i) In addition to the Corps section 404 public notice, information and data demonstrating compliance with state water quality standards will be provided to the state water quality certifying agency along with the request for water quality certification. The information and data may be included within the 404(b)(1) evaluation. The district engineer will request water quality certification to be consistent with the maintenance dredging schedule for the project. Submission of the public notice, including information and data demonstrating compliance with the state water quality standards, will constitute a valid water quality certification request pursuant to section 401 of the CWA.

(ii) If the proposed disposal activity may violate state water quality standards, after consideration of disposal site dilution and dispersion, the district engineer will work with the state to acquire data to satisfy compliance with the state water quality standards. The district engineer will use the technical manual "Management Strategy for Disposal of Dredged Material: Contaminant Testing and Controls" or its appropriate updated version as a guide for developing the appropriate tests to be conducted on such dredged material.

(iii) If the state does not take final action on a request for water quality certification within two months from the date of the initial request, the district engineer will notify the state of his intention to presume a waiver as provided by section 401 of the CWA. If the state agency, within the two-month period, requests an extension of time, the district engineer may approve one 30-day extension unless, in his opinion, the magnitude and complexity of the information contained in the request warrants a longer or additional extension period. The total period of time in which the state must act should not exceed six months from the date of the initial request. Waiver of water quality certification can be conclusively presumed after six months from the date of the initial request.

(iv) The procedures of § 337.2 will be followed if the district engineer determines that the state data acquisition requirements exceed those necessary in establishment of the Federal standard.

(9) *State coastal zone consistency:* Section 307 of the CZMA requires that activities subject to the CZMA which a Federal agency conducts or supports be consistent with the Federally approved state management program to the maximum extent practicable. The state is provided a reasonable period of time as defined in § 336.1(b)(9)(iv) to take final action on Federal consistency determinations; otherwise state concurrence can be presumed. The district engineer will provide the state a consistency determination at the earliest practicable time using the following procedures:

(i) The Corps section 404 public notice and any additional information that the district engineer determines to be appropriate will be provided the state coastal zone management agency along with the consistency determination. The consistency determination will consider the maintenance dredging schedule for the project. Submission of the public notice and, as appropriate, any additional information as determined by the district engineer will constitute a valid coastal zone consistency determination pursuant to section 307 of the CZMA.

(ii) If the district engineer decides that a consistency determination is not required for a Corps activity, he may provide the state agency a written

determination that the CZMA does not apply.

(iii) The district engineer may provide the state agency a general consistency determination for routine or repetitive activities.

(iv) If the state fails to provide a response within 45 days from receipt of the initial consistency determination, the district engineer will presume state agency concurrence. If the state agency, within the 45-day period, requests an extension of time, the district engineer will approve one 15-day extension unless, in his opinion, the magnitude and complexity of the information contained in the consistency determination warrants a longer or additional extension period. The longer or additional extension period shall not exceed six months from the date of the initial consistency determination.

(v) If the district engineer determines that the state recommendations to achieve consistency to the maximum degree practicable exceed either his authority or funding for a proposed dredging or disposal activity, he will so notify the state coastal zone management agency indicating that the Corps has complied to the maximum extent practicable with the state's coastal zone management program. If the district engineer determines that state recommendations to achieve consistency to the maximum degree practicable do not exceed his authority or funding but, nonetheless, are excessive, he will follow the procedures of § 337.2.

(c) *Evaluation factors.* The following factors will be used, as appropriate, to evaluate the discharge of dredged material into waters of the U.S. Other relevant factors may also be evaluated, as needed.

(1) *Navigation and Federal standard.* The maintenance of a reliable Federal navigation system is essential to the economic well-being and national defense of the country. The district engineer will give full consideration to the impact of the failure to maintain navigation channels on the national and, as appropriate, regional economy. It is the Corps' policy to regulate the discharge of dredged material from its projects to assure that dredged material disposal occurs in the least costly, environmentally acceptable manner, consistent with engineering requirements established for the project. The environmental assessment or environmental impact statement, in conjunction with the section 404(b)(1) guidelines and public notice coordination process, can be used as a guide in formulating environmentally acceptable alternatives. The least costly alternative, consistent with sound engineering practices and selected through the 404(b)(1) guidelines or ocean disposal criteria, will be designated the Federal standard for the proposed project.

(2) *Water quality.* The 404(b)(1) guidelines at 40 CFR Part 230 and ocean dumping criteria at 40 CFR Part 220 implement the environmental protection provisions of the CWA and ODA, respectively. These guidelines and criteria provide general regulatory guidance and objectives, but not a specific technical framework for evaluating or managing contaminated sediment that must be dredged. Through the section 404(b)(1) evaluation process (or ocean disposal criteria for the territorial sea), the district engineer will evaluate the water quality impacts of the proposed project. The evaluation will include consideration of state water quality standards. If the district engineer determines the dredged material to be contaminated, he will follow the guidance provided in the most current published version of the technical manual for contaminant testing and controls. This manual is currently cited as: Francingues, N.R., Jr., et al. 1985. "Management Strategy for Disposal of Dredged Material: Contaminant Testing and Controls," Miscellaneous Paper D–85–1, U.S. Army Waterways Experiment Station, Vicksburg, Mississippi. The procedures of § 336.1(b)(8) will be followed for state water quality certification requests.

(3) *Coastal zone consistency.* As appropriate, the district engineer will determine whether the proposed project is consistent with the state coastal zone management program to the maximum extent practicable. The procedures of § 336.1(b)(9) will be followed for coastal zone consistency determinations.

(4) *Wetlands.* Most wetland areas constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest. The district engineer will, therefore, follow the guidance in 33 CFR 320.4(b) and EO 11990, dated May 24, 1977, when evaluating Corps operations and maintenance activities in wetlands.

(5) *Endangered species.* All Corps operations and maintenance activities will be reviewed for the potential impact on threatened or endangered species, pursuant to the Endangered Species Act of 1973. If the district engineer determines that the proposed activity will not affect listed species or their critical habitat, a statement to this effect should be included in the public notice. If the proposed activity may affect listed species or their critical habitat, appropriate discussions will be initiated with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, and a statement to this effect should be included in the public notice. (See 50 CFR Part 402).

(6) *Historic resources.* Archeological, historical, or architectural resource surveys may be required to locate and identify previously unrecorded historic properties in navigation channels and at dredged or fill material disposal sites. If properties that may be historic are known or found to exist within the navigation channel or proposed disposal area, field testing and analysis may sometimes be necessary in order to evaluate the properties against the criteria of the National Register of Historic Places. Such testing should be limited to the amount and kind needed to determine eligibility for the National Register; more detailed and extensive work on a property may be prescribed later, as the outcome of review under section 106 of the National Historic Preservation Act. Historic properties are not normally found in previously constructed navigation channels or previously used disposal areas. Therefore, surveys to identify historic properties should not be conducted for maintenance dredging and disposal activities proposed within the boundaries of previously constructed navigation channels or previously used disposal areas unless there is good reason to believe that historic properties exist there.

(i) The district engineer will establish whether historic properties located in navigation channels or at disposal sites are eligible for inclusion in the National Register of Historic Places in accordance with applicable regulations of the Advisory Council on Historic Preservation and the Department of the Interior.

(ii) The district engineer will take into account the effects of any proposed actions on properties included in or eligible for inclusion in the National Register of Historic Places, and will request the comments of the Advisory Council on Historic Preservation, in accordance with applicable regulations of the Advisory Council on Historic Preservation.

(7) *Scenic and recreational values.* (i) Maintenance dredging and disposal activities may involve areas which possess recognized scenic, recreational, or similar values. Full evaluation requires that due consideration be given to the effect which dredging and disposal of the dredged or fill material may have on the enhancement, preservation, or development of such

values. Recognition of these values is often reflected by state, regional, or local land use classification or by similar Federal controls or policies. Operations and maintenance activities should, insofar as possible, be consistent with and avoid adverse effects on the values or purposes for which such resources have been recognized or set aside, and for which those classifications, controls, or policies were established. Special consideration must be given to rivers named in section 3 of the Wild and Scenic Rivers Act and those proposed for inclusion as provided by section 4 and 5 of the Act, or by later legislation.

(ii) Any other areas named in Acts of Congress or Presidential Proclamations, such as National Rivers, National Wilderness Areas, National Seashores, National Parks, and National Monuments, should be given full consideration when evaluating Corps operations and maintenance activities.

(8) *Fish and wildlife.* (i) In those cases where the Fish and Wildlife Coordination Act (FWCA) applies, district engineers will consult, through the public notification process, with the Regional Directors of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and the head of the agency responsible for fish and wildlife for the state in which the work is to be performed, with a view to the conservation of fish and wildlife resources by considering ways to prevent their direct and indirect loss and damage due to the proposed operation and maintenance activity. The district engineer will give full consideration to these views on fish and wildlife conservation in evaluating the activity. The proposed operations may be modified in order to lessen the damage to such resources. The district engineer should include such justifiable means and measures for fish and wildlife resources that are found to be appropriate. Corps funding of Fish and Wildlife Service activities under the Transfer of Funds Agreement between the Fish and Wildlife Service and the Corps is not applicable for Corps operation and maintenance projects.

(ii) District engineers should consider ways of reducing unavoidable adverse environmental impacts of dredging and disposal activities. The determination as to the extent of implementation of such measures will be done by the district engineer after weighing the benefits and detriments of the maintenance work and considering applicable environmental laws, regulations, and other relevant factors.

(9) *Marine sanctuaries.* Operations and maintenance activities involving the discharge of dredged or fill material in a marine sanctuary established by the Secretary of Commerce under authority of section 302 of the ODA should be evaluated for the impact on the marine sanctuary. In such a case, certification should be obtained from the Secretary of Commerce that the proposed project is consistent with the purposes of Title III of the ODA and can be carried out within the regulations promulgated by the Secretary of Commerce to control activities within the marine sanctuary.

(10) *Other state requirements.* District engineers will make all reasonable efforts to comply with state water quality standards and Federally approved coastal zone programs using the procedures of §§ 336.1(b) (8), (9), and 337.2. District engineers should not seek state permits or licenses unless authorized to do so by a clear, explicit, and unambiguous Congressional waiver of Federal sovereign immunity, giving the state authority to impose that requirement on Federal activities (e.g., CWA sections 401 and 404(t), and CZMA section 307 (c)(1) and (c)(2)).

(11) *Additional factors.* In addition to the factors described in paragraphs (c)(1)–(9) of this section, the following factors should also be considered.

(i) The evaluation of Corps operations and maintenance activities involving the discharge of dredged or fill material into waters of the U.S. is a continuing process and should proceed concurrently with the processing of state water quality certification and, if required, the provision of a coastal zone consistency determination to the state. If a local agency having jurisdiction over or concern with the particular activity comments on the project through the public notice coordination, due consideration should be given to those official views as a reflection of local factors.

(ii) Where officially adopted state, regional, or local land use classifications, determinations, or policies are applicable, they normally will be presumed to reflect local views and will be considered in addition to other national factors.

§ 336.2 Transportation of dredged material for the purpose of disposal into ocean waters.

(a) *Applicable law.* Section 103(a) of the ODA provides that the Corps of Engineers may issue permits, after notice and opportunity for public hearing, for the transportation of dredged material for disposal into ocean waters.

(b) *Procedures.* The following procedures will be followed by district engineers for dredged material disposal into ocean waters except where emergency action as described in § 337.7 of this chapter is required.

(1) In accordance with the provisions of section 103 of the ODA, the district engineer should issue a public notice giving opportunity for public hearing, following the procedures described in § 337.1 of this chapter for Corps operation and maintenance activities involving disposal of dredged material in ocean waters, as well as dredged material transported through the territorial sea for ocean disposal.

(2) The public hearing procedures of 33 CFR Part 327 should be followed.

(c) *State permits and licenses.* The terms and legislative history of the ODA leave some doubt regarding whether a state has legal authority to exert control over ocean dumping activities of the Corps in the territorial sea covered under the Act (see section 106(d)). Notwithstanding this legal question, the Corps will voluntarily as a matter of comity apply for state section 401 water quality certification and determine consistency with a Federally-approved coastal zone management plan for Corps ocean disposal of dredged material within the three-mile extent of the territorial sea. Moreover, the Corps will attempt to comply with any reasonable requirement imposed by a state in the course of the 401 certification process or the CZMA consistency determination process. Nevertheless, the Corps reserves its legal rights regarding any case where a state unreasonably denies or conditions a 401 water quality certification for proposed Corps ocean disposal of dredged material within the limits of the territorial sea, or asserts that such disposal would not be consistent with an approved state CZMA plan. If such a circumstance arises, the district engineer shall so notify the division engineer who then decides on consultation with CECW–D, CECW–Z, and CECC–E for purposes of determining the Corps of Engineers' appropriate response and course of action.

(d) *Evaluation factors.* (1) In addition to the appropriate evaluation factors of § 336.1(c), activities involving the transportation of dredged material for the purpose of disposal in ocean waters will be evaluated by the Corps to determine whether the proposed disposal will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems or economic potentialities. In making this evaluation, the district engineer, in addition to considering the criteria developed by EPA on the effects of the dumping, will

also consider navigation, economic and industrial development, and foreign and domestic commerce, as well as the availability of alternatives to ocean disposal, in determining the need for ocean disposal of dredged material. Where ocean disposal is determined to be appropriate, the district engineer will, to the extent feasible, specify disposal sites which have been designated by the Administrator pursuant to section 102(c) of the ODA.

(2) As provided by the EPA regulations at 40 CFR 225.2(b–e) for implementing the procedures of section 102 of the ODA, the regional administrator of EPA may make an independent evaluation of dredged material disposal activities regulated under section 103 of the ODA related to the effects of dumping. The EPA regulations provide that the regional administrator make said evaluation within 15 days after receipt of all requested information. The regional administrator may request from the district engineer an additional 15-day period for a total of to 30 days. The EPA regulations provide that the regional administrator notify the district engineer of non-compliance with the environmental impact criteria or with any restriction relating to critical areas on the use of an EPA recommended disposal site designated pursuant to section 102(c) of the ODA. In cases where the regional administrator has notified the district engineer in writing that the proposed disposal will not comply with the criteria related to the effects of dumping or related to critical area restriction, no dredged material disposal may occur unless and until the provisions of 40 CFR 225.3 are followed and the Administrator grants a waiver of the criteria pursuant to section 103(d) of the ODA.

(3) If the regional administrator advises the district engineer that the proposed disposal will comply with the criteria, the district engineer will complete the administrative record and sign the SOF.

(4) In situations where an EPA-designated site is not feasible for use or where no site has been designated by the EPA, the district engineer, in accordance with the ODA and in consultation with EPA, may select a site pursuant to section 103. Appropriate NEPA documentation should be used to support site selections. District engineers should address site selection factors in the NEPA document. District engineers will consider the criteria of 40 CFR Parts 227 and 228 when selecting ocean disposal sites, as well as other technical and economic considerations. Emphasis will be placed on evaluation to determine the need for ocean disposal and other available alternatives. Each alternative should be fully considered on an equal basis, including the no dredging option.

(5) If the regional administrator advises the district engineer that a proposed ocean disposal site or activity will not comply with the criteria, the district engineer should proceed as follows.

(i) The district engineer should determine whether there is an economically feasible alternative method or site available other than the proposed ocean disposal site. If there are other feasible alternative methods or sites available, the district engineer will evaluate the engineering and economic feasibility and environmental acceptability of the alternative sites.

(ii) If the district engineer makes a determination that there is no economically feasible alternative method or site available, he will so advise the regional administrator of his intent to proceed with the proposed action setting forth his reasons for such determination.

(iii) If the regional administrator advises, within 15 days of the notice of the intent to issue, that he will commence procedures specified by section 103(c) of the ODA to prohibit use of a proposed disposal site, the case will be forwarded through the respective Division office and CECW–D to the Secretary of the Army or his designee for further coordination with the Administrator of EPA and final resolution. The report forwarding the case should be in the format described in § 337.8 of this chapter.

(iv) The Secretary of the Army or his designee will evaluate the proposed project and make a final determination on the proposed disposal. If the decision of the Secretary of the Army or his designee is that ocean disposal at the proposed site is required because of the unavailability of economically feasible alternatives, he will seek a waiver from the Administrator, EPA, of the criteria or of the critical site designation in accordance with section 103(d) of the ODA.

PART 337—PRACTICE AND PROCEDURE

Sec.

Authority: 33 U.S.C. 1344; 33 U.S.C. 1413.

§ 337.0 Purpose.

The practices and procedures part of this regulation apply to all Corps operations and maintenance activities involving the discharge of dredged or fill material in waters of the U.S. and ocean waters and related activities of local interests accomplished to ensure continued functions of constructed Corps projects.

§ 337.1 Public notice.

Presently, public notification of proposed discharges of dredged or fill material is required by the provisions of section 103 of the ODA and sections 401 and 404 of the CWA. District engineers are encouraged to develop procedures to avoid unnecessary duplication of state agency procedures. Joint public notification procedures should be a primary factor in the development of Memoranda of Agreement with the states as described in § 337.4.

(a) With the possible exception of emergency actions as discussed in § 337.7, the district engineer should issue a public notice for projects involving the discharge of dredged or fill material into waters of the U.S. or ocean waters unless the project is authorized by a general permit. Public notices for Corps operation and maintenance activities are normally issued for an indefinite period of time and are not reissued unless changes in the disposal plan warrant re-evaluation under section 404 of the CWA or section 103 of the ODA. The public notice is the primary method of advising all interested parties of Federal projects and of soliciting comments and information necessary to evaluate the probable impact of the discharge of dredged or fill material into waters of the U.S. or ocean waters. The notice should, therefore, include sufficient information to provide a clear understanding of the nature of the activity and related activities of local interests in order to generate meaningful comments. A single public notice may be used for more than one project in appropriate cases. The notice normally should include the following items:

(1) The name and location of the project and proposed disposal site.

(2) A general description of the project and a description of the estimated type, composition, and quantity of materials to be discharged, the proposed time

schedule for the dredging activity, and the types of equipment and methods of dredging and conveyance proposed to be used.

(3) A sketch showing the location of the project, including depth of water in the area and all proposed discharge sites.

(4) The nature, estimated amount, and frequency of known and anticipated related dredging and discharge to be conducted by others.

(5) A list of Federal, state, and local environmental agencies with whom the activity is being coordinated.

(6) A statement concerning a preliminary determination of the need for and/or availability of an environmental impact statement.

(7) Any other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any.

(8) A reasonable period of time, normally thirty days but not less than fifteen days from date of mailing except in emergency situations where the procedures of § 337.7 will be followed, within which interested parties may express their views concerning the proposed project.

(9) If the proposed Federal project would occur in the territorial seas or ocean waters, a description of the project's relationship to the baseline from which the territorial sea is measured.

(10) A statement on the status of state water quality certification under section 401 of the CWA.

(11) For activities requiring a determination of consistency with an approved state coastal zone management plan, the following information will be included in the notice:

(i) A statement on whether or not the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the state management program.

(ii) Sufficient information to support the consistency determination to include associated facilities and their coastal zone effect.

(iii) Data and supporting information commensurate with the expected effects of the activity on the coastal zone.

(12) A statement on historic resources, state of present knowledge, likelihood of damage or other adverse effect on such resources, etc.

(13) A statement on endangered species.

(14) A statement on evaluation factors to be considered, adapted from that presented at 33 CFR 325.3(b).

(15) The name, address, and telephone number of the Corps employee from whom additional information concerning the project may be obtained.

(16) The signature of the district engineer or his designee on all maintenance dredged material disposal public notices.

(17) For activities regulated under section 103 of the ODA, the following additional information should be integrated into the public notice:

(i) A statement on the designation status of the disposal site.

(ii) If the proposed disposal site is not a designated site, a description of the characteristics of the proposed disposal site and an explanation as to why no previously designated disposal site is feasible.

(iii) A brief description of known dredged material discharges at the proposed disposal site.

(iv) Existence and documented effects of other authorized disposals that have been made at the disposal area.

(v) An estimated length of time during which disposal would continue at the proposed site.

(vi) Information on the characteristics and composition of the dredged material, and the following paragraph:

The proposed transportation of this dredged material for disposing of it in ocean waters is being evaluated to determine that the proposed disposal will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities. In making this determination, the criteria established by the Administrator, EPA pursuant to section 102(a) of the ODA, will be applied. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean disposal site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to dispose of the dredged material in ocean waters, other possible methods of disposal, and othr appropriate locations.

(b) The following statement should be included in the public notices:

Any person who has an interest which may be affected by the disposal of this dredged material may request a public hearing. The request must be submitted in writing to the district engineer within the comment period of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

(c) Public notices should be distributed as described in 33 CFR 325.3(c). In addition, public notices should be sent to CECW–D, Office of the Chief of Engineers, Washington, DC 20314, if the project involves the discharge of dredged material in waters of the U.S. or ocean waters. District engineers should also develop, as appropriate, regional mailing lists for Corps maintenance dredging and disposal activities to the extent that property owners adjacent to the navigation channel and disposal area are notified of the proposed activity. In order to effect compliance with Executive Order 12372, district engineers should provide copies of public notices to concerned state and local elected officials.

(d) The district engineer should consider all comments received in response to the public notice in his subsequent actions. All comments expressing objections to or raising questions about the project should be acknowledged. Comments received as form letters or petitions, however, may be acknowledged as a group to the person or organization responsible for the form letter or petition. If comments are received which relate to matters within the special expertise of another agency, the district engineer may seek the advice of that agency. The receipt of comments as a result of the public notice normally should not extend beyond the stated comment period; however, at his discretion, the district engineer may provide an extension.

(e) Notices sent to several agencies within the same state may result in conflicting comments from those agencies. Many states have designated a state agency or individual to provide a single and coordinated state position regarding Federal activities. Where a state has not so designated a single source, the district engineer, as appropriate, may seek from the Governor an expression of his views and desires concerning the proposed and subsequent similar projects.

(f) All comments received from the public notice coordination should be considered in the public interest review process. Comments received from Federal or state agencies which are within the area of expertise of another agency will be communicated with that other agency if the district engineer needs the information to make a final determination on the proposed project.

§ 337.2 State requirements.

The procedures of this section should be followed in implementing state requirements.

(a) District engineers should cooperate to the maximum extent practicable with state agencies to prevent violation of Federally approved state water quality standards and to achieve consistency to the maximum degree practicable with an approved coastal zone management program.

(b) If the state agency imposes conditions or requirements which exceed those needed to meet the Federal standard, the district engineer should determine and consider the state's rationale and provide to the state information addressing why the alternative which represents the Federal standard is environmentally acceptable. The district engineer will accommodate the state's concerns to the extent practicable. However, if a state agency attempts to impose conditions or controls which, in the district engineers opinion, cannot reasonably be accommodated, the following procedures will be followed.

(1) In situations where an agency requires monitoring or testing, the district engineer will strive to reach an agreement with the agency on a data acquisition program. The district engineer will use the technical manual "Management Strategy for Disposal of Dredged Material: Contaminant Testing and Controls" or its appropriate updated version as a guide for developing the appropriate tests to be conducted. If the agency insists on requirements which, in the opinion of the district engineer, exceed those required in establishment of the Federal standard, the agency will be asked to fund the difference in cost. If the agency agrees to fund the difference in cost, the district engineer will comply with the request. If the agency does not fund the additional cost, the district engineer will follow the guidance in paragraph (b) (3) of this section.

(2) When an agency requires special conditions or implementation of an alternative which the Federal standard does not, district engineers will proceed as follows: In those cases where the project authorization requires a local sponsor to provide suitable disposal areas, disposal areas must be made available by a sponsor before dredging proceeds. In other cases where there are no local sponsor requirements to provide disposal areas, the state or the prospective local sponsor will be advised that, unless the state or the sponsor provides suitable disposal areas, the added Federal cost of providing these disposal areas will affect the priority of performing dredging on that project. In either case, states will be made aware that additional costs to meet state standards or the requirements of the coastal zone management program which exceed those necessary in establishment of the Federal standard may cause the project to become economically unjustified.

(3) If the state denies or notifies the district engineer of its intent to deny water quality certification or does not concur regarding coastal zone consistency, the project dredging may be deferred. A report pursuant to § 337.8 of this section will be forwarded to CECW–D, Office of the Chief of Engineers, Washington, DC 20314–1000 for resolution.

§ 337.3 Transfer of the section 404 program to the states.

Section 404(g–1) of the CWA allows the Administrator of the EPA to transfer to qualified states administration of the section 404 permit program for discharges into certain waters of the U.S. Once a state's 404 program is approved, the district engineer will follow state procedures developed in accordance with section 404(g–1) of the CWA for all on-going Corps projects involving the discharge of fill material in transferred waters to the state agency responsible for administering the program. Corps projects involving the discharge of dredged or fill material in waters not transferred to the state will be processed in accordance with this regulation.

§ 337.4 Memoranda of Agreement (MOA).

The establishment of joint notification procedures for Corps projects involving disposal of dredged or fill material should be actively pursued through the development of MOAs with the state. The MOAs may be used to define responsibilities between the state and the Corps district involved. The primary purpose of MOAs will be to avoid or eliminate administrative duplication, when such duplication does not contribute to the overall decision-making process. MOAs for purposes of this regulation will not be used to implement provisions not related to the maintenance or enforcement of Federally-approved state water quality standards or coastal zone management programs. District engineers are authorized and encouraged to develop MOAs with states and other Federal agencies for Corps projects involving the discharge of dredged or fill material. Copies of all MOAs will be forwarded to CECW–D, Office of the Chief of Engineers, Washington, DC 20314–1000 for approval.

§ 337.5 General authorizations.

Under the provisions of sections 404(e) of the CWA and 104(c) of the ODA certain categories of activities may be authorized on a regional, statewide, or nationwide basis. General authorizations can be a useful mechanism for implementation of the procedural provisions of the CWA, CZMA, and ODA while avoiding unnecessary duplication and paperwork. Through the general authorization process, compliance with all environmental laws and regulations including coastal zone consistency, if applicable, and water quality certification can be accomplished in a single process for a category of activities. Since the emphasis of particular environmental issues for most Corps projects is more regional than nationwide, district engineers are encouraged to develop general authorizations for routine Civil Works activities involving the discharge of dredged or fill material to address the specific requirements of a particular geographic region. When evaluating general categories of activities, the district engineer should follow the same procedure as outlined for individual Federal activities including the water quality certification and/or coastal zone consistency requirements of Part 336 of this chapter. General authorizations should include related activities of local interests. Additionally, district engineers should use existing general permits authorized on a statewide or regional basis and the nationwide permits at 33 CFR Part 330 for Federal projects involving the disposal of dredged material. The development of new statewide or regional general authorizations for Federal activities should be in accordance with the requirements of §§ 336.1 and 336.2 of this chapter. General permits for related activities of local interests should be developed using the procedures of 33 CFR Parts 320 through 330.

§ 337.6 Statement of Findings (SOF).

Upon completion of the evaluation process including required coordination, receipt or waiver of required state certifications, and completion of the appropriate environmental documents, an SOF will be prepared. In cases involving an EIS, a ROD will be prepared in accordance with 33 CFR Part 230 and should be used in lieu of the SOF, providing the substantive parts of this section are included in the ROD. The SOF need not duplicate information contained in supporting environmental documents but rather may incorporate it by reference. The SOF should include a comprehensive summary and record of compliance and should be prepared in the following format except that the procedures of 33 CFR 325.2 should be followed for related activities of local interests.

(a) The SOF should identify the name of the preparer, date (which may not necessarily correspond to the date signed), and name of waterway.

(b) The proposed action for which the findings are made should be described.

(c) A coordination section should be provided. The coordination section should reference the public notice number and date. The letters of comment and appropriate responses should be summarized. Any coordination undertaken by local or state agencies should also be discussed.

(d) An environmental effects and impacts section should be used to document compliance with the applicable environmental laws. This section should include the views and/or conditions of the state concerning water quality certification and, if required, the results of the coastal zone consistency process.

(e) A determinations section should reference the results of the EA and/or EIS and any conditions necessary to meet the state's water quality standards or coastal zone management program. Appropriate conditions or modifications should be included in the project specifications. This section should also contain a subsection on consideration of alternatives and cumulative impacts.

(f) A section on the district engineer's findings and conclusions concerning the proposed project should be included.

(g) The SOF should be dated and signed by the district engineer or his designee except in those cases requiring referral to higher authority.

(h) In accordance with the provisions of section 104(g) of the ODA, the district engineer will forward a copy of the SOF to the District Commander, U.S. Coast Guard, if the activity involves the ocean disposal of dredged material.

(i) The Findings of No Significant Impact or ROD, as appropriate, required by 33 CFR Part 230 may be incorporated into the SOF, as appropriate.

§ 337.7 Emergency actions.

After obtaining approval from the division engineer, the district engineer will respond to emergency situations on an expedited basis, complying with the procedures of this regulation to the maximum degree practicable. The district engineer will issue a public notice describing the emergency in accordance with § 337.1, if such a notice is practicable in view of the emergency situation; such a public notice should be forwarded to all appropriate Federal and state agencies. The district engineer should prepare a section 404(b)(1) evaluation report and, as necessary, an environmental assessment, if this is practicable in view of the emergency situation. If comments are received from the public notice which, in the judgment of the district engineer, reveal the necessity of modifying the emergency operation, the district engineer should take appropriate measures to modify the emergency operation to reduce, avoid, or minimize adverse environmental impacts. If the district engineer, after receiving comments from the public notice, determines that the emergency action would constitute a major Federal action significantly affecting the quality of the human environment, he should, after consultation with the division engineer, coordinate with the Council on Environmental Quality about alternative arrangements for compliance with the NEPA in accordance with 40 CFR 1506.11 to the extent that it is practicable in view of the emergency situation. District engineers should consult with the appropriate state officials to seek water quality certification or waiver of certification, and should certify that the Federal action is consistent to the maximum extent practicable with an approved coastal zone management plan for emergency activities, to the extent that is practicable in view of the emergency.

§ 337.8 Reports to higher echelons.

(a) Certain activities involving the discharge of dredged or fill material require action by the division engineer or Chief of Engineers. Such reports should be prepared in the format described in paragraph (b) of this section. Reports may be necessary in the following situations:

(1) When there is substantial doubt as to the authority, law, regulations, or policies applicable to the Federal project;

(2) When higher authority requests the case be forwarded for decision;

(3) When the state does not concur in a coastal zone consistency determination or attempts to concur with conditions or controls;

(4) When the state denies or unreasonably delays a water quality certification or issues the certification with conditions or controls not related to maintenance or enforcement of state water quality standards or significantly exceeding the Federal standard;

(5) When the regional administrator has advised the district engineer, pursuant to section 404(c) of the CWA, of his intent to prohibit or restrict the use of a specified discharge site; or notifies the district engineer that the discharge of dredged material in ocean waters or territorial seas will not comply with the criteria and restrictions on the use of the site established under the ODA; and the district engineer determines that the proposed disposal cannot be reasonably modified to alleviate the regional administrator's objections; and

(6) When the state fails to grant water quality certification or a waiver of certification or concurrence or waiver of coastal zone consistency for emergency actions.

(b) Reports. The report of the district engineer on a project requiring action by higher authority should be in letter form and contain the following information:

(1) Justification showing the economic need for dredging.

(2) The impact on states outside the project area if the project is not dredged.

(3) The estimated cost of agency requirements which exceed those necessary in establishment of the Federal standard.

(4) The relative urgency of dredging based on threat to national security, life or property.

(5) Any other facts which will aid in determining whether to further defer the dredging and seek Congressional appropriations for the added expense or the need to exercise the authority of the Secretary of the Army to maintain navigation as provided by sections 511(a) and 404(t) of the CWA if the disagreement concerns water quality certification or other state permits.

(6) If the disagreement concerns coastal zone consistency, the district engineer will follow the reporting requirement of this section and § 336.1(b)(9) of this chapter.

§ 337.9 Identification and use of disposal areas.

(a) District engineers should identify and develop dredged material disposal management strategies that satisfy the long-term (greater than 10 years) needs for Corps projects. Full consideration should be given to all practicable alternatives including upland, open water, beach nourishment, within banks disposal, ocean disposal, etc. Within existing policy, district engineers should also explore beneficial uses of dredged material, such as marsh establishment and dewatering techniques, in order to extend the useful life of existing disposal areas. Requests for water quality certification and/or coastal zone consistency concurrence for projects with identified long-term disposal sites should include the length of time for which the certification and/or consistency concurrence is sought. The section 404(b)(1) evaluation and environmental assessment or environmental impact statement should also address long-term maintenance dredging and disposal. District engineers should use the guidance at 40 CFR 230.80 to shorten environmental compliance processing time. The Corps of Engineers will be responsible for

accomplishing or assuring environmental compliance requirements for all disposal areas. This does not preclude the adoption of other agencies NEPA documents in accordance with 40 CFR Parts 1500 through 1508.

(b) The identification of disposal sites should include consideration of dredged material disposal needs by project beneficiaries. District engineers are encouraged to require local interests, where the project has a local sponsor, to designate long-term disposal areas.

§ 337.10 Supervision of Federal projects.

District engineers should assure that dredged or fill material disposal activities are conducted in conformance with current plans and description of the project as expressed in the SOF or ROD. Conditions and/or limitations required by a state (e.g., water quality certification), as identified through the coordination process, should be included in the project specifications. Contracting officers should assure that contractors are aware of their responsibilities for compliance with the terms and conditions of state certifications and other conditions expressed in the SOF or ROD.

PART 338—OTHER CORPS ACTIVITIES INVOLVING THE DISCHARGE OF DREDGED MATERIAL OR FILL INTO WATERS OF THE U.S.

Sec.

Authority: 33 U.S.C. 1344.

§ 338.1 Purpose.

(a) The procedures of this part, in addition to the provisions of 33 CFR Parts 335 through 337, should be followed when undertaking Corps operations and maintenance activities involving the discharge of fill material into waters of the U.S., except that the procedures of Part 336 of this chapter will be used in those cases where the discharge of fill material is also the discharge of dredged material, i.e., beach nourishment, within banks disposal for erosion control, etc.

(b) After construction of Corps Civil Works water resource projects, certain operations and maintenance activities involving the discharge of fill material require evaluation under the CWA. These activities generally include lakeshore management, installation of boat ramps, erosion protection along the banks of navigation channels, jetty maintenance, remedial erosion control, etc. While these activities are normally addressed in the existing environmental impact statement for the project, new technology or unexpected events such as storms or high waters may require maintenance or remedial work not fully addressed in existing environmental documents or state permits. In determining compliance with the applicable environmental laws and regulations the district engineer should use the CWA exemptions at 404(f) and NEPA categorical exclusions to the maximum extent practicable. If the district engineer decides that the changes have not been adequately addressed in existing environmental documentation, the procedures of this part should be followed.

§ 338.2 Activities involving the discharge of dredged or fill material into waters of the U.S.

(a) Generally, fill activities conducted by the Corps for operations and maintenance of existing Civil Works water resource and navigation projects are routine and have little, if any, potential for significant degradation of the environment. District engineers are encouraged to develop general authorizations in accordance with section 404 of the CWA and 104 of the ODA following the procedures of § 337.5 of this chapter for categories of such routine activities. The general authorization should satisfy all compliance requirements including water quality certifications and, if applicable, coastal zone consistency determinations. For activities which are not conducive to the development of general authorizations or are more appropriately evaluated on an individual basis, the following procedures should be followed.

(b) A public notice should be issued using the procedures § 337.1 of this chapter.

(c) Water quality certifications should be requested and, if applicable, coastal zone consistency determinations should be provided using the procedures of § 336.1(b) (8) and (9) of this chapter.

(d) The discharge site should be specified through the application of the section 404(b)(1) guidelines.

(e) The procedures of 40 CFR Part 230 should be used to determine the NEPA compliance requirements.

(f) The factors of § 336.1(c) of this chapter should be followed when evaluating fill activities.

(g) Upon completion of all required coordination and after receipt of the necessary state certifications, the district engineer should prepare an SOF in accordance with § 337.6.

[FR Doc. 88-8928 Filed 4-25-88; 8:45 am]
BILLING CODE 3710-08-M

Federal Register

Tuesday
April 26, 1988

Part IV

Department of Energy

Federal Energy Regulatory Commission

18 CFR Part 284

Outer Continental Shelf Lands Act; Interpretative Rule and Proposed Rulemaking

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM88-14-000]

Interpretative Rule of Section 5 of the Outer Continental Shelf Lands Act (OCSLA)

April 1, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interpretative rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is interpreting section 5 of the Outer Continental Shelf Lands Act (OCSLA) which governs the transportation of natural gas on or across the Outer Continental Shelf (OCS) by pipelines operating on the OCS. Section 5(e) of the OCSLA requires pipelines to transport natural gas produced from the OCS "without discrimination" and in such "proportionate amounts" as the Commission (in consultation with the Secretary of Energy) determines to be reasonable. In addition, section 5(f)(1) of the OCSLA requires interstate pipelines transporting gas on or across the OCS to adhere to certain competitive principles. These competitive principles include a requirement that interstate pipelines operating on the OCS (OCS pipelines) provide "open and nondiscriminatory access to both owner and nonowner shippers."

Recently, the Commission received several complaints from various shippers stating that they have been unable to secure the transportation of gas from the OCS to onshore destinations. Until the present, there has been little need for shippers of OCS gas to invoke the statutory, nondiscriminatory access provisions of the OCSLA. In part, this was due to the fact that, prior to Commission Order Nos. 436 and 500 (and the economic conditions which led to their issuance), pipelines were usually the purchasers of offshore reserves and thus were the primary shippers of OCS gas. Since pipelines could usually secure transportation for their gas supplies, open access was seldom an issue. The Commission believes that the changes in the transportation services offered by interstate pipelines as a result of Order Nos. 436 and 500, as well as the concerns raised by others, make it appropriate at this time to resolve these concerns by issuing an interpretative rule on section 5 of the OCSLA.

The Commission interprets section 5 of the OCSLA to require pipelines operating on the Outer Continental Shelf (OCS) to offer open and nondiscriminatory access for both firm and interruptible transportation service to owner and nonowner shippers of OCS gas. In addition, the Commission is also interpreting section 5 to require pro-rata allocation of capacity for both firm and interruptible transportation on OCS pipelines. OCS pipelines must take the necessary action to comply with the OCSLA. That may require pipelines to seek authorization to transport and to file appropriate tariffs.

OCS pipelines include interstate natural gas pipelines that hold a certificate under section 7 of the Natural Gas Act (NGA) authorizing the construction and operation of facilities on the OCS. The concerns raised with respect to access to OCS facilities have, thus far, only involved interstate natural gas pipelines subject to the NGA. Therefore, although the OCSLA may cover facilities outside the scope of the NGA, the Commission believes that, at this time, it is unnecessary to extend its interpretation of section 5 of the OCSLA to govern those facilities. In a separate rulemaking proceeding, the Commission is issuing a notice of proposed rulemaking (NOPR) that proposes regulations to implement its interpretation of section 5 of the OCSLA (RM88-14-000).

EFFECTIVE DATE: April 1, 1988.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's action in Docket No. RM88-14-000 adopted and released April 1, 1988.

The full text of this Commission action is available for inspection and copying during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street, NE., Washington, DC 20426. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-9092 Filed 4-25-88; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM88-15-000]

Regulations Under Section 5 of the Outer Continental Shelf Lands Act (OCSLA) Governing Transportation of Natural Gas by Interstate Natural Gas Pipelines on the Outer Continental Shelf

April 1, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing a notice of proposed rulemaking (NOPR) to implement the Commission's interpretation of section 5 of the Outer Continental Shelf Lands Act (OCSLA). This rulemaking would require all jurisdictional interstate natural gas pipelines operating on Outer Continental Shelf (OCS) to have a blanket certificate under Subpart G of Part 284 of the Commission's regulations which authorize the transportation of natural gas on behalf of others on an open and nondiscriminatory basis. The transportation service would include firm and interruptible transportation for both owner and nonowner shippers of OCS gas. OCS pipelines would be required to file for the blanket certificate within 60 days of the effective date of the final rule. The NOPR also proposes transitional regulations that would grant temporary blanket certificates to OCS pipelines, and provide for interim rates.

DATE: An original and 14 copies of the written comments on this proposed rule must be filed with the Commission by May 26, 1988.

ADDRESS: All filings should refer to Docket No. RM88-15-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426..

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's action in Docket No. RM88-15-000 adopted and released April 1, 1988.

The full text of this Commission action is available for inspection and copying during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street, NE., Washington, DC 20426. The complete text on diskette in Word-Perfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporations, also located in Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

List of Subjects in 18 CFR Part 284

Continental shelf, Natural gas, Reporting and recording requirements.

In consideration of the foregoing, the Commission proposes to amend Part 284, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

1. The authority citation for Part 284 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w (1982), as amended, Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982); Outer Continental Shelf Lands Act of 1953, 43 U.S.C. 1331-1356 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

2. In Part 284 a new Subpart K consisting of §§ 284.301 through 384.306 is added to read as follows:

Subpart K—Transportation of Natural Gas on the Outer Continental Shelf by Interstate Pipelines on Behalf of Others

Sec.

Subpart K—Transportation of Natural Gas on the Outer Continental Shelf by Interstate Pipelines on Behalf of Others

§ 284.301 Applicability.

This subpart implements section 5 of the Outer Continental Shelf Lands Act (OCSLA) and applies to any jurisdictional interstate natural gas pipeline that holds a certificate under section 7 of the Natural Gas Act (NGA) authorizing the construction and operation of facilities on the Outer Continental Shelf.

§ 284.302 Definitions.

For the purposes of this subpart, the term:

(a) "Outer Continental Shelf" (OCS) has the same meaning as found in section 2(a) of the OCSLA (43 U.S.C. 1331(a)); and

(b) "OCS pipeline" means an interstate natural gas pipeline that holds a certificate under section 7 of the NGA authorizing the construction and operation of facilities on the OCS including facilities from any point on the OCS to the first delivery point onshore where alternate transportation is, or could be, available.

§ 284.303 Transitional authorizations and transportation rates.

(a) Pending the determination of the application for a blanket certificate under § 284.305(a), an OCS pipeline subject to this subpart is granted a temporary blanket certificate of public convenience and necessity that authorizes firm or interruptible transportation of natural gas on behalf of any shipper.

(b) *Transportation rates.* (1) If an OCS pipeline provides transportation of natural gas under this subpart, the transportation rate for such gas must be the rate in a transportation rate schedule on file with the Commission that conforms to § 284.7 and either § 284.8(d) for firm service or § 284.9(d) for interruptible service.

(2) *Interim rates.* If an interstate pipeline does not have a transportation rate schedule on file with the Commission that conforms to § 284.7, and either § 284.8(d) for firm service or § 284.9(d) for interruptible service, the interstate pipeline must file rate schedules within 15 days after first providing transportation service under this subpart to be effective, subject to refund, on the day such transportation commences. For purposes of this filing, the pipeline may use rates based on the cost of service underlying the pipeline's current rates for other jurisdictional services.

(3)(i) A pipeline filing rate schedules under paragraph (b) of this section must file, within 45 days of such filing, rates supported by an annual cost and revenue study in the form required by § 154.303(e) of this chapter;

(ii) If a pipeline has a pending rate proceeding under §§ 154.63, 154.38 or 154.303(e) of this chapter, it does not have to submit an annual cost and revenue study described in paragraph (c)(1) of this section and may use the base period data from the proceeding so long as the base period ended within 12 months of the filing of the rates required

in paragraph (b) of this section. These rates will be collected subject to refund and, effective on the date transportation commences, supercede the rates filed in paragraph (b) of this section.

§ 284.304 Capacity allocation.

(a) An OCS pipeline must provide transportation service (both firm and interruptible) to all shippers requesting such a service and must (if necessary) pro-rate capacity among all shippers.

(b) An OCS pipeline must include in any rate filing under § 284.303, or under §§ 284.7, 284.8 and 284.9, the terms and conditions under which it will allocate capacity on a pro-rata basis under paragraph (a) of this section.

(c) An OCS pipeline must file the terms and conditions under paragraph (b) of this section within 15 days after first providing transportation service under this subpart.

§ 284.305 OCS blanket certificates.

(a) *General rule.* (1) An OCS pipeline must apply for the blanket certificate authorizing the transportation of natural gas on behalf of others under Subpart G of this part.

(2) A certificate issued under this section is a certificate of public convenience and necessity under section 7 of the Natural Gas Act.

(b) An OCS pipeline must file an application for a blanket certificate under paragraph (a) of this section on or before June 27, 1988.

(c) *Exceptions.* (1) Section 284.221(e) does not apply to an OCS pipeline.

(2) An OCS pipeline that currently holds a blanket certificate under Subpart G of this part is not required to apply for a blanket certificate under paragraph (a) of this section, but is required to file tariff sheets to comply with § 284.303.

§ 284.306 Individual NGA section 7(c) certificates.

(a) An OCS pipeline operating on the OCS may not apply for a certificate of public convenience and necessity under §§ 157.5 through 157.20 of this chapter for transportation service on the OCS which can be performed under the blanket certificate authorization issued under this subpart.

(b) *Construction on the OCS.* A blanket certificate issued under this subpart does not authorize the construction of new facilities on the OCS.

[FR Doc. 88-8418 Filed 4-25-88; 8:45 am]
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Federal Register

Tuesday
April 26, 1988

Part V

Environmental Protection Agency

40 CFR Parts 50, 51, and 58

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

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, and 58

[AD-FRL 3243-8]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In accordance with sections 108 and 109 of the Clean Air Act (Act), EPA has reviewed and revised the criteria upon which the existing primary and secondary national ambient air quality standards (NAAQS) for sulfur oxides are based. The revised criteria document for sulfur oxides (and particulate matter) was issued on March 20, 1984 in conjunction with the proposed revisions to the particulate matter standards. EPA again updated and revised these criteria in an addendum to the revised criteria document, which was issued on July 1, 1987 in conjunction with the promulgation of revised particulate matter standards. The existing primary standards for sulfur oxides [measured as sulfur dioxide (SO_2)] are 0.14 parts per million (ppm) [365 micrograms per cubic meter ($\mu g/m^3$)], averaged over a period of 24 hours and not to be exceeded more than once per year, and 0.03 ppm (80 $\mu g/m^3$) annual arithmetic mean. The secondary standard is 0.5 ppm (1300 ($\mu g/m^3$), averaged over a period of 3 hours and not to be exceeded more than once per year.

As a result of its review and revision of the health and welfare criteria, EPA proposes not to revise these standards. The Administrator also solicits comment on an alternative of adding a 1-hour primary standard of 0.4 ppm. The promulgation of a 1-hour standard would also prompt consideration of additional revisions that would affect the remaining standards. If EPA promulgated a 1-hour standard, it would consider replacing the current secondary 3-hour standard (0.5 ppm) with a 1-hour secondary set equal to the primary standard. A second revision that would be considered is the adoption of an expected exceedance form for all of the standards. The Administrator is soliciting comments and analyses from the public on the merits of the proposed decision not to revise the current standards as compared to these alternative revisions. EPA also proposes to revise the significant harm levels, associated episode contingency plan guidance (40 CFR Part 51), and the Pollutant Standards Index for SO_2 (40 CFR Part 58). EPA is also proposing revisions to certain monitoring and reporting requirements (40 CFR Part 58).

DATES: EPA will hold a public hearing on this notice in approximately 45 days. The time and place will be announced in a subsequent **Federal Register** notice. Written comments on this proposal must be received by July 25, 1988.

ADDRESSES: Submit comments on the proposed action on the NAAQS (40 CFR Part 50) (duplicate copies are preferred) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-84-25, 401 M Street, SW., Washington, DC 20460. Comments on the proposed revisions to the monitoring and reporting requirements and Pollutant Standards Index (40 CFR Part 58) should be separated from those pertaining to the standards and sent to the same address, Attn: Docket No. A-87-06. Comments on the proposed revisions to the Significant Harm Level and episode criteria (40 CFR Part 51) also should be sent separately to the same address, Attn: Docket No. A-87-12. These dockets are located in the Central Docket Section of the U.S. Environmental Protection Agency, South Conference Center, Room 4, 401 M St., SW., Washington, DC. The docket may be inspected between 8:00 a.m. and 3:00 p.m. on weekdays, and a reasonable fee may be charged for copying. For the availability of related information, see **SUPPLEMENTARY INFORMATION.**

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

SUPPLEMENTARY INFORMATION:

Availability of Related Information

The revised criteria document, Air Quality Criteria for Particulate Matter and Sulfur Oxides (three volumes, EPA-600/8-82-029af-cf, December 1982; Volume I, NTIS # PB-84-120401, $25.95 paper copy and $6.95 microfiche; Volume II, NTIS # PB-84-120419, $50.95 paper copy and $6.95 microfiche; Volume III, NTIS # PB-84-120427, $50.95 paper copy and $14.50 microfiche); the criteria document addendum, Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information (EPA/600/8-86-020-F, NTIS #PB-87-176574, $25.95 paper copy and $6.95 microfiche); the 1982 staff paper, Review of the National Ambient Air Quality Standards for Sulfur Oxides: Assessment of Scientific and Technical Information—OAQPS Staff Paper (EPA-450/5-82-007, November 1982; NTIS # PB-84-102920, $25.95 paper copy and $6.95 microfiche); and the staff paper addendum, Review of the National Ambient Air Quality Standards for Sulfur Oxides: Updated Assessment of Scientific and Technical Information (EPA-450/05-86-013, December 1986; NTIS # PB-87-200259, $14.95 paper copy and $6.95 microfiche) are available from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. (Add $3.00 handling charge per order.) A limited number of copies of other documents generated in connection with this standard review, such as the control techniques document, can be obtained from: U.S. Environmental Protection Agency Library (MD-35), Research Triangle Park, NC 27711, telephone (919) 541-2777 (FTS 629-2777). These and other related documents are also available in the EPA dockets identified above.

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I. Background

A. Legislative Requirements Affecting This Rule

1. The Standards

Two sections of the Act govern the establishment and revision of NAAQS. Section 108 (42 U.S.C. § 7408) directs the Administrator to identify pollutants which "may reasonably be anticipated to endanger public health or welfare" and to issue air quality criteria for them. These air quality criteria are to "reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air * * *."

Section 109 (42 U.S.C. 7409) directs the Administrator to propose and promulgate "primary" and "secondary" NAAQS for pollutants identified under section 108. Section 109(b)(1) defines a primary standard as one "the attainment and maintenance of which, in the judgment of the Administrator, based on the criteria and allowing an adequate margin of safety, [is] requisite to protect the public health." A secondary standard, as defined in section 109(b)(2), must "specify a level of air quality the attainment and maintenance of which, in the judgment of the Administrator, based on [the] criteria, is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of [the] pollutant in the ambient air." Welfare effects are defined in section 302(h) (42 U.S.C. 7602(h)) to include "effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being."

The U.S. Court of Appeals for the D.C. Circuit has held that the requirement for an adequate margin of safety for primary standards was intended to address uncertainties associated with inconclusive scientific and technical information available at the time of standard setting. It was also intended to provide a reasonable degree of protection against hazards that research has not yet identified. *Lead Industries Association v. EPA*, 647 F.2d 1130, 1154 (D.C. Cir. 1980), *cert. denied*, 101 S. Ct. 621 (1980); *American Petroleum Institute v. Costle*, 665 F.2d 1176, 1177 (D.C. Cir. 1981), *cert. denied*, 102 S. Ct. 1737 (1982). Both kinds of uncertainties are components of the risk associated with pollution at levels below those at which human health effects can be said to occur with reasonable scientific certainty. Thus, by selecting primary standards that provide an adequate margin of safety, the Administrator is seeking not only to prevent pollution levels that have been demonstrated to be harmful, but also to prevent lower pollutant levels that he finds pose an unacceptable risk of harm, even if that risk is not precisely identified as to nature or degree.

In selecting a margin of safety, EPA has considered such factors as the nature and severity of the health effects involved, the size of the sensitive population(s) at risk, and the kind and degree of the uncertainties that must be addressed. Given that the "margin of safety" requirement by definition only comes into play where no conclusive showing of harm exists, such factors, which involve unknown or only partially quantified risks, have their inherent limits as guides to action. The selection of any particular approach to providing an adequate margin of safety is a policy choice left specifically to the Administrator's judgment (*Lead Industries Association v. EPA, supra*, 647 F.2d at 1161–62).

Section 109(d) of the Act (42 U.S.C. 7409(d)) requires periodic review and, if appropriate, revision of existing criteria and standards. The process by which EPA has reviewed the original criteria and standards for sulfur oxides under section 109(d) is described in a later section of this notice.

2. Related Control Requirements

States are primarily responsible for ensuring attainment and maintenance of ambient air quality standards once EPA has established them. Under section 110 of the Act (42 U.S.C. 7410), States are to submit, for EPA approval, State implementation plans (SIP's) that provide for the attainment and maintenance of such standards through control programs directed to sources of the pollutants involved. The States, in conjunction with EPA, also administer the Prevention of Significant Deterioration Program (42 U.S.C. 7470–7479) for these pollutants. In addition, Federal programs provide for nationwide reductions in emissions of these and other air pollutants through the Federal Motor Vehicle Control Program under Title II of the Act (42 U.S.C. 7521–7574), which involves controls for automobile, truck, bus, motorcycle, and aircraft emissions; the New Source Performance Standards under section 111 (42 U.S.C. 7411); and the National Emission Standards for Hazardous Air Pollutants under section 112 (42 U.S.C. 7412).

B. Sulfur Oxides and Existing Standards for SO_2

The principal focus of this standard review is on the health and welfare effects of SO_2, alone and in combination with other pollutants. Other sulfur oxide vapors (e.g., SO_3) are not commonly found in the atmosphere. Information on the effects of the principal atmospheric transformation products of SO_2 (i.e., sulfuric acid and sulfates) was considered in the review of the particulate matter standards and addressed in the revisions to these standards promulgated on July 1, 1987 (52 FR 24634); acid sulfate aerosols are also being examined in a separate issue paper that is currently under development (Thomas, 1986).

SO_2 is a rapidly diffusing reactive gas that is very soluble in water. It is emitted principally from combustion or processing of sulfur-containing fossil fuels and ores. SO_2 occurs in the atmosphere with a variety of particles and other gases, and undergoes chemical and physical interactions with them forming sulfates and other transformation products. At elevated concentrations, SO_2 can adversely affect human health, vegetation, materials, economic values, and personal comfort and well-being. SO_2, largely through its transformation products, also is a major contributor to pollutants related to acidic deposition and visibility degradation. Annual average SO_2 levels

range from less than 0.004 ppm in remote rural sites to over 0.03 ppm in the most polluted urban industrial areas. The highest short-term values are found in the vicinity (< 20 km) of major point sources. In the absence of adequate controls, maximum short-term levels at such sites for 24-hour, 3-hour, and 1-hour averages can reach or exceed 0.4 ppm, 1.4 ppm, and 2.3 ppm, respectively. The origins, concentrations and potential effects of SO_2 are discussed in more detail in the staff paper (SP) (EPA, 1982a), in the revised criteria document (CD) (EPA, 1982b), in the criteria document addendum (CDA) (EPA, 1986a), and the staff paper addendum (SPA) (EPA, 1986e). The executive summary of the SPA is reprinted in Addendum III to this notice.

On April 30, 1971, EPA promulgated primary and secondary NAAQS for SO_2 under section 109 of the Act (36 FR 8186). The existing primary standards for sulfur oxides, measured as SO_2, are 0.14 ppm (365 $\mu g/m^3$), averaged over a period of 24 hours and not to be exceeded more than once per year, and 0.03 ppm (80 $\mu g/m^3$) annual arithmetic mean. The current secondary standard is 0.5 ppm (1300 $\mu g/m^3$), averaged over a period of 3 hours and not to be exceed more than once per year. An annual secondary standard was revoked by EPA in 1973 after court remand. The scientific and technical bases for the current standards are contained in the original criteria document, Air Quality Criteria for Sulfur Oxides (DHEW, 1970) and the revised chapter on vegetation (EPA, 1973).

Implementation of SO_2 air quality standards by the States and EPA, together with fuel use shifts and siting decisions motivated by changing economic conditions, has resulted in substantial improvements in ground level air quality and significant reductions in nationwide emissions over the last decade. Where sufficient trends data existed, annual SO_2 concentrations at urban sites decreased by 30 percent from 1970 to 1975 (EPA, 1976). From 1975 to 1984, annual levels dropped an additional 36 percent and maximum 24-hour values declined by an even larger percentage (EPA, 1986d). Over this same time period (1975–1984), national SO_2 emissions declined by an estimated 16 percent (EPA, 1984a). Today, SO_2 air quality is good with respect to the standards, with only a small fraction (2 percent) of the nation's counties designated as nonattainment for SO_2. Moreover, in most cases, the nonattainment designations apply only to limited geographical areas in the immediate vicinity of certain major point sources.

C. Development of Revised Air Quality Criteria for Sulfur Oxides

In 1976, as a result of internal Agency review and the recommendations of a committee on EPA's Science Advisory Board, EPA decided to revise the existing criteria document for sulfur oxides. Because of competing priorities regarding revision of other air quality criteria documents, and the need to complete additional research on sulfur oxides and their transformation products, the process was scheduled to commence in 1979. With the endorsement of the new Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board, EPA decided in 1978 to review and revise the criteria document for sulfur oxides concurrently with that for particulate matter and to produce a combined particulate matter/sulfur oxides (PM/SO_x) criteria document.

On October 2, 1979 (44 FR 56731), EPA announced that it was in the process of revising the original criteria document for sulfur oxides and reviewing the existing air quality standards for possible revisions in accordance with section 109(d)(1) of the Act.

In developing the revised criteria document, EPA has provided a number of opportunities for review and comment by organizations and individuals outside the Agency. Three drafts of the revised PM/SO_x criteria document, prepared by EPA's Environmental Criteria and Assessment Office (ECAO), have been made available for external review (45 FR 24913, April 11, 1980; 46 FR 9746, January 29, 1981; 46 FR 53210, October 28, 1981). EPA has received and considered numerous and often extensive comments on each of these drafts. CASAC has held three public meetings (August 20–22, 1980; July 7–9, 1981; November 16–18, 1981) to review successive drafts of the document. These meetings were open to the public and were attended by many individuals and representatives of organizations who provided critical reviews and new information for consideration. Transcripts of the CASAC meetings have been placed in the docket for the criteria document (ECAO CD 79–1). Based on CASAC recommendations made after the first review meeting, five additional public workshops were held at which EPA, its consulting authors and reviewers, and other scientifically and technically qualified experts selected by EPA discussed the various chapters of the draft document and suggested ways of resolving outstanding issues (45 FR 74047, November 7, 1980; 45 FR 76790, November 20, 1980; 45 FR 78224, November 25, 1980; 45 FR 80350, December 4, 1980; 46 FR 1775, January 17, 1981).

The comments received on the successive drafts of the revised criteria document have been considered in the preparation of the final document, issued March 20, 1984, with the proposed revisions to the ambient air quality standards for particulate matter (49 FR 10408). In accordance with its established procedures, CASAC prepared a "closure" memorandum to the Administrator that indicated the Committee's satisfaction with the final draft (December 1981) of the criteria document and outlined key issues and recommendations. The closure memorandum, dated January 29, 1982, stated that the EPA office that prepared this document was "responsive to Committee advice as well as to comments provided by the general public * * *." The closure memorandum further states that the criteria document "fulfills the requirements set forth in section 108 of the Clean Air Act, which requires that the criteria document 'shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare' from sulfur oxides and particulates in the ambient air." The CASAC closure memorandum on the criteria domument is reprinted in its entirety in Addendum I to this notice.

Following closure, a number of minor technical and editorial refinements were made to prepare the criteria document for final publication. During this process several scientific articles were published, or accepted for publication, that appeared to be of some importance to the development of criteria for the primary standards for SO_2. For this reason, ECAO prepared an addendum to the criteria document that summarized and evaluated the newly available studies and their implications for the review and conclusions in Chapter 13 of the criteria document. Two drafts of the addendum were reviewed by CASAC and the public in association with two public meetings (April 26–27, 1982; August 30–31, 1982). Transcripts of these meetings have been placed in the docket. Oral closure on the addendum was received from CASAC at the August meeting and the final product was included as Appendix A to Volume I of the criteria document (EPA, 1982b) when the document was published on March 20, 1984.

A number of scientific and technical issues were raised during the public review of the scientific criteria. With respect to the sulfur oxides portions of

the criteria document, the major issues included: (1) The interpretation of controlled human studies of asthmatics and other subjects using differing means to administer SO_2 at various exercise rates, and (2) the development and application of criteria for deciding which epidemiological studies are most appropriate for use in revising air quality standards. A summary of these and other major scientific issues, as well as CASAC's conclusions, is included in the closure memorandum on the criteria document (Addendum I to this notice).

D. Review of the Standards: Development of Staff Paper

In the spring of 1982, EPA's Office of Air Quality Planning and Standards (OAQPS) prepared the first draft of a staff paper, Review of the National Ambient Air Quality Standards for Sulfur Oxides. This draft staff paper evaluated and interpreted the scientific and technical information in the revised criteria document and the then-draft addendum that was most relevant to the review of the air quality standards for sulfur oxides and presented staff recommendations on alternative approaches to deciding whether, and if so how, to revise the standards, based on the revised criteria document and the then-draft addendum. This first draft and a second draft of the staff paper were reviewed at CASAC meetings on April 26–27 (47 FR 16885), and August 30–31, 1982 (47 FR 34855), respectively. Transcripts of these meetings have been placed in the docket. Numerous written and oral comments were received on the drafts from CASAC, representatives of organizations, individual scientists, and other interested members of the public. A summary of major revisions made in response to comments on the first draft is contained in an August 5, 1982 letter to CASAC (Padgett, 1982). Following the second CASAC meeting, the staff made some additional revisions in response to comments. EPA released the final OAQPS staff paper (EPA, 1982a), which reflects the various suggestions made by CASAC and members of the public, upon receipt of the formal closure letter in August 1983. The August 26, 1983 CASAC closure letter states that the staff paper is consistent with the criteria document, and provides the Administrator "with the kind and amount of technical guidance that will be needed to make appropriate decisions about revisions to the standard" (the CASAC letter is reprinted in Addendum II to this notice).

A number of major issues were raised during the public review process. The most important issue involved the question of whether the results of relatively recent controlled human studies indicate the need for a new short-term (1-hour) standard for SO_2 to protect asthmatics. Some groups strongly favored the addition of a 1-hour standard while others felt that the current standards provide adequate protection of sensitive groups. Some attention was also focused on the extent to which the effects of SO_2 can be separated from those of particulate matter in key epidemiological studies, and on whether welfare criteria warrant a secondary annual SO_2 standard in addition to, or in place of, the existing primary annual standard.

These and other major issues are discussed more fully in the executive summary of the staff paper and in later sections of this notice. CASAC's discussion of these issues and its recommendations are contained in the Committee's closure letter on the staff paper (Goldstein, 1983) and in a minority statement from one member (Higgins, 1983). Both letters are reprinted in Addendum II to this proposal.

In 1984, the Administrator reviewed the standards in light of the above information and decided, at that time, not to propose any revision of the standards.

E. Supplemental Criteria Revision and Standards Review

Following CASAC closure on the criteria document and its addendum in 1982, numerous additional studies on the health effects of SO_2 appeared in the scientific literature. Because some of these studies could be of importance in a decision on the SO_2 standards and because of CASAC recommendations regarding new particulate matter studies (Lippmann, 1986a), EPA decided to prepare addenda to the PM/SO_x criteria document and the SO_2 staff paper (51 FR 11058, April 1, 1986). On July 3, 1986, EPA announced (51 FR 24392) the availability of an external review draft document entitled: Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information. On September 16, 1986, EPA announced (51 FR 32878) the availability of a draft staff paper addendum entitled: Review of the National Ambient Air Quality Standards for Sulfur Oxides: Updated Assessment of Scientific and Technical Information. CASAC held a public meeting on October 15–16, 1986 to review both the criteria document addendum and the staff paper addendum. At this meeting, CASAC members as well as representatives of several organizations provided critical review of both EPA documents. A transcript of the CASAC meeting has been placed in the public docket (A–82–37).

The CASAC sent a closure letter on the criteria document addendum to the Administrator dated December 15, 1986, which concludes that "this 1986 Addendum along with the 1982 Criteria Document, previously reviewed by CASAC, represent a scientifically balanced and defensible summary of the extensive scientific literature on these pollutants" (Lippmann, 1986b). This letter is reprinted in Addendum I to this Notice. The Committee sent its closure letter, dated February 1987, on the staff paper addendum to the Administrator stating "The Committee believes that this document provides you with the kind and amount of technical guidance that will be needed to make appropriate decisions on the standards" (Lippmann, 1987). The closure letter on the staff paper addendum, which also discusses major issues addressed by the CASAC and the Committee's recommendations concerning these issues, is reprinted in Addendum II to this notice. The final addenda to the criteria document (EPA, 1986a) and the staff paper (EPA, 1986e), which include revisions to reflect comments from CASAC and the public, are available from the address listed above. Where there are differences between the 1982 criteria document and staff paper and the more recent addenda, the addenda supersede the earlier documents. The executive summary of the staff paper addendum is reprinted in Addendum III to this notice.

F. Rulemaking Docket

EPA established a standard review docket for the sulfur oxides revision in July 1979. EPA has established a rulemaking docket (Docket No. A–84–25) for this proposal as required by section 307(d) of the Act. The standard review docket (Docket No. A–79–28) and the separate docket established for criteria document revision (Docket No. ECAO–CD–79–1) have been incorporated in this rulemaking docket.

II. Rationale for the Proposed Decision Not To Review the Standards

Based on the comprehensive examination of all available scientific information on the health and welfare effects of sulfur oxides in the criteria document and on certain analyses of current and alternative standards, the EPA staff and CASAC recommended that the Administrator focus consideration on a discrete range of scientifically supportable policy options for revising or not revising the SO_2 standards. The Administration has relied heavily on these

recommendations, and on the detailed rationale contained in the SP and SPA and CASAC closure letters (Goldstein, 1983; Lippmann, 1987) in reaching his decision to propose not to revise the current standards. Rather than restating those evaluations and supporting reasons leading to the recommendations at length, the following discussion of the proposed decision focuses primarily on those considerations that were most influential in the Administrator's decision, or that add to or differ in some respect from considerations that influenced the staff and/or CASAC recommendations.

Taken one at a time, the staff and CASAC recommendations could have led to many potential combinations of retaining, modifying, and adding to the current standards. The Administrator focused mainly on determining whether to leave the current standards in their present form or to add a new 1-hour primary standard and, in the process, consider some additional revisions to the remaining standards. In today's notice, the Administrator proposes not to revise the current standards but calls for comment on the alternative of adding a 1-hour standard. The key elements and principal bases for this decision are summarized below.

A. Basis for the Current Standards

Both the staff and CASAC recommended that serious consideration be given to not revising the current standards (SP, pp. 86–87; Goldstein, 1983). The scientific data provide support for retaining each of the present standards. Analyses of the protection afforded by single and multiple SO_2 standards against effects associated with various averaging times suggest that continued implementation of all three current primary and secondary standards provides substantial protection against the direct health and welfare effects identified in the criteria document as being associated with ground level SO_2 air quality (SP, pp. 79–83; Appendix D). The major bases for each of the current standards are presented more fully below. The rationale for retaining the current averaging convention and form for the standards is discussed in subsequent sections (IIC, D).

1. 24-Hour Primary Standard

The basis for a 24-hour health standard stems largely from epidemiological studies conducted in London in the 1950's and 1960's, a time when both SO_2 and particulate matter were present at higher concentrations than in the U.S. under current conditions. The principal effects associated with high 24-hour levels of SO_2, which in these studies usually also involved high levels of particulate matter, include increased daily mortality and aggravation of bronchitis. More recent studies also suggest the possibility of decreased lung function. The staff assessment of these studies is summarized in Table 2 of Addendum III to this notice and discussed more fully in the SP (SP, pp. 71–86) and the SPA (SPA, pp. 22–29). As indicated there, these studies taken together do not suggest any clear threshold for all effects. They do, however, provide evidence for increasing risks to public health as 24-hour SO_2 averages increase. Based on its review, the staff recommended retention of a 24-hour standard in the range of 0.14 to 0.19 ppm (SP, p. 85, and SPA, p. 59–60). The CASAC concluded that the upper end of the range provides little or no margin of safety for sensitive populations, and recommended selection of a value in the lower portion of the range (SP, Appendix E, p. 4). The staff and CASAC identified the following as factors to be considered in selecting a level for a 24-hour standard that provides an adequate margin of safety (SP, pp. 75–78):

a. possible interactive effects with other pollutants;

b. differences among conditions observed in the earlier studies (London in the 1950's and 1960's) and those that occur in the contemporary U.S.;

c. suggestion of risk of other effects (e.g., reduced lung function, effects on clearance) from qualitative studies; and

d. the possibility that the observed effects may be related, in part, to shorter-term peaks.

In view of the above considerations and recommendations, the Administrator finds that the current 24-hour standard provides an adequate margin of safety against the effects observed in the more quantitative 24-hour epidemiological studies. The margin of safety is sufficient even where SO_2 and particulate matter concentrations both occur simultaneously at their respective standard levels, and is greater when particle levels are lower (SP, p. 75). Although qualitative inferences from the available scientific evidence suggest some risk of 24-hour effects not identified in the more quantitative studies, current assessments suggest such risks would be small at concentrations at or below the present standard level (SP, pp. 76–78). Retaining the current standard is consistent with CASAC guidance to select any revised standard from the lower portion of the staff range of interest and to maintain the margin of safety provided by the current standard in the absence of a 1-hour standard (Goldstein, 1983; Lippmann, 1987).

2. Annual Primary Standard

The available scientific data provide some qualitative support for the concern that high annual SO_2 exposures may lead to potential effects not readily observed in short-term human studies, for example reduced capacity to respond to infection or other environmental challenges (SP, 78–79). While no single study may provide clear quantitative conclusions, the staff found that there does appear to be some consistency across the results of more recent epidemiological studies indicating a possibility of respiratory health effects as a result of persistent exposures to sulfur oxides in areas with long-term averages only slightly above the current standards (SPA, p. 50); the data are, however, unclear as to whether repeated short-term peaks of SO_2 or other pollutants (e.g., PM) may be as or more responsible for such effects (SPA, p. 32). Staff analyses conducted at CASAC's request indicated that alternative shorter-term standards (1, 3, and 24-hour) would not necessarily prevent increases in annual SO_2 concentrations to levels above the current standard (0.03 ppm) in several heavily populated urban areas (SP, Appendix D). The long-term standard often serves to limit the emissions and resulting acute and chronic exposures from numerous smaller sources in such areas. Based on concern over the potential effects of a large increase in both chronic and acute population exposures if the annual standard were relaxed or eliminated, the staff recommended that the Administrator retain the annual SO_2 primary standard at its current level (SP, p. 79; SPA, p. xi).

CASAC agreed that there is a need for protection against an increase in chronic exposures (Goldstein, 1983), but found little quantitative support in the scientific literature on chronic effects for retaining the present annual primary standard (Lippmann, 1987). CASAC also recommended that the decision on the annual standard be considered in "light of the total protection that is to be offered by the suite of standards * * *." In a related recommendation, the Committee indicated that the most persuasive scientific basis for an annual standard was found in the potential welfare effects that could result from increased annual SO_2 concentrations. The staff assessment of the welfare effects of ambient SO_2 indicated that the major effects of concern were damage to

materials (SP, pp. 123–124) and vegetation (SP, pp. 113–114). CASAC concurred with corresponding staff recommendations regarding protection of welfare and concluded that "there is a scientific basis for a secondary standard at the level of the annual primary standard."

The Administrator finds that retaining an annual primary standard at the current level is a prudent public health policy choice that will limit any increase in acute or chronic health risk in large, populated urban areas that are now attaining the standard. Although the available information suggests that the magnitude of any such health risk to individuals is probably small, the concern that a large number of people might experience increased chronic and acute exposures supports continuation of some level of protection against the aforementioned hazards not yet conclusively established in the scientific literature (SP, p. 78–79; SPA, p. 50). In addition, the Administrator agrees with staff conclusions that without the current annual primary standard, a new annual secondary standard might be necessary to protect public welfare. Given the available welfare effects data with respect to long-term SO_2 concentrations, retaining the level of the current annual standard would appear to be appropriate. From this standpoint, removal or substantial relaxation of the annual primary standard would necessitate its replacement by an annual secondary standard.

With the continued concerns over chronic health effects—whether from long-term low level or repeated peak exposures—and CASAC's recommendation to continue the welfare protection afforded by the current standard, the Administrator proposes to retain the level of health and welfare protection afforded by the current annual primary standard. Because that standard is attained virtually everywhere, the Administrator is not persuaded that there would be any practical benefits to be gained from the administrative disruptions associated with adding an equivalent annual secondary standard and/or revising the form or level of this primary standard.

3. 3-Hour Secondary Standard

The basis for the existing 3-hour secondary standard rests on studies documenting acute effects on sensitive plants (38 FR 25678; September 1973). The effects of concern include reduced growth and yield, and foliar injury. The staff assessment of the greatly expanded scientific data base as summarized in the criteria document (CD, Chapter 7) found even stronger support for the 3-hour standard (SP, pp. 108–112). As a result of this most recent review, both staff and CASAC recommended retaining a 3-hour standard at or slightly bleow the level of the current standard (0.5 ppm) (SP, p. 126). CASAC pointed out that evidence suggesting effects at lower levels is very uncertain (SP, Appendix E, p. 8). Moreover, as pointed out in the SP, the extent of exposure of both cultivated and natural vegetation to levels capable of producing injury or reducing yield is limited (SP, p. 109). Peak short-term exposures of concern occur only in the vicinity of major point sources. The extent of vegetation at risk is further reduced because natural systems in less humid areas appear to be less sensitive to SO_2 than cultivated plants (SP, p. 112). These factors suggest that the current standard level is adequate. Considering the assessment of effects on vegetation and the above conclusions and recommendations, the Administrator finds that the current 3-hour standard appears to be both necessary and adequate to protect against damage to vegetation from short-term SO_2 peaks near major point sources. Retaining the current 3-hour standard is consistent with staff and CASAC recommendations.

B. Consideration of Short-Term (1-Hour) Primary Standard

As discussed above, the assessment of available scientific evidence and recommendations of staff and CASAC have led the Administrator to conclude that the current primary and secondary SO_2 standards are adequate to protect the public health and welfare from the effects associated with 24-hour, annual, and 3-hour average concentrations of SO_2 in the atmosphere. This recent assessment of the scientific literature included a review of the potential effects on asthmatics and other sensitive individuals associated with short-term (1-hour or less) exposures to SO_2. While the Administrator is inclined to conclude that this information does not warrant setting a new short-term primary standard, there has been considerable discussion on whether such a standard is needed to protect against such exposures. For reasons outlined in the staff assessment (SP, p. 56), 1-hour is an appropriate averaging time to consider for such a possible new standard. The discussion below summarizes the basis for such consideration and assesses the protection afforded by the present standards against short-term exposures.

1. Short-Term Health Effects

The basis for considering the possible addition of a new 1-hour standard rests largely on the staff and CASAC assessment of the results of several relatively recent controlled human exposure studies (see Table 1 of Addendum III to this preamble). The major effects observed in these studies are measurable changes in respiratory function in asthmatics and atopics [1] exposed for short periods (as little as 5–10 minutes up to 1-hour) to 0.4 ppm SO_2 or more. For example, in one study designed to examine this issue, a concentration of 0.5 ppm for 10 minutes produced a doubling (or more) in airway resistance in 25 percent of exercising asthmatic subjects (Horstman et al., 1986). The responses occurred predominantly in subjects whose respiratory ventilation was increased by exercise or by hyperventilation, and who were not using preventive medication at the time (SPA, pp. 9–10; CDA, Table 5; Sheppard et al., 1981). In asthmatic subjects exposed to 0.4–0.75 ppm or more of SO_2, the change in respiratory function was often accompanied by perceptible symptomatic responses, including shortness of breath, wheezing and coughing (SPA, Table 4–1). The fraction of asthmatic subjects experiencing changes in lung function and symptoms increased with concentration over the range of 0.4 to 0.75 ppm (SPA, Figure 3–2).

While mindful of the guidance in the criteria document that "caution should be employed in regard to any attempted extrapolation of these observed quantitative exposure-effect relationships to what might be expected under ambient conditions" (CD, p. 13–50), the staff and CASAC concluded that consideration should be given to a new short-term standard to address these effects. Based on practical considerations relating to monitoring, modeling, data manipulation and storage, and implementation, the staff recommended using a 1-hour averaging time for any such standard. As explained below, the relationship between 1-hour average concentrations and shorter-term concentrations would allow the use of a 1-hour standard, set at an appropriate level, to control shorter-term peaks. Staff and CASAC identified a number of factors that should be considered in decisionmaking

[1] "Atopic" is a term used to indicate individuals, not diagnosed as asthmatics, with disorders manifested as hypersensitivity to environmental antigens. Examples include hay fever and other allergies. Approximately 8 percent of the U.S. population is estimated to be atopic. Some additional percentage of the population not diagnosed as atopic or asthmatic may also display hyperreactive airway responses to SO_2 (SP, p. 30).

concerning a 1-hour standard (SP, pp. 64–69; SPA, pp. 37–44):

a. Significance of Effects. The functional changes and symptoms observed in the controlled studies appear to be transient and reversible, and, at lower concentrations (<0.75 ppm) and exercise levels, they are within the range of day-to-day variations that most asthmatics typically experience from exercise or other stimuli. They are, in general, not equivalent to the more severe responses that accompany an asthma "attack" (SP, p. 66). Finally, because medications already widely used by asthmatics can prevent (Sheppard et al., 1981) or ameliorate reaction to SO_2, an asthmatic who is already medicated due to other stimuli will likely not experience a response to an exposure. The scientific community is divided as to whether and to what extent these effects at lower concentrations should be considered "adverse" or "clinically significant" (e.g., Boushey, 1981; Higgins, 1983; Cohen, 1984; McFadden, 1986; Lippmann, 1987; see also SPA, pp. 40–41).

b. Relative Effect of SO_2 Compared to Other Stimuli. Exercise alone, without pollutant exposure, is among a number of stimuli that commonly induce bronchoconstriction in asthmatics (SP, pp. 66–67). Cold and/or dry air exacerbates the effects of exercise even in the absence of SO_2. It is likely that the incidence of bronchoconstriction induced by SO_2 is very small compared with that induced by factors unrelated to pollution (Cohen, 1984 and EPA, 1986c).

c. Sensitive Population. Diagnosed asthmatics make up approximately 4 percent of the total U.S. population (about 10 million individuals) while atopics constitute roughly 8 percent (SP, p. 31). Some additional percentage of the population not diagnosed as atopic or asthmatic may also display hyperreactive airway responses to SO_2 (SP, p. 30). Asthmatics appear to be at greater risk than atopics. Studies to date have shown a wide distribution of sensitivity among asthmatics and atopics tested (e.g., Horstman et al., 1986). Although it is speculated that individuals with more severe asthma may be more sensitive to SO_2 than are the relatively mild asthmatics tested, CASAC has pointed out that the available data do not support or refute this point (Lippmann, 1987). The consequences of a functional change are of greater concern in more severe asthmatics, but such individuals may be somewhat protected from SO_2 because they routinely use medication due to their susceptibility to responses from other stimuli and the reduced chance that they would experience sustained levels of moderate to high exercise (SPA, p. 40).

d. Variance About the 1-hour Average. The available studies indicate that SO_2 effects occur within 5 to 10 minutes but do not necessarily worsen with continued exposure over an hour (CDA, pp. 4–29 to 4–32). Concentrations averaged over 5 or 10 minutes vary about the 1-hour mean, reaching peak values that are clearly higher than the 1-hour value. Analyses of recent data indicate that at higher concentrations near large point sources, these peaks are likely to be within a factor of 2 of the mean. Thus, the maximum 5 to 10 minute peak associated with a 1-hour value of 0.5 ppm is probably less than 1 ppm (SPA, p. 43–44).

e. Probability of Exposure. The staff assessment found that, given current air quality levels, peak SO_2 concentrations in the 0.4 to 0.75 ppm range for 5 to 10 minutes are very infrequent and limited in extent to the vicinity of certain large sources. Given low indoor levels and the limited time individuals spend in moderate to high activity, the probability that any individual asthmatic would experience any effects of SO_2 is low (SP, p. D–12; EPA, 1986c). This issue has been examined in the quantitative analyses discussed in the following section.

2. Protection Afforded by Current Standards Against Short-Term Effects

In determining whether to revise the present standards by the addition of a 1-hour primary standard, it is particularly important to evaluate: (1) The extent to which implementation of the current standards protects against potential very short-term effects, and (2) the relative increase in protection that would be afforded by the addition of a possible 1-hour primary standard. The first point is addressed in this section, while the second point is addressed in the following section.

(a) Air Quality and Exposure Analyses. The initial staff examination of the above issues focused on monitoring [2] and modeling analyses of 1-hour SO_2 concentrations (SP, Appendix D). The initial modeling analyses predicted the frequency of 1-hour exceedances of 0.5 ppm that would occur around typical major point sources if the current standards are met. This concentration (0.5 ppm) was the lowest short-term (5-minute to 1-hour) level found to produce changes in respiratory function and symptoms in the controlled studies of exercising "mild" asthmatics included in the 1982 staff paper. Because the then-available dispersion models were limited to 1-hour predictions, estimates of 5- to 10-minute exceedances of 0.5 ppm were not included. The key findings of the preliminary analyses were:

1. Given current U.S. air quality, peak 1-hour SO_2 concentrations greater than or equal to 0.5 ppm occur almost exclusively around large point sources and are rare near the population-oriented monitoring sites studied (SPA, p. 42).

2. Near major point sources in urban and suburban locations, the current 24-hour standard provides substantial control of peak concentrations, limiting estimated 1-hour exceedances of 0.5 ppm at any single site to 9 hours per year or less (Stoeckenius and Burton, 1982, p. 9).

3. Near point sources located in nonurban areas, the current 3-hour secondary standard is estimated to reduce the number of hours exceeding 0.5 ppm at any single site to 3 to 4 hours per year (Burton et al., 1982, p. v.).

4. Based on these air quality findings and qualitative information on human activity patterns, the staff concluded that the probability that an exercising asthmatic would be located in the same time and area with peak levels of concern appeared small (SP, p. 68).

Following completion of the formal CASAC review of the criteria document and staff paper, EPA staff conducted a series of additional analyses that expanded or improved on the work summarized above to better characterize the protection afforded by the current SO_2 standards and to identify any improvements that would be offered by adding alternative standards. These supplemental analyses are described in detail in separate reports (EPA, 1984a; 1986b,c), copies of which have been placed in the docket. These analyses were summarized in the staff paper addendum (pp. 50–58) and were provided to CASAC for review.

These analyses involved: (1) Expansion of the previous analysis of monitoring data and air quality modeling to include more sources and locations as well as shorter averaging

[2] The monitoring-based analysis examined approximately 900 SO_2 monitoring sites representing 11 million hours of data (SP, Appendix D). Those sites were classified in three groups: (1) Population-oriented sites include those established to be representative of concentrations experienced in populated areas; (2) source-oriented sites located to record maximum concentrations near sources such as power plants and refineries; and (3) smelter-oriented sites located near this specific source category.

periods, and (2) quantitative estimates of exposures of sensitive asthmatics to peak concentration of potential concern.[3] Because studies had shown pulmonary function changes and symptoms in some asthmatics exposed while at exercise to 0.5 ppm for periods as short as 5 to 10 minutes the air quality data and modeling analyses dealt with 5-to 10-minute as well as 1-hour peak concentrations in excess of 0.5 ppm. These analyses provided estimates of the frequency and geographical extent of such exceedances in the vicinity of four power plants judged to be fairly representative of the expected spectrum of exposure scenarios. Exposures were estimated for current emissions, and for emissions that just meet the current standards as well as alternative revised standards. Beginning with the results of modeled peak SO_2 levels, a variant of the National Exposure Model (NEM) was applied to estimate the probability that an asthmatic at "high" exercise [4] would be exposed to 0.5 ppm of SO_2 for 5 minutes or more during the course of a year. The NEM accounts for population movement, activity level, and indoor vs. outdoor exposures (Biller et al., 1981).

As discussed in the reports (EPA, 1984a; EPA, 1986b,c) and supporting documents, the analyses are subject to several important limitations, and a number of major simplifying assumptions were made that may have biased the estimates. Comments received on the initial analyses (EPA, 984a) raised concerns about whether these analyses understated the extent of exposure to peak SO_2 levels (Hawkins, 1985). The major concerns were that: (1) Both limited monitoring data and theoretical calculations indicated that short-term peaks greater than 0.5 ppm could occur around numerous smaller facilities [such peaks are, however, generally of very short duration (30 seconds to 2 minutes) (EAP, 1986b, p. 9)]; and (2) because of limitations in the response of ambient monitors, the monitoring-based analysis may have underestimated the extent of hourly averages greater than 0.5 ppm and almost surely underestimated peak (less than 5 minutes) concentrations. Staff assessments of these concerns (EPA, 1986b,c) indicated that some of the factors raised may have resulted in an underestimate of exposures in the initial assessment (EPA, 1986b, pp. 18–22). However, other factors discussed in the analyses, such as the assumption that the facilities operated at full capacity for an entire year, may have resulted in an overestimate (EPA, 1986c, p. 3–32). Although the analyses are uncertain, the available results permit the following tentative conclusions:

(1) Based on current U.S. monitored air quality data and reasonable estimates of ratios of 5-minute peaks to 1-hour means, 5-minute concentrations and exposures to 0.5 ppm or more are expected primarily in the vicinity (usually less than 20 km) of major point sources such as utilities and smelters. Approximately 10 to 40 percent of the sensitive population (asthmatics) in the U.S. are estimated to live in the vicinity of utilities, with a much smaller percentage living near smelters (Thomas, 1987a).

(2) Based on modeled air quality and exposures for several large utility power plants, the current standards (24-hour and 3-hour) place substantial limits on exceedances of, and exposures to, 1-hour concentrations in excess of 0.5 ppm (Thomas, 1984).

(3) Of those asthmatics living in the vicinity (roughly 10–25 km) of the four power plants studied at their current emissions, the percentage estimated to be exposed once per year to a 5-minute SO_2 concentration of 05. ppm while at exercise varied from 1 percent to 14 percent, depending on the plant (EAP, 1986c, pp. 3–16 to 3–19). A rough extrapolation to all of the power plants in the country suggests that approximately 100,000 individual asthmatics, or about 1 percent of the national asthmatic population, will experience at least one such exposure of concern per year (Thomas, 1987a). [5] The vast majority of these 1 percent would experience only one such exposure per year.

(4) Because not all of the exposures to 0.5 ppm resulted in measurable effects in controlled studies, fewer than 25 percent of the asthmatics exposed are likely to experience even moderate pulmonary function changes and symptoms (Horstman et al., 1986). It is possible that individual asthmatics substantially more sensitive than those studied might experience larger or comparable effects at even lower levels. However, CASAC has pointed out that there is no evidence to refute or support this possibility. Moreover, severe asthmatics may be protected because they less often achieve elevated activity levels and often are already medicated to alleviate the effect of other environmental stimuli commonly encountered. The limited epidemiological data regarding peak SO_2 levels and asthma do not contradict the contention that the frequency of serious responses to SO_2 in major U.S. cities must be low. Goldstein and Weinstein (1986) found no association between emergency room visits for asthma in New York City and peak hourly SO_2 levels.

The Administrator has considered the results of these analyses together with associated uncertainties in developing this proposal. EPA has also recently received an expanded analysis of exposure prepared for the Utility Air Regulatory Group (UARG) (Teague and Minton, 1987). EPA believes that these new analyses of air quality and exposure are relevant to the final decision on the SO_2 standards and should be considered during the public comment period. Because of the preliminary nature of the UARG analysis, and because it represents an unpublished analysis that has not been considered fully by CASAC, the Administrator has not relied on the UARG exposure analysis in reaching the decision announced in today's proposal. EPA invites public comment on the UARG analysis and on the implications of the analysis for the final decision on the existing SO_2 standards as well as the alternatives. Copies of the UARG report documenting the analysis (Burton et al. 1987) have been placed in the rulemaking docket. EPA will submit the analysis to CASAC for its review.

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[3] Because of the complexities involved in a full quantitative assessment of potential responses associated with alternative standards, EPA staff developed a "benchmark" for the exposure analyses termed an "Exposure of Concern" (EOC) (SPA, p. 52). Based on the assessment of effects in the criteria document addendum, the staff defined an EOC as an exposure of an asthmatic while at activities corresponding to a ventilation rate of 35 liters per minute or higher to 0.5 ppm or more of SO_2 for 5 minutes. At this level, approximately 25 percent of mild asthmatics might be anticipated to experience at least a doubling in airway resistance, which is considered to be a "moderate" response (CDA, Figure 7). A smaller percentage asthmatics could be expected to experience noticable symptoms, with some risk that the most sensitive individual asthmatics might experience a more severe response.

[4] In the NEM model, activity levels are grouped as "low," "medium," and "high". Based on the data used to generate those categories, EPA estimates that the "high" category roughly corresponds to exercise required to produce a ventilation rate of about 35 liters per minute or more (EPA 1986c, p. 2–9). This exercise rate, generally characterized by research clinicians as "moderate," is in the range where most people switch from nasal to oronasal breathing, increasing the penetration of SO_2 to sensitive receptors in the lung (SP, p. A–3). Activities producing this ventilation rate include light cycling, climbing three flights of stairs, and snow-shoveling (SP, p. A–4). Responses to 0.5 ppm of SO_2 for 5 to 60 minutes in free-breathing asthmatics have not been reported at exercise rates below this level.

[5] This rough extrapolation addressed asthmatics. If atopics or other sensitive individuals displaying hyperreactive airway response to SO_2 were included, the percent exposed would remain the same, but the absolute number exposed would increase.

(b) Determinations Concerning Protection Against 1-Hour Effects. In the Administrator's judgment, the available information on potential effects associated with short-term exposure to SO_2 and their relative frequency of occurrence given current conditions does not justify an additional level of protection beyond that already provided by the current 24-hour, 3-hour, and annual standards. As indicated by the exposure analyses described above, the current standards appear to markedly limit the frequency and extent of short-term concentrations of concern, and normal day-to-day activity patterns further reduce the chance that such concentrations will result in exposure conditions approximating those that produced effects in controlled human studies. The occurrence of SO_2-induced response is estimated to be infrequent and the direct effects observed at lower concentrations and exercise levels are transient, rapidly reversible and of uncertain health significance. A majority of the small fraction of asthmatics ($\sim$ 1 percent) exposed to 0.5 ppm SO_2 at exercise would experience no more than one such encounter per year. By comparison, a number of natural stimuli (e.g., exercise, cold air) produce comparable responses in asthmatics and many experience a number of episodes each year as a result of such stimuli. For this very reason, medication that prevents or ameliorates these effects is already routinely used by asthmatics. Finally, although there has been speculation on the point, at this time there is no convincing evidence of long-term effects associated with repeated exposures to the lower level peaks found in the ambient air (SPA, p. 32).

Given the above considerations, the Administrator is presently inclined to conclude that the current standards provide adequate protection against potential short-term effects of SO_2 and that a 1-hour primary standard is not needed. Specifically, given the protection of the current NAAQS the Administrator does not judge that the occasional remaining short-term exposures that occur constitute a significant public health problem that requires a new national ambient air quality standard. For the same reasons, the Administrator does not propose to follow the recommendation, made by some CASAC members in 1982, that in retaining the standards, the current 3-hour secondary standard be made a primary standard. Because the present standards are widely implemented, no practical environmental change would result from making the 3-hour standard a primary standard. EPA, however, does solicit public comment on the alternative of making the current 3-hour standard a primary standard.

3. 1-Hour Standard Alternative

In reaching the provisional conclusion that the current standards provide adequate protection against the potential short-term efforts of SO_2, the Administrator is mindful of the uncertainties in the scientific evidence and recent exposure analyses, and the diversity of opinion as to the possible significance of potential short-term exposures and the appropriate degree of protection. As noted above, a number of arguments have been raised in support of a 1-hour standard, and the staff paper and CASAC recommended that the Administrator consider such a standard. Given these arguments and the views of the CASAC (Lippmann, 1987), the Administrator feels it is important to air the key issues and uncertainties fully and specifically requests broad public comment and deliberation on the alternative of revising the current standards and adding a 1-hour SO_2 standard.

EPA staff and CASAC recommended a range of potential 1-hour standards for the Administrator's consideration. This range, based on the updated staff assessment (See Table 1 in Addendum I to this notice), is 0.2 to 0.5 ppm (520 to 1300 $\mu g/m^3$). Considering typical 5-minute peak to 1-hour mean ratios of 2 to 1, the lower bound (0.2 ppm) represents a 1-hour level for which the maximum 5- to 10-minute peak exposures are not likely to exceed 0.4 ppm. This is the lowest level where responses of potential clinical significance in free breathing "mild to moderate" asthamics have been reported in the literature cited in the criteria document addendum. A 1-hour standard at the upper bound of the range (0.5 ppm) would maintain maximum hourly values in the vicinity of the lowest concentrations (0.4 to 0.5 ppm) producing significant responses in the available studies summarized above. It would afford somewhat greater protection against short-term peaks than that now provided by the current standards. Based on the preliminary analysis of exposure near large point sources discussed above (SPA, Figure 4–3), it appears that under such a standard, 1 to 4 percent of the asthmatics residing in the vicinity of the point sources analyzed, or between 200 to 1400 individuals per plant, would be annually exposed while at exercise to 5-minute peaks at or above 0.5 ppm. On a national level, fewer than 1 percent of all asthmatics would experience such exposures. Nevertheless, a 0.5 ppm level would not completely preclude 5- to 10-minute exposures on the order of 1 ppm.

Considering typical 5-minute peak to 1-hour mean ratios of 2 to 1 or lower, 1-hour standard alternatives of 0.3 to 0.4 ppm could result in 5-minute peaks on the order of 0.6 to 0.8 ppm. Several CASAC members supported a 1-hour standard in this portions of the overall range (Lippmann, 1987). If a 1-hour ambient standard of 0.4 ppm were implemented at the four power plants studied in the exposure analysis discussed above, the percentage of the asthmatics living in the vicinity of those plants who would be exposed once per year to a 5-minute SO_2 concentration of 0.5 ppm while at exercise would be less than 1 to 2 percent (EPA, 1986c, p. 3–22).

After considering the views of CASAC, the Administrator is inclined to conclude that a 1-hour primary ambient standard to protect exercising asthmatics and atopics from short-term exposures to SO_2 is not warranted. As explained above, this inclination is based, on among other things, the uncertain significance of the health effects involved and on the infrequence of inducement of such effects by SO_2. However, the Administrator solicits comment on the alternative of a 1-hour standard at the level of 0.4 ppm.

The promulgation of a 1-hour standard would also prompt consideration of additional revisions that would affect the remaining standards. Following recommendations of staff (SP, p. 112) and CASAC, if EPA promulgated a 1-hour standard, it would consider replacing the current secondary 3-hour standard (0.5 ppm) with a 1-hour secondary standard set equal to the primary standard. This standard would provide welfare protection at least as stringent as the current standard. A second revision that would be considered if a 1-hour standard were promulgated is the adoption of an expected exceedance form for all of the standards. This potential revision is discussed in a subsequent section.

C. Averaging Convention for the Standards

The averaging convention specifies the interpretation of standards for a particular averaging time (in this case, 3-hour, 24-hour, annual) with respect to when (time and day) the averaging period(s) begins and ends. The two major alternative averaging conventions are known as "block" and "running". Under the block convention, periods such as 24-hours and 3-hours are measured sequentially and do not overlap; when one averaging period ends, the next begins. For example, one

24-hour measurement would be taken from midnight on day one to midnight on day two; the next would begin at midnight on day two. Under the running convention, measurements are allowed to overlap. Thus, if one 24-hour period were measured from midnight to midnight, the next might be measured from 1 a.m. to 1 a.m. or from 12:01 a.m. to 12:01 a.m. Given a fixed standard level, running averages would produce a somewhat more restrictive standard (Faoro, 1983; Possiel, 1985).

Although the wording of the original 24-hour, 3-hour, and annual SO_2 standards was ambiguous on the matter, the earliest actions of EPA signify that the block averaging convention was intended for these standards (OAQPS, 1986), and block averages have generally been used in implementing the standards.[6] The use of running averages would therefore represent a tightening of the standards. Because the Administrator has determined, for the reasons explained above, that protection of the public health does not require tightening the standards, the Administrator proposes to retain the block averaging convention for the 24-hour, 3-hour, and annual standards. To eliminate any future questions on this aspect of the standards, clarifying language is being proposed in the regulation (40 CFR 50.4 and 50.5). Nevertheless, the Administrator solicits comment on the alternative running-average convention for the 24-hour and 3-hour standards.

D. Form of the Standards

In revising the standards for ozone and particulate matter, EPA concluded that it would be appropriate to make technical improvements to the form in which the standards were expressed (44 FR 8202 and 52 FR 24653). These improvements were embodied in a revised statistical form for the standards, which was intended to maintain desired health protection while improving ease of implementation. The decisions on the statistical form were made in conjunction with decisions on the level of the standard. EPA has also considered the alternative of expressing the SO_2 standards in a similar statistical form, with one expected exceedance per year for the 24-hour and 3-hour standards and expressing the annual standard as an expected annual mean. EPA examined the relative protection afforded by the current standards if they were expressed in statistical form (EPA, 1984a; Frank, 1987). These analyses found that the standards expressed in a statistical form would afford reduced protection against the 24-hour, annual, and 3-hour health and welfare effects identified above and, in addition, would permit an order of magnitude increase in the number of asthmatics exposed to 0.5 ppm SO_2 for 5-minutes at exercise. As noted above, the Administrator has concluded that the level of protection provided by the current standards against the health and welfare effects of SO_2 is necessary and should be retained. Thus, adopting a statistical form would necessitate revisions to the levels of the standards to maintain that level of protection. In the judgment of the Administrator, the limited technical advantages of the statistical form are not sufficient to warrant the administrative burden associated with such a change. Therefore, EPA proposes to maintain the current form of the SO_2 standards.

If EPA promulgated a 1-hour standard, however, it would consider changing the form of the 24-hour and annual standards. As discussed above, EPA does not feel these changes would be appropriate if the current standards are retained at the present levels with no 1-hour standard.

A detailed description of the possible alternative forms for the 1-hour, 24-hour, and annual standards has been developed (Frank, 1987) and placed in the rulemaking docket. As presented there, the standards would be attained when the expected number of exceedances of the 24-hour and 1-hour standards level is no more than one per year. Generally, the determination would be based on three consecutive years of data. Although expressing the 24-hour standard in statistical form results in less protection than provided by the present deterministic form, the protection against the effects associated with 24-hour exposures would remain adequate because of the additional stringency afforded by the 1-hour standard alternative.

The annual SO_2 standard would be expressed as an expected annual arithmetic average determined by averaging the annual arithmetic averages, generally from three successive years of data. Expressing the annual standard in this form would result in a somewhat less restrictive standard than provided by the current form. Any decrease in protection would, in the majority of cases, however, be more than compensated by the general increase in protection provided by the 1-hour standard alternative.

The interpretation of the alternative forms developed for 1-hour, 24-hour, and annual standards (Frank, 1987) is conceptually similar to that promulgated in Appendix K of the Particulate Matter Standard (52 FR 24634). Some differences exist, however, with respect to treatment of incomplete data.

III. Proposed Action on Standards

As stated above, based on the data presented in the criteria document, assessments and analyses in the staff paper, and CASAC recommendations, the Administrator proposes not to revise the current 24-hour, annual, and 3-hour SO_2 standards.

EPA is proposing to make some minor technical changes in the Part 50 regulations concerning the SO_2 standards (Frank, 1988). First, the levels for the primary and secondary NAAQS would be restated in ppm rather than $\mu g/m^3$ (40 CFR 50.4 and 50.5). This would be done to make the SO_2 NAAQS consistent with other pollutants and to improve understanding by the public. Secondly, explicit rounding conventions would be added (40 CFR 50.4 and 50.5). This would aid State and local air pollution control agencies in interpreting the standard. Finally, data completeness and handling conventions would be specified (40 CFR 50.4 and 50.5). These conventions would be consistent with the definitions used with ozone and would ensure that omission or deletion of some hourly data will not negate obvious exceedances of the short-term standards (see 40 CFR Part 50, Appendix H for the equivalent ozone language).

IV. Acid Deposition

Among the major welfare effects associated with sulfur oxides emissions are those related to the acidic deposition phenomenon. The issue of acidic deposition was not, however, assessed directly in the OAQPS staff paper because EPA has followed the guidance given by CASAC on this subject at its August 20–22, 1980 public meeting on the draft document, "Air Quality Criteria for Particulate Matter and Sulfur Oxides." The CASAC concluded that acidic deposition is a topic of extreme scientific complexity because of the difficulty in establishing firm quantitative relationships between emissions of relevant pollutants, formation of acidic wet and dry deposition products, and effects on terrestrial and aquatic ecosystems.

[6] Although EPA generally does not specify use of a running average in evaluating SO_2 SIPs for attainment and maintenance of the NAAQS, running averages have been used in a limited number of instances. In the enforcement context, in cases where supplementary control systems (SCS) were used as an interim measure to protect the NAAQS at primary copper smelters, consent decrees for such facilities specified running average requirements. *See, e.g., U.S.* v. *Phelps Dodge Corp.*, Civil No. 81-088-TUC-MAR (D. Ariz. filed October 20, 1988).

CASAC also noted that acidic deposition involves, at a minimum, several different criteria pollutants—oxides of sulfur, oxides of nitrogen, and the fine particulate fraction of suspended particles. Finally, the Committee felt that any document on this subject should address both wet and dry deposition, since dry deposition is believed to account for at least one-half of the total acid deposition problem. For these reasons, the Committee felt that a separate comprehensive document on acidic deposition should be prepared prior to any consideration of using NAAQS as a regulatory mechanism for control of acidic deposition. CASAC also suggested that a discussion of acidic deposition be included in the criteria documents for both nitrogen oxides (NO_x) and particulate matter/sulfur oxides. In response to these recommendations, EPA subsequently prepared the following documents: The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Review Papers, Volume I and II (EPA, 1984b), and The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Document (EPA, 1985). Although these documents are not criteria documents and have not undergone CASAC review, they are the most recent comprehensive summary of relevant scientific information on acidic deposition completed by EPA.

The review of the implications of scientific information on acidic deposition for current and alternative sulfur oxides standards has taken place in the larger context of the examination of the acid deposition issue as a whole. The administrator has thoroughly reviewed this issue and has been kept apprised of the most recent scientific information on a continuing basis. This examination has included a review of options for addressing the issue through mechanisms available under current Act authority including secondary air quality standards as well as alternative emissions reductions mechanisms. Based on this review, the Administrator has reached the following conclusions of relevance for sulfur oxides standards:

1. Based upon the current scientific understanding of the acid deposition problem, it would be premature and unwise to prescribe any regulatory control program at this time.

2. When the fundamental scientific uncertainties have been reduced through ongoing research efforts, EPA will craft and support an appropriate set of control measures.

Based on these conclusions, the Administrator does not, at this time, believe it is appropriate to propose a separate secondary sulfur oxides standard to provide increased protection against the acid deposition-related effects of sulfur oxides.

V. Significant Harm Levels and Episode Criteria

Section 303 of the Act authorizes the Administrator to take certain emergency actions if pollution levels in an area constitute "an imminent and substantial endangerment to the health of persons." The Act and EPA's regulations governing adoption and submittal of SIP's (section 110(a)(2)(F)(v) and 40 CFR 51.16 and subpart H of Part 51) require States to adopt contingency plans to prevent ambient pollutant concentrations from reaching specified Significant Harm Levels and to take additional abatement actions if such levels are reached. The existing Significant Harm Levels (40 CFR 51.16a) for SO_2 were established in 1971 (36 FR 24002, November 21, 1971) at the following levels:

SO_2 Alone—1.00 ppm (2620 $\mu g/m^3$) 24-hour average of SO_2

SO_2 x TSP—490x103 ($\mu g/m^3$)2—24-hour average product of SO_2 and TSP concentrations

On the basis of EPA's reassessment of the data upon which these levels were based and its assessment of more recent scientific evidence on sulfur oxides and particulate matter, EPA proposes to revise the Significant Harm Levels for SO_2.

A. 24-Hour Levels

In actions related to the recent revisions of the particulate matter standards, EPA has already eliminated the combined TSP-SO_2 Significant Harm Level (52 FR 24672, July 1, 1987). In doing so, EPA left open the possibility of reinstating a PM_{10}-SO_2 Significant Harm Level, if necessary for additional protection against SO_2 effects, at the conclusion of the SO_2 review. The scientific data suggest that SO_2 in combination with high levels of particulate matter has been associated with increases in daily mortality. The final 24-hour PM_{10} Significant Harm Level of 600 $\mu g/m^3$ takes this potential interaction into account. Addition of a combined SO_2-PM_{10} Significant Harm Level therefore appears unnecessary.

Removal of the combined Significant Harm Level raises the question as to whether the remaining SO_2 Significant Harm Level is sufficient. The possibility that SO_2 alone or in combination with other pollutant or fog droplets may be in part responsible for the effects associated with 24-hour exposures suggests the need to continue a 24-hour Significant Harm Level for SO_2 along at a substantially lower concentration. EPA's assessment of studies of daily mortality (CDA, Table 1; SPA, Table 4-2) indicates greatest certainty of some increased daily mortality associated with high particle concentrations in combination with SO_2 levels at or above 750 $\mu g/m^3$ (0.29 ppm) for 24-hours. Accordingly, EPA proposes to revise the 24-hour SO_2 Significant Harm Level to 0.29 ppm (750 $\mu g/m^3$).

Appendix L to Part 51 contains example air pollution episode levels and example contingency plans for the purpose of preventing air pollution from reaching the Significant Harm Levels prescribed in Section 51.151. The examples in Appendix L serve as guides to States for the development of their own contingency plans. To conform with the proposed revisions to the Significant Harm Level for SO_2, certain changes to Appendix L are required. EPA proposes the following revisions to the example 24-hour episode levels for SO_2:

(1) That the example Alert Level for SO_2 be changed from 800$\mu g/m^3$ to 0.19 ppm (500 $\mu g/m^3$), 24-hour average;

(2) That the example Warning Level for SO_2 be changed from 1600 $\mu g/m^3$ to 0.23 ppm (600 $\mu g/m^3$), 24-hour average; and

(3) That the example Emergency Level for SO_2 be changed from 2100 $\mu g/m^3$ to 0.26 ppm (675 $\mu g/m^3$), 24-hour average.

The basis for changing the episode levels for SO_2 is the same as discussed above for the revisions to the Significant Harm Level. With respect to example episode levels, the proposed Alert Level reflects the upper bound of the 24-hour range of interest for the NAAQS presented in the staff paper addendum (Table 2). The staff paper concludes that at or above 0.19 ppm (500 $\mu g/m^3$) for 24 hours, health effects are likely to occur in certain sensitive population groups (SP, p. 72). Therefore, it would be appropriate under the episode criteria to initiate first stage control action when this ambient level of SO_2 occurs. The proposed 24-hour Warning and Emergency Levels are set at increments between the proposed Alert Level and the proposed Significant Harm Level. This approach would provide opportunity for the control actions associated with each episode level to take effect before the next stage is triggered and additional control actions become necessary. This proposal, if adopted, would change the 24-hour Significant Harm Level. Therefore, States would be required to adopt the new numerical level; to evaluate the emergency episode provisions in their current SIP's and any permits containing such provisions; and to make any

revisions necessary to assure their adequacy.

B. 1-Hour Levels

As discussed in section II. of this notice, EPA has evaluated substantial new information concerning the effects of short-term (5 to 10 minute) exposures to peak concentrations of sulfur dioxide. In that section, EPA tentatively concluded that the existing ambient standards provide adequate protection against the effects that might be experienced by asthmatics exercising in the vicinity of major point sources, but solicited public comment on the alternative of adding a 1-hour primary ambient standard to provide additional protection against such effects. EPA believes, however, that for reasons discussed below it would be appropriate to set a short-term (one-hour or less) Significant Harm Level.

Although controlled human exposure data at very high SO_2 concentrations are limited by study design, the available data suggest that 5-minute levels on the order of 2 to 5 ppm can cause effects that are intolerable to some exercising asthamatics (SP, Table 5–3 p. 32; CD, Table 13–2 pp. 13–7 to 13–10; SPA, Table 4–1 p. 38), and that exposures at the upper end of this range can cause severe effects in resting asthamatics and atopics as well as pulmonary changes and symptoms in nonasthmatic, nonatopic adults (SP, p. 36).

In most instances, such high peak concentrations would be associated with exceedances of the existing 3-hour (0.5 ppm) and 24-hour (0.14 ppm) ambient standards. Nevertheless, a Significant Harm Level in addition to the existing standards would provide: (1) Protection against very high peak concentrations, (2) emergency responses to transient events that have not been anticipated and prevented by the normal implementation process associated with the ambient standards, (3) action to address the very highest concentrations pending attainment of the standards in areas not currently in attainment of the ambient standards, and (4) remedial action with respect to those very few sources with such highly variable emissions that exceedances of the Significant Harm Level might occur without corresponding exceedances of the 3-hour or 24-hour ambient standards.

On the basis of the data discussed above, EPA proposes to set a Significant Harm Level for SO_2 at a 5-minute average concentration of 5 ppm. Because of the difficulties in modeling and monitoring such short-term concentrations, EPA also proposes to implement the Significant Harm Level through a 1-hour Guide. Given the typical two-to-one ratio between 5-minute and 1-hour average concentrations (SPA, p. 5–6), EPA proposes to use a 1-hour Guide of 2.5 ppm.

EPA's preliminary review of both monitored and modeled air quality data indicates that only a limited number of sources in a few areas have the potential to exceed the proposed 1-hour Significant Harm Guide (Thomas, 1987b). The review found the 1-hour Significant Harm Guide was exceeded around a few large point sources and in particular around primary copper smelters. In addition, modeled air quality data suggest that a small number of power plants may, under some circumstances, exceed the 1-hour Significant Harm Guide.

EPA has traditionally relied upon episode criteria as a way of triggering abatement actions necessary to avoid an exceedance of the Significant Harm Level. As a result, EPA also proposes for public comment the following example episode criteria which, if adopted, would be added to Appendix L of Part 51:

(1) An example Alert Level of 0.75 ppm (1960 $\mu g/m^3$) SO_2, 1-hour average;

(2) An example Warning Level of 1.0 ppm (2620 $\mu g/m^3$) SO_2, 1-hour average; and

(3) An example Emergency Level of 1.5 ppm (3930 $\mu g/m^3$) SO_2, 1-hour average.

One hour, rather than 5 minute, episode criteria are specified because of the aforementioned practical constraints associated with implementing shorter duration criteria. Since this proposal, if adopted, would add a new Significant Harm Level and Guide, States would need to evaluate the emergency episode provisions in their current SIP's, and any permits containing such provisions, making any revisions that may be necessary to assure the adequacy of the contingency plans required by Clean Air Act section 110(a)(2)(F)(v) and by 40 CFR 51.16 and Subpart H of Part 51.

Short-term peaks (5-minute to 1-hour) of SO_2 occur sporadically, on a very localized scale, and usually with little or no build-up of SO_2 levels before the occurrence of the peak. The rapid onset and quick dispersal of SO_2 peaks raise several issues regarding the appropriateness of the proposed example episode criteria and how States should develop and implement contingency plans to assure that the proposed Significant Harm Level and Guide are not exceeded. EPA specifically requests public comments on the following issues:

(1) Traditional Approach

Protection of the Significant Harm Level has traditionally relied upon sources taking abatement measures as pollution levels build. The nature of the SO_2 peaks raises questions as to whether or not monitoring data coupled with the short-term episode criteria and abatement techniques can be relied on to prevent the Significant Harm Level from being exceeded. EPA specifically solicits comment on how the traditional approach might be modified or revised to overcome these concerns. (For example, to reduce the number of monitors required, air quality models could be used to screen for the locations expected to experience the highest short-term SO_2 concentrations.)

(2) Alternative Approaches

Given the potential limitations and costs of the traditional approach, EPA also solicits comment on alternative approaches. One such approach might rely on modeling to predict peak SO_2 concentrations. However, since models cannot determine the occurrence of an actual peak, such an approach may require continuous or seasonal emissions controls. Any alternative to the traditional approach could be federally imposed only to the extent that it is consistent with the requirements and limitations of the Act; specifically sections 303(a), 301(a) and 110(a)(2)(F)(v). There is also a question as to the role of episode criteria under such alternative approaches.

All public comments on the proposed Significant Harm Level and episode criteria, the approaches that EPA is considering in implementing the proposed Significant Harm Level, and any other issues relative to the implementation of the Significant Harm Level and Guide will be considered by the Agency as it makes a decision on the final Significant Harm Level and develops subsequent rulemaking on the Agency's guidance for implementing the final Significant Harm Level. Prior to any final action on the implementation guidance, EPA will propose such guidance in the **Federal Register** for public comment.

VI. Federal Reference Method and Monitoring Requirements

Concerning the measurement method for sulfur dioxide, no revisions are being proposed to the reference method described in Appendix A to Part 50. No changes have been suggested since EPA recently (December 6, 1982) promulgated modifications to Appendix A (47 FR 54899). The 1982 changes incorporated technical improvements developed

subsequent to the 1971 reference method promulgation.

EPA has also reviewed the current ambient air quality monitoring programs conducted in accordance with the existing regulations (40 CFR Part 58) and has concluded that only minor modifications of the regulation are necessary in conjunction with the proposed decision not to revise the NAAQS and to revise the Significant Harm Level and episode criteria. These modifications are summarized below.

(1) Monitoring Method (Appendix C)

Revisions are proposed to Appendix C that would add a new section 2.4 that would require SO_2 analyzers to be operated on the lowest (narrowest) approved range that will measure expected peak concentrations without exceeding maximum values for the range selected. Previously, some monitors were operated on ranges that occasionally were too low to measure peak concentrations.

(2) Annual SLAMS Report (Appendix F)

A proposed revision to Section 2.1.1 of Appendix F would reword this section to provide greater clarity. Section 2.1.2 would similarly be reworded for clarity and to require that the 24-hour averages reported in the annual report for SO_2 be based on block (midnight to midnight) averaging periods and the 3-hour averages also to be based on block averaging periods.

(3) Air Quality Index Reporting and Daily Reporting (Appendix G)

EPA proposes to revise the SO_2 ambient concentrations contained in Tables 1 and 2 and in Figure 3, to correspond to the proposed new episode criteria and Significant Harm Levels.

VII. Regulatory and Environmental Impacts

A. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is a "major" regulation for which a Regulatory Impact Analysis (RIA) is required. EPA has judged the sulfur oxides NAAQS proposal to be a major action, and has prepared a draft RIA based on information developed by several EPA contractors (inter alia, ICF, 1984; Anderson et al., 1984). The RIA includes estimates of costs, benefits, and net benefits associated with alternative SO_2 standards. The draft analysis, entitled Regulatory Impact Analysis of the National Ambient Air Quality Standards for Sulfur Oxides-Draft (EPA, 1988), is available from the address given above (see Availability of Related Information section). A final RIA will be issued at the time of promulgation of final standards. Neither the draft RIA nor the contractor reports have been considered in issuing this proposal.

The draft RIA has been submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291. Written comments from OMB and any EPA written responses to those comments are available for public inspection EPA's Central Docket Section (Docket No. A–84–25), South Conference Center, Room 4, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

B. Impact on Reporting Requirements

The proposed rule does not impact any information collection requirements currently cleared under OMB Control Number 2060–0084.

C. Impact on Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. Under 5 U.S.C. 605(b) this requirement may be waived if EPA certifies that the rule will not have a significant economic affect on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

A decision not to revise the current NAAQS for SO_2 would, of course, impose no new requirements. In addition, the SIP's necessary to implement these NAAQS have been substantially adopted. Additional SIP requirements will be needed only for those areas and sources which are currently designated as nonattainment for SO_2. A preliminary assessment of remaining nonattainment areas indicates that, in general, only major sources such as utilities, primary smelters, and refineries owned by large businesses would be affected by any additional SIP requirements. In addition, the total number of sources is very small. These assessments suggest that any additional SIP requirements will not significantly affect a substantial number of small entities.

Furthermore, the control measures necessary to attain and maintain the NAAQS are developed by the respective States as part of their SIP's. In selecting such measures, the States have considerable discretion so long as the mix of controls selected is adequate to attain and maintain the ambient standards. Whether a particular standard would have a significant effect on a substantial number of small entities therefore depends on how the States would choose to implement it. For these reasons, any assessment performed by EPA on the impacts of additional SIP requirements at this time would necessarily be speculative. On the basis of the above considerations and findings, the administrator certifies that a decision not to revise the sulfur oxides standards will not have a significant impact on a substantial number of small entities.

VIII. Other Reviews

This proposed rule was submitted to the OMB for review. Written comments from OMB and EPA written responses to these comments are available for public inspection at EPA's Central Docket Section (Docket No. A–84–25), South Conference Center, Room 4, Waterside Mall, 401 M Street, SW., Washington, DC.

List of Subjects in 40 CFR Parts 50, 51 and 58

Intergovernmental relations, Air pollution control, Carbon Monoxide, Ozone, Sulfur oxides, Particulate matter, Nitrogen dioxide, Lead.

Dated: April 13, 1988.

Lee M. Thomas,

Administrator.

References

Anderson, G., Gutfreund, P., Stoeckenius, T. and J. Haney (1984). Estimation of Power Plant Impacts and Emission Limits at Various Averaging Times. Prepared for Strategies and Air Standards Division, U.S. EPA, Research Triangle Park, N.C. August 1984. Docket # A–79–28, II–A–14.

Biller, W.F., Feagans, T.B., Johnson, T.R., Duggan, G.M., Paul, R.A., McCurdy, T., and H.C. Thomas (1981). A general model for estimating exposure associated with alternative NAAOS. Paper Presented at 74th Annual Meeting of the Air Pollution Control Association. Philadelphia, PA. June 21–26, 1981. Paper # 81–18.4. Docket # A–79–28, II–I–254.

Boushey, H.A. (1981). Greater Sensitivity of Asthmatic Subjects to Adverse Health Effects of Sulfur Dioxide: Implications for Ambient Air Quality Standards. Testimony on behalf of American Lung Association/American Thoracic Society. Senate Committee on Environment and Public Works. June 9, 1981. Docket # A–79–28, II–G–3.

Burton, C.S., Stoeckenius, T.E. and J.P. Nordin (1982). On a New Short-Term Standard for Sulfur Dioxide: The Protection from Calculated Peak One-Hour Concentrations Provided by the Existing Three and 24-hour NAAOS in the Vicinity of a Hypothetical Power Plant. Prepared for Ambient Standards Branch, U.S. EPA, Research Triangle Park, N.C. August 1982. Docket # A–79–28, II–A–5.

Burton, C.S., Stoeckenius, T.E., Stocking, T.S., Carr, E.L., Austin, B.S., and R.L. Roberson (1987). Assessment of Exposure of Exercising Asthmatics to Short-term SO_2 Levels as a Result of Emissions from U.S. Fossil-Fueled Power Plants. Prepared for Sulfur Standards Committee, The Utility Air Regulatory Group, September 23, 1987. Docket # A-84-25, II-A-1.

Cohen, J., U.S. EPA, Strategies and Air Standards Division (1984). Memorandum to John Bachmann, U.S. EPA, Strategies and Air Standards Division. February 27, 1984. Docket # A-79-28, II-B-7.

DHEW [U.S. Department of Health, Education, and Welfare] (1970). Air Quality Criteria for Sulfur Oxides. U.S. Government Printing Office, Washington, DC, AP-50.

EPA [U.S. Environmental Protection Agency] (1973). "Effects of Sulfur Oxide in the Atmosphere on Vegetation" Revised Chapter 5 of Air Quality Criteria for Sulfur Oxides. U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA-R3-73-030.

EPA (1976). National Air Quality Monitoring and Emissions Trends Report, 1975. Office of Air Quality Planning and Standards, Research Triangle Park, NC. EPA-450/1-76-002.

EPA (1982a). Review of the National Ambient Air Quality Standards for Sulfur Oxides: Assessment of Scientific and Technical Information-OAQPS Staff Paper. Office of Air Quality Planning and Standards, Research Triangle Park, NC. EPA-450/5-82-007.

EPA (1982b). Air Quality Criteria for Particulate Matter and Sulfur Oxides. Environmental Criteria and Assessment Office, Research Triangle Park, NC. EPA-600/8-82-029a-c.

EPA (1984a). Estimation of Short-Term Sulfur Dioxide Population Exposures. Office of Air Quality Planning and Standards, Research Triangle Park, NC. Docket # A-79-28, II-A-9.

EPA (1984b). The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Review Papers. Volume I Atmospheric Sciences. EPA-600/8-83-016AF. Volume II Effects Sciences. EPA-600/8-83-016BF. Office of Research and Development, Washington, DC.

EPA (1985). The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Document. EPA-600/8-85/001. Office of Research and Development, Washington, DC.

EPA (1986a). Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information. Environmental Criteria and Assessment Office, Research Triangle Park, NC. EPA-450/5-86-012.

EPA (1986b). Staff Assessment of Recent Comments on the Short-Term SO_2 Exposure Analysis. Office of Air Quality Planning and Standards, Research Triangle Park, NC. May 1986. Docket # A-79-28, II-A-10.

EPA (1986c). An Analysis of Short-Term Sulfur Dioxide Population Exposures in the Vicinity of Power Plants. Office of Air Quality Planning and Standards, Research Triangle Park, NC. Docket # A-79-28, II-I-266.

EPA (1986d). National Air Quality and Emissions Trends Report, 1984. Office of Air Quality Planning and Standards, Research Triangle Park, NC. EPA-450/4-86-001.

EPA (1986e). Review of the National Ambient Air Quality Standards for Sulfur Oxides: Updated Assessment of Scientific and Technical Information. Addendum to the 1982 OAQPS Staff Paper. Office of Air Quality Planning and Standards, Research Triangle Park, NC EPA-450/05-86-013.

EPA (1988). Regulatory Impact Analysis on the National Ambient Air Quality Standards for Sulfur Oxides Draft. Office of Air Quality Planning and Standards, Research Triangle Park, NC. Docket # A-84-25, II-A-2.

Faoro, B., U.S. EPA, Data Analysis Section (1983). Comparison of Second Max Non-Overlapping and Midnight-to-Midnight (Block) Average. Memorandum to William F. Hunt Jr., Chief, Data Analysis Section, August 15, 1983. Docket # A-79-28, II-B-11.

Frank, N., U.S. EPA, Monitoring and Data Analyses Division (1987). Memorandum to John Bachmann, Strategies and Air Standards Division, February 18, 1987. Docket # A-84-25, II-B-1.

Frank, N. U.S. EPA, Technical Support Division (1988). Memorandum to John Haines, Air Quality Management Division. January 5, 1988. Docket # A-84-25, II-B-3.

Goldstein, B.G. (1983). CASAC Review and Closure of the OAQPS Staff Paper for Sulfur Oxides. Closure Letter to William D. Ruckelshaus. August 1983. Docket # A-79-28, II-B-3.

Goldstein, I.F. and A.L. Weinstein, (1986). Air pollution and asthma: effects of exposure to short-term sulfur dioxide peaks. Environ. Res. 40: 332-345.

Hawkins, D. (1985). Letter from David Hawkins, Natural Resources Defense Council to EPA Administrator Lee M. Thomas. Docket # A-79-28, II-D-80.

Higgins, I.T., University of Michigan, School of Public Health. (1983) Minority Statement. Letter to Terry F. Yosie, Executive Director, Clean Air Scientific Advisory Committee. October 6, 1983. Docket # A-79-28, II-D-51.

Horstman, D.H., Roger, L.J., Kehrl, H.R., and M.J. Hazucha (1986). Airway sensitivity of asthmatics to sulfur dioxide. Toxicol. Ind. Health. 2: 289-298.

ICF (1984). Analysis of Alternative Sulfur Dioxide Ambient Standards. Prepared for the U.S. Environmental Protection Agency. ICF Inc., Washington, DC August 1984. Docket # A-79-28, II-A-13.

Lippmann, M. (1986a). Letter from Morton Lippmann, CASAC Chairman, to EPA Administrator Lee M. Thomas. January 2, 1986. Docket # A-79-28, II-D-81.

Lippmann, M. (1986b). Letter from Morton Lippmann, CASAC Chairman, to EPA Administrator Lee M. Thomas. December 15, 1986. Docket # A-79-28, II-D-82.

Lippmann, M. (1987). Letter from Morton Lippmann, CASAC Chairman, to EPA Administrator Lee M. Thomas. February 19, 1987. Docket # A-79-28, II-D-83.

McFadden, E.R. (1986). Statement before the Clean Air Scientific Advisory Committee. Submission accompanying letter from James Bieke, Shea and Gardner to John Haines, Strategies and Air Standards Division. October 20, 1986. Docket # A-79-28, II-J-1.

OAQPS [Office of Air Quality Planning and Standards] (1986). Proper Interpretation of the Averaging Convention for the National Ambient Air Quality Standards for Sulfur Oxides, OAQPS Staff Position Paper, March 1986. Docket # A-79-28, II-A-15.

Padgett, J., U.S. EPA, Strategies and Air Standards Dvision (1982). Letter to Dr. Sheldon Friedlander, Chairman, Clean Air Scientific Advisory Committee. August 5, 1982. Docket # A-79-28, II-C-3.

Possiel, N.C., U.S. EPA, Model Applications Section (1985). Analysis of Running Versus Block SO_2 Model Estimates. Memorandum to Henry C. Thomas, Standards Development Section, August 27, 1985. Docket # A-79-28, II-B-12.

Sheppard, D., Nadel, J.A., and H.A. Boushey (1981). Inhibition of sulfur dioxide-induced bronchoconstriction by disodium cromoglycate in asthmatic subjects. Am. Rev. Respir. Dis. 124:257-259.

Stoeckenius, T.E. and C.S. Burton (1982) Effects of Alternative 24-hour Standards Levels and Background Values on Attainment of a One-Hour Standard of 0.5 ppm. Prepared for Ambient Standards Branch, U.S. EPA, Research Triangle Park, N.C., August 1982. Docket # A-79-28, II-A-12.

Teague, M. and L. Minton (1987). Letter from Michael Teague and Lucinda Minton, Hunton and Williams to Henry C. Thomas, Ambient Standards Branch. Sepember 25, 1987. Docket # A-84-25, II-D-1.

Thomas, H.C. (1984). U.S. EPA, Strategies and Air Standards Division Memorandum to Bruce Jordan, Strategies and Air Standards Division, May 18, 1984. Docket # A-79-28, II-B-8.

Thomas, H.C. (1987a). U.S. EPA, Strategies and Air Standards Division Memorandum to John Haines, Strategies and Air Standards Division, September 17, 1987. Docket # A-84-25, II-B-4.

Thomas, H.C. (1987b). U.S. EPA, Strategies and Air Standards Division Memorandum to Bruce Jordan, Strategies and Air Standards Division, November 19, 1987. Docket # A-84-25, II-B-2.

Thomas L. (1986). Letter from EPA Administrator Lee M. Thomas to Dr. Morton Lippmann, CASAC Chairman. February 24, 1986. Docket # A-79-28, II-C-21.

Addendum I—CASAC Review and Closure of the 1982 Criteria Document for Particulate Matter/Surfur Oxides and the 1986 Second Addendum to the Criteria Document

January 29, 1982.

Subject: CASAC Review and Closure of the Criteria Document for Sulfur Oxides/Particulate Matter

From: Sheldon K. Friedlander, Chairman, Clean Air Scientific Advisory Committee (CASAC)

To: Anne M. Gorsuch, Administrator

On November 16, 1981, the Clean Air Scientific Advisory Committee of the Science Advisory Board completed its third review of the air quality criteria document for sulfur oxides/particulate matter (SOx/PM). The Committee notes with satisfaction the improvements made in the quality of the document during the course of previous CASAC reviews on August 20–22, 1980 and July 7–9, 1981. The staff of the Environmental Criteria and Assessment Office, directed by Dr. Lester Grant, have proven responsive to Committee advice as well as to comments provided by the general public, and deserve to be commended for the high quality of the document.

The purpose in writing you is to summarize the Committee's major conclusions to assist you in reviewing the scientific data and associated studies relevant to the establishment of revised ambient air quality standards for sulfur dioxide and particulate matter as required by law. This letter further advises you of the Committee's conclusion that the criteria document fulfulls the requirements set forth in Section 108 of the Clean Air Act as amended, which requires that the document "shall accurately reflect the latest scientific knowledge useful in indicating the kind of extent of all identifiable effects on public health or welfare" from sulfur oxides and particulates in the ambient air.

The Committee is preparing a separate letter to you summarizing the conclusions of its reviews of the Draft Staff Paper for Particulate Matter. In addition, CASAC will prepare a similar report on the Draft Staff Paper for Surlfur Oxides once that document becomes available and its review is completed.

Major Scientific Issues and CASAC Conclusions in the SOx/PM Criteria Document Review

Chapter 1: Executive Summary

In general, the revised draft Executive Summary critically synthesizes the key points of information discussed at length in the individual chapters. Its conclusions and interpretations of scientific data, studies, and issues are consistent with those presented in each chapter. Relationships among individual chapters are clearly defined; redundancies that do appear are reasonable given the complexity of the subject.

The quality of the Executive Summary would be further improved if more specific statements and/or tables were added to clarify certain important interrelationships. These include the differences in chemical composition associated with each of the several significant size ranges of particulate matter; and the health effects associated with the respiratory tract deposition patterns of particulate matter in the several size ranges and different chemical compositions. Quantitative health effects information useful in defining specific concentrations or ranges of concentrations of size-specific and/or chemical specific PM associated with the occurrence of health effects should also be highlighted. In view of evidence that total thoracic (tracheobronchial and alveolar) particle deposition is of public health concern, it would also be helpful to include a discussion of the likely equivalency among British Smokeshade (BS), Total Suspended Particles (TSP), and size selective particle aerometric measurements that would sample or index atmospheric concentrations of those sized particles identified with tracheobronchial or alveolar deposition.

Chapter 2: Physical and Chemical Properties of SOx/PM

This chapter is well written and addresses the important issues relevant to a criteria document. It presents a good summary of current knowledge of the factors affecting the physics and chemistry of sulfur dioxide and the pathways and kinetics of its transformation into sulfuric acid. It also provides a good summary of particle characteristics, dynamics, and hygroscopic growth.

Chapter 3: Techniques for the Collection and Analysis of SOx/PM

The revised chapter provides an excellent summary of the measurement of sulfur oxides and particulates. Especially important is the discussion of the capabilities of the various measurement techniques and the profile of pollutants in the ambient air which these measurements yield. The chapter correctly notes that British Smoke (BS), Coefficient of Haze (COHS), and Total Suspended Particulate (TSP) measurements do not adequately reflect key physical or chemical properties of particulate matter in the contemporary ambient air. Precise interconversion among units of BS, COHS, and TSP is not possible. In the context of a particulate standard, British Smoke is applicable only to a "sooty" smoke aerosol. It may not be a valid health effects indicator for the aerosol compositions observed in recent summertime episodes in the United States and Europe. Thus, it is unlikely that BS can provide a sensitive index of hazard for today's air pollution.

Chapter 4: Sources and Emissions

Both natural and man-made sources emit sulfur dioxide and particulate matter into the ambient air. Given the limitations of our ability to derive reliable estimates from both types of sources, the criteria document presents an adequate discussion of current knowledge.

Chapter 5: Environmental Concentrations and Exposure

This chapter is largely acceptable in its present form. Most of the comments and suggestions which were made for previous drafts have been effectively incorporated. The most important omission from the chapter is information related to chemical composition with respect to particle size. Abundant information of this type is available for sulfates and some trace metals. Given the strong dependence of deposition rates and light scattering on particle size, it might have been worthwhile to refer to this literature in Chapter 5 or to direct attention to other document chapters (e.g., Chapter 2) where such relationships are discussed.

Chapter 6: Atmospheric Transport, Transformation and Deposition

This chapter is concise, well-written, and effective in communicating information related to the current status of mathematical models for air pollution. The utility of various models is clearly discussed, and the inadequacy of current models for quantitative extrapolation is pointed out. Topics which had been omitted from the previous draft of this chapter have been added to other chapters with overlapping content. The chapter is now acceptable as written.

Chapter 7: Acidic Deposition

The Committee has recognized the desirability of incorporating existing information on acidic deposition in the present criteria document. Chapter 7 provides an abbreviated but adequate summary of the contribution of sulfur oxides and particulates to the formation, transport, and effects of acidic deposition. The Committee has concluded that Chapter 7 is a scientifically adequate summary with the conditional understanding that EPA is preparing a Critical Assessment Document for Acidic Deposition for its review that recognizes and incorporates information on causes, effects, and data bases for all of the various pollutants relevant to acidic deposition. CASAC has been briefed several times by Agency officials regarding the status of this document. The Committee looks

forward to the submission of this integrated assessment for its critical review.

Chapter 8: Effects on Vegetation

In response to CASAC recommendations and public comments, this chapter on vegetation effects has been greatly improved compared to earlier drafts reviewed by the Committee. It now includes a more concise and interpretive critical evaluation of those few key studies yielding quantitative dose-effect or dose-response information of most use for criteria development and standard-setting purposes. It also reasonably includes tables in the appendices which summarize studies of particulates and sulfur dioxide related vegetation effects that are of less utility for criteria development and standard setting.

The Committee concurs with Chapter 8 evaluations which point to the lack of dose-response data to establish quantitative evidence of deleterious effects on vegetation from particulates at presently encountered U.S. ambient air concentrations. In contrast to particulates, much clearer evidence exists by which to define quantitative exposure-effect relationships for sulfur dioxide effects on vegetation. Laboratory experiments in particular have demonstrated the greater relative toxicity to vegetation from high short-term exposures of sulfur dioxide. This is especially important in view of the fact that ambient air concentrations of sulfur dioxide from point sources often fluctuate widely and result in high intermittent short-term exposures of plants to sulfur dioxide concentrations against a background of longer-term but much lower annual average sulfur dioxide levels. Also of much importance are differences in the relative sensitivity of various plant species to sulfur dioxide exposures. The degree of sensitivity depends in part on factors such as phase of growth at time of exposure, ambient temperature and humidity levels, and plant water content. Among studies judged to be most useful for quantitative criteria development and standard setting are those of Dreisinger (1965, 1967) and Dreisinger and McGovern (1970) which demonstrate visible injury to white pine (a commercially important species in some U.S. areas) when natural stands of the tree in southern Canada were exposed for 4 hours to 0.30 ppm or for 8 hours to 0.25 ppm sulfur dioxide emitted from a nearby smelter. Roughly similar exposure-effect relationships were observed in studies reported by Jones et al. (1974) and McLaughlin (1981) on the effects of sulfur dioxide from a southeastern U.S. power plant on a wide variety of natural species in the vicinity of the point source. In these studies some crop and garden species showed visible injury effects with 3 hour exposures to 0.6–0.8 ppm sulfur dioxide, while certain other crop species (potato, cotton, corn, peach) did not show visible injury at levels below 0.8 ppm. In contrast, a chamber study by Hill et al. (1974) suggests that plants common to the southwestern U.S., with markedly lower moisture content and under generally lower ambient air humidity levels, may be able to withstand much higher ambient sulfur dioxide concentrations (up to 11 ppm for two hours) without visible injury.

Chapter 9: Effects on Visibility and Climate

The technical aspects of this difficult problem are well characterized. The chapter does a good job of discussing the physics and public awareness of visibility. The relationship between fine particle mass concentrations and visibility has been well established. The criteria document thus provides an excellent technical basis for Agency decision-making on these issues.

Chapter 10: Effects on Materials

This chapter adequately discusses the currently available scientific information concerning the effect of particulate matter and sulfur oxides on man-made materials. This includes critical assessments of available data concerning pertinent materials damage functions, uncertainties associated with existing characterizations of such functions, and limitations regarding estimation of monetary costs and/or benefits associated with the occurrence or control of such damage.

Chapter 11: Respiratory Deposition and Biological Fate of Inhaled Aerosols and Sulfur Dioxide

This chapter is very much improved compared to earlier drafts reviewed by CASAC and is now a comprehensive and more informative summary of existing knowledge relevant to a criteria document. The existing knowledge in this area is, in many cases, incomplete. For example, a potentially very important factor is the influence of the integrity of lung epithelial barriers (both airway and alveolar) on deposition and clearance. To enhance the chapter's comprehensiveness, this issue should be discussed more sufficiently in the criteria document, despite the paucity of available data.

Chapter 12: Toxicological Studies

This chapter is quite comprehensive as it describes essentially all toxicological studies relevant to a criteria document on sulfur oxides and particulates. Also, it provides commentary on many studies and the significance of their findings to potential human health effects. In addition, the presentation of the information is more polished than the previous draft because of improved editing.

Chapter 13: Controlled Human Studies

This is a chapter which thoroughly discusses the published material on controlled human experiments. The scientific criteria for good studies discussed at the beginning of the chapter cannot be overemphasized. While not all studies meet these criteria, the Committee recognizes that EPA must take account of the available literature and believes the studies cited in the chapter have been appropriately selected and discussed. Overall the chapter is well-written and directed toward addressing those questions to which answers are needed. One of the most important criteria for good human clinical studies is that they be double-blind. Unfortunately, most of the studies in the literature were not so performed. This factor is especially significant when sensitive population groups, such as asthmatics, are under study.

The chapter is also improved by the discussion of exposures administered through the nose and mouth during controlled studies. It appropriately notes that caution should be used in any attempted extrapolation of observed quantitative exposure/effects resulting from such protocols, particularly when compared to results that might be expected under ambient exposure conditions. The chapter identifies additional research results from studies using either face mask or open chamber oronasal breathing that would better resolve this issue, and it discusses existing studies in a balanced and thorough fashion.

Chapter 14: Epidemiological Studies

The current draft of this chapter represents considerable change and improvement over previous drafts reviewed by CASAC. Following discussion with the Committee, EPA has applied a set of guidelines for deciding which epidemiological studies are most appropriate for use in revising ambient air quality standards.

More specific comments on the chapter include the following: (1) The integration of Chapter 14 with Chapter 3 has advanced the "real world"

understanding concerning the application of epidemiological methods; (2) the epidemiological studies providing the most useful quantitative concentration/response information for revising the 24-hour ambient particulate standard include: Lawther et al., 1958 and 1970; Martin and Bradley 1960; Martin 1964; Ware et al., 1981; and Mazumdar et al., 1981; (3) the epidemiological studies providing the most useful quantitative concentration/response information for revising the annual ambient particulate standard include: Ferris and Anderson 1962; Lunn et al., 1967; Ferris et al., 1971 and 1976; and Bouhuys et al., 1978; and (4) the studies by Lave and Seskin, 1970, and Mendelsohn and Orcutt, 1979 suggest an association between chronic exposure to high concentrations of sulfates and increases in the level of mortality, but they do not indicate any threshold or safe level from such exposures, and they are not refined enough to provide estimates of the quantitative effect of sulfate concentrations on mortality.

Summary

The Committee made numerous comments of an editorial nature. These remarks, as well as a more detailed discussion of the recommendations and review provided above, are included in the transcripts of the three CASAC meetings held to review this document. With the understanding that the advised changes will be incorporated in the final criteria document, the Committee is satisfied that the air quality criteria document for sulfur oxides/particulate matter is scientifically adequate for use in standard setting.

October 6, 1983.

Terry F. Yosie, Science Advisory Board, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dear Terry: Here is my amended statement on the SO_x closure letter, etc. to the Administrator. I apologize for the delay in getting it to you, due to my having been out of town.

I am uncertain of the correct procedure. Should I send the statement to the Administrator or should you or Mort Lippmann or Bernie Goldstein?

Yours sincerely,

Ian T. T. Higgins, M.D.,

Professor of Epidemiology.

cc: Dr. Morton Lippmann, Dr. Bernard Goldstein.

Minority Statement

By Ian Higgins

I do not believe that the letter to the Administrator and the Findings, Recommendation and Comments of the Clean Air Scientific Advisory Committee on the OAQPS Staff Paper for Sulfur Oxides reflect the widely divergent views of committee members adequately. Certainly my own views on the key issues are sufficiently different that I feel I have no alternative but to state them.

I do not think that the third paragraph of the letter states the options correctly. There are, in fact, not two, but four choices. In addition to the two mentioned, the standards could be left unchanged or they could be relaxed. Both of these options were mentioned in the meeting. My own view is that from a health standpoint, they could be relaxed slightly without anyone being one whit the worse. But I am not in favor of pollution and I would settle for maintaining them unchanged, which was, I thought, the majority view of the committee. I do not believe there is sound evidence to support the adoption of a 0.5 ppm three-hour standard. I think there is even less justification at this time for a one hour standard. The suggestion for a one-hour standard comes from studies in which asthmatic subjects have been exposed in the laboratory to different concentrations of sulfur dioxide while exercising. In the course of its deliberations, the Committee heard evidence from some of the leading world experts on air pollution and asthma. The President-Elect of the American Thoracic Society for example, in his statement on these exposure studies, expressed "deep concern, if not dismay, that environmental standards entailing great costs could possibly be based on these data." This reflects my own views admirably. Asthmatic subjects are well known to have bronchial hyper-reactivity. Increases in airways resistance, similar to those produced by sulfur dioxide occur in response to deep breathing, coughing, exposure to cold air and naturally occurring pollens. These increases are transient and pass off rapidly when exposure ceases. Moreover, some studies have shown that they also pass off when exposure is continued. This seems to indicate clearly that they should be regarded as an adaptive response. In any case, they are seldom accompanied by symptoms, do not lead to any short or long-term consequences and therefore should not be considered to be adverse health effects. There is no sound evidence that current levels of sulfur dioxide are responsible for excess asthmatic attacks in the community. Finally, the likelihood of an exercising asthmatic ever encountering a one-hour concentration of 0.5 ppm sulfur dioxide is very small. All in all, the institution of a one-hour standard for sulfur dioxide would be a good example of the proverbial sledgehammer to crack a nut.

Turning to the Findings, Recommendations and Comments, I do not believe that sulfur dioxide continues "to pose a serious health problem to important subgroups of the population." In my view, it is a trivial problem if it exists at all.

The first sentence on page 2, "CASAC concludes that separate SO_2 and particles standards each set with appropriate consideration for potential interactions, does appear to protect public health," is difficult to understand. If it means that the standards do protect public health, I agree. However, the rest of the comments and recommendations seem to imply that they do not. This must be confusing the Administrator.

I do not believe that the epidemiological evidence suggests that there is no threshold and that "risk increases as concentration levels increase." Lawther's studies showed increases in respiratory illness in bronchitic subjects at concentrations of SO_2 of 500–600 ug/m³ and over when these occurred with concentration of particles (British smoke) of 250–300 ug/m³ and over, but not at levels below this concentration. This suggests a practical threshold for the most sensitive subjects that have been studied epidemiologically.

The work of Maxumdar et al. showed little evidence of any role of SO_2 once particulates were adequately allowed for. Any possible effect appeared to occur only at concentrations in excess of 750 ug/m³ with particulates.

The reference to animal toxicology implies that such studies have shown serious effects. In fact, the remarkable findings of the experiments on animals (including primates) has been the lack of serious short or long term consequences of exposures to SO_2 far in excess of any ever encountered by man.

The CASAC spent some time deliberating on the logistical problems of one-hour standard. I do not, however, believe that we reached a clear idea of the problems, difficulty and costs of introduction of such a standard. In summary, I believe the current standards for SO_2 are adequate to protect the public health with a margin of safety. I do not believe the evidence indicates that any additional standards are needed.

December 15, 1986.

The Honorable Lee M. Thomas, Administrator, U.S. Environmental Protection Agency, Washington, DC 20460.

Dear Mr. Thomas: The Clean Air Scientific Advisory Committee (CASAC) has completed its review of two documents related to the development of National Ambient Air Quality Standards (NAAQS) for Particulate Matter and Sulfur Oxides. These two documents are the 1982 *Air Quality Criteria for Particulate Matter and Sulfur Oxides*, and the 1986 *Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982)*, both prepared by the Agency's Environmental Criteria and Assessment Office (ECAO).

The Committee was impressed with the efforts of the staff of ECAO in preparing a well written, integrated and thorough review of recent relevant scientific studies. The Committee unanimously concluded that this 1986 Addendum, along with the 1982 Criteria Document previously reviewed by CASAC, represent a scientifically balanced and defensible summary of the extensive scientific literature on these pollutants.

Several important issues are discussed in the 1986 Addendum which the Committee believes should be emphasized. These issues were raised during our review of recent studies which relate primarily to guidance at the lower bounds of the ranges for the standards. These studies include the recent reanalyses of the London mortality data, two episodic lung function studies in the United States and the Netherlands, and the comparison of respiratory symptoms and

pulmonary function levels of children living in six U.S. cities. Further discussion of these studies and reanalyses, as well as a more detailed discussion of the basis for the Committee's conclusion, are contained in the attached report.

The Committee also reviewed the Staff Papers for particulate matter and for sulfur oxides at the October 15–16, 1986 meeting, and is preparing separate reports reflecting its conclusions and recommendations on each of these two documents.

Thank you for the opportunity to present the Committee's views on these important public health issues.

Sincerely,

Morton Lippmann, Ph.D.,

Chairman, Clean Air Scientific Advisory Committee.

cc: A. James Barnes, Lester Grant, Vaun Newill, Craig Potter, Terry Yosie.

Summary of Major Scientific Issues and CASAC Conclusions on the 1986 Addendum to the 1982 Particulate Matter/Sulfur Oxides (PM/SO_x) Criteria Document

The Committee concentrated its review on newer studies and analyses which relate primarily to guidance on the lower limit of the proposed ranges for the standards. In general, the Committee believes the Criteria Document Addendum has appropriately summarized and interpreted the designs, analyses and conclusions of studies that should be considered in the standard setting process. The following is a brief chapter by chapter summary of issues that the Committee wishes to emphasize, or which require further clarification.

Chapter 1: Introduction

In general, this chapter provides an excellent summary of the physical and chemical properties and ambient measurement methods for PM and SO_x. However, the chapter could be strengthened by inclusion of a discussion of direct reading monitors for particulate mass concentrations including beta attenuation, light scattering, or other techniques which may be the dominant measurement techniques in the States in the future. This was discussed at the December 1985 CASAC meeting, with emphasis on the need to move to automated and continuous monitoring for particles.

Chapter 2: Respiratory Tract Deposition and Fate

The presentation in this chapter could be expanded by clarifying the discussion concerning the concept of impaired lungs and the deposition that would occur there as opposed to that in normal subjects. Further, the discussion of broncho-constriction being protective (Svartengren et al., 1984) and the discussion of other types of altered breathing patterns could be made clearer, perhaps by reorganizing this information by specific points.

Chapter 3: Epidemiology Studies

We wish to emphasize several studies and analyses discussed at the October 1986 CASAC meeting. One of these studies (Dassen et al.) should be integrated into this chapter, as was recognized by Agency staff in their remarks at the October 1986 meeting.

(1) The two episodic lung function studies show a consistency of results in Steubenville, Ohio (Dockery et al.) and Ijmond, Netherlands (Dassen et al.), lending credence to reported effects of a mixture of PM and sulfur oxides (SO_x) on respiratory function in children. This is consistent with the earlier work of Stebbings. These studies provide a relatively sensitive indication of possible short term physiological responses of uncertain health significance to PM. The roles of exposure times and duration of functional decrement need better definition.

(2) The London mortality studies, including recent analysis by Agency staff, provide strong evidence that particulate matter is more closely associated with daily mortality than sulfur dioxide concentrations. The criteria document should recharacterize distinctions made between "likely" and "possible" effects levels for establishing upper bounds.

(3) The Six-Cities study has reported that cough and bronchitis are twice as prevalent in children living in cities with PM_{10} in the range of 40–60 ug/m^3, in comparison to cities with a range of 20–30 ug/m^3.

Chapter 4: Controlled Human Exposure Studies of SO_2 Health Effects

Although this chapter was well done, the Committee suggests that it be strengthened by modifying its existing discussions and by addition of further discussion and tabular material concerning short term exposure effects presented by Drs. Horstman and Folinsbee at the October 1986 CASAC meeting.

Conclusion

The 1986 Addendum to the 1982 Air Quality Criteria Document on PM/SO_x was prepared by EPA at the request of CASAC for the purpose of updating the knowledge of recent scientific studies and analyses. The Committee commends the agency staff for its efforts in preparing a concise and well written document. The Addendum summarizes key findings from the earlier documents and provides a reasonably complete summary of newly available information concerning particulate matter and sulfur oxides, with major emphasis on evaluation of human health studies published since 1981. The Committee unanimously concludes that this 1986 Addendum, with the incorporation of the changes noted above, represents a scientifically balanced and defensible summary of the extensive scientific literature on these pollutants. These documents fulfill the requirements under section 108 of the Clean Air Act as amended, which requires that the document(s) "* * * shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare * * *" from particulate matter and sulfur oxides in the ambient air.

Addendum II—CASAC Review and Closure of the 1982 OAQPS Staff Paper on Sulfur Oxides and the 1986 Addendum to the Staff Paper

August 26, 1983.

Honorable William D. Ruckelshaus,
Administrator, Environmental Protection Agency, Washington, DC. 20460.

Dear Mr. Ruckelshaus: The Clean Air Scientific Advisory Committee (CASAC) has completed its second and final review of the revised draft Office of Air Quality Planning and Standards (OAQPS) Staff Paper entitled *Review of the National Ambient Air Quality Standards for Sulfur Oxides: Assessment of Scientific and Technical Information.*

The document is consistent in all important aspects with the scientific evidence presented and interpreted in the combined criteria document for sulfur oxides and particulate matter. It has organized the data relevant to the establishment of sulfur dioxide primary and secondary ambient air quality standards in a logical and compelling way, and the Committee believes that it provides you with the kind and amount of technical guidance that will be needed to make appropriate decisions about revisions to the standards.

During the course of the Committee's review of the Staff Paper for Sulfur Oxides a number of significant scientific issues related to the establishment of primary and secondary standards were addressed. A review of the existing data base for this pollutant led the Committee to conclude that there are two scientifically supportable options for revising the existing standards. One option for which there is strong but not unanimous support on CASAC includes the following: establishment of a new 1-hour primary standard in the range between .25–.75 parts per million, retention of a 24-hour primary standard, conversion of the current .03 ppm annual primary standard to an annual secondary standard at or below that level, and selection of a revised 3-hour secondary standard between a range of .40–

.50 ppm. The other option for which there is some support on the Committee is to retain the existing primary and secondary standards, while providing some additional public health protection by converting the existing 3-hour secondary standard into a primary standard. The choice between these options is a policy decision which is not within the scope of the Committee's mission. CASAC's wishes to inform you that either of these options would be supported by the available scientific evidence.

Other scientific issues and studies of interest to the review and possible revision of the primary and secondary standards are reviewed in the attached report. In addition, I have attached a recent CASAC report on research needs for the gases and particles program within the Agency. It is clear that there are major gaps in our understanding of these pollutants and that the Agency should develop a more balanced and more adequately funded research program.

I hope the CASAC's findings and recommendations prove useful to you as you review and consider revisions to the sulfur dioxide standard. The Committee appreciates the opportunity to advise you on this important issue, and it will provide further review and comment to you during the public comment period that follows the proposal of revised standards in the **Federal Register.**

Sincerely,

Bernard D. Goldstein,

Chairman, Clean Air Scientific Advisory Committee.

Attachment.

cc: Alvin Alm, Charles Elkins, Terry F. Yosie.

Findings, Recommendations and Comments of the Clean Air Scientific Advisory Committee on the OAQPS Revised Draft Staff Paper for Sulfur Oxides

CASAC's evaluation of the scientific basis for a review and possible revision of the ambient air quality standards for sulfur dioxide began with its recommendation in November 1978 that the Agency evaluate the joint interaction of sulfur oxides and particulate matter on human health and the environment by the development of a joint criteria document for these pollutants. Following three public reviews of the criteria document and its subsequent revision by Agency staff, the Committee concluded in a letter to the Administrator dated January 29, 1982 that the Agency's assessment of the existing literature for these pollutants was scientifically adequate. This report addresses the OAQPS staff's interpretation of the criteria document and the scientific rationale that is developed to support their proposals for reviewing and revising the SO_2 standards.

The Scientific Basis for Primary SO_2 Standards

1. A major OAQPS conclusion of the criteria document review process was that sulfur dioxide continued to pose a serious health problem to important subgroups of the population which warranted its continued separate control. Thus, OAQPS does not recommend a joint SO_2/particles primary standard, believing that current information on health effects and U.S. exposures to these two pollutant categories warrants a continuation of separate controls.

CASAC concludes that separate SO_2 and particles standards, each set with appropriate consideration for potential interactions, does appear to protect public health. Furthermore, the complexities of setting and implementing a joint SO_2/particles standards through monitoring and other requirements create numerous uncertainties which the available scientific evidence is ill-equipped to resolve. CASAC concurs with the OAQPS position and its supporting rationale and recommends that you retain the current approach of setting separate primary and secondary standards for sulfur dioxide and particulate matter.

2. The scientific basis for a 24-hour standard stems primarily from epidemiological studies. These studies (Lawther et al. 1970 [analysis of bronchitics]; Martin and Bradley, 1960, Mazumdar et al., 1981, and Ware et al., 1981 [analysis of mortality]) do not show evidence of clear thresholds, but they suggest that risk to public health increases as concentration levels increase. The Air Quality Criteria Document for Sulfur Oxides/Particulate Matter and the SO_2 staff paper interpret these studies as suggesting that increases in excess mortality occurred in the range of 500–1000 $\mu g/m^3$ British Smoke and .19–.38 ppm SO_2, and that such effects are most likely when both pollutants exceeded 750 $\mu g/m^3$ (.29 ppm SO_2). Lawther's study of reported symptoms among bronchitics also suggests that this population group experiences significant responses associated with 24-hour averages of .19 ppm SO_2. Based upon these studies and the need for a margin of safety the staff paper developed a range of interest between .14 to .19 ppm in recommending a revised 24-hour primary SO_2 standard.

The upper end of the recommended range of .14 to .19 ppm represents a level at which effects are identified in the criteria document and for which there is little or no margin of safety for exposed sensitive individuals. You should be aware that the ranges of interest developed in the staff paper for the 24-hour standard were based on epidemiological studies which provided quantitative concentration/response data of the populations studied. A final decision on whether or not to revise the 24-hour standard should also incorporate information generated through controlled human, animal toxicology and the less quantitative epidemiology studies discussed in the criteria document and staff paper. In view of all of the above, CASAC recommends that you consider selecting a value at the lower end of the range for the 24-hour standard, taking into account whether a separate 1-hour primary standard is also established.

3. CASAC's review of the scientific evidence related to the annual primary standard presents a dilemma because the Committee could find no real quantitative basis for retaining this standard. This is a troublesome issue because there is the possibility that repeated SO_2 peaks of 1-hour and 24-hour exposures might lead to effects on human respiratory systems over the long-term. Second, an annual primary standard affords protection against health effects that can't be measured well in short-term controlled human studies. Third, air quality analysis conducted by OAQPS staff suggests that 1-hour and 24-hour primary standards in the range stated in the staff paper would not prevent SO_2 concentrations from exceeding the current annual primary standard in some heavily populated areas of the country. Fourth, as pointed out in the discussion of secondary standards, there is a scientific basis for a secondary standard at the level of the annual current primary standard. Following extended discussion the Committee concluded that some protection against chronic SO_2 exposures is needed, but that the most persuasive scientific basis for an annual standard is found in the effects on welfare.

4. The scientific basis for the development of a 1-hour primary standard rests largely on several major controlled human clinical studies conducted by three separate laboratories that were published in the peer reviewed literature in 1981 and 1982. These studies documented measurable changes in respiratory function of exercising asthmatics exposed for short periods at or below concentration levels of .50 parts per million (ppm). The studies (Kirkpatrick et al. 1982; Koenig et al. 1982; Linn et al. 1982; and Sheppard et al. 1981) raise the issue of how adequately the existing

primary standards are protecting public health and provide a scientific basis for a 1-hour primary standard that provides additional protection against such reported short-term effects.

The OAQPS staff, after reviewing this data, proposed consideration of a 1-hour primary standard in the range between .50 to .75 ppm. The staff noted that the lower end of the range represented the lowest level where potentially significant responses in asthmatics have been observed with oronasal breathing, and that the upper bound of the range represented levels at which the risk of significant functional and symptomatic responses in exposed asthmatics and other sensitive groups appeared high.

CASAC has evaluated the OAQPS staff position that resulted in the establishment of the range of interest at .50–.75 ppm. The staff suggests that there may be little or no margin of safety at the upper bound of the range. Air quality analyses conducted by OAQPS also indicate that a 1-hour standard selected from within the range would still permit exposures in excess of one to two ppm during the peak five or ten minute intervals. A related point is that establishment of a 24-hour standard in the range of .14–.19 ppm would not necessarily protect against shorter term peaks above the proposed 1-hour range of .50–.75 ppm. This information suggests that a 1-hour primary standard selected between .50–.75 ppm range might not adequately protect sensitive populations with an adequate margin of safety from the effects acknowledged in the staff paper that would occur as a result of brief peak exposures to concentrations greater than the .50–.75 ppm hourly average that a 1-hour standard would permit. Because five to ten minute peaks can reach levels as much as two or more times the 1-hour average, CASAC recommends that the range be modified to state the lower bound at .25 ppm.

In reviewing the issue of whether to establish a 1-hour primary standard between .25–.75 ppm several additional factors should be considered. These include (1) it is not clear that the reported effects experienced at or below .50 ppm are significant. The functional changes and symptoms reported in the .50–.75 ppm range appear to be reversible. You will need to determine which effects you consider to be adverse; (2) it is probable that some asthmatics are more sensitive than those who took part in the studies; (3) given current air quality conditions there is a low probability of exposure to exercising asthmatics at peak concentration levels; and (4) as the staff paper suggests, other stimuli interacting with SO_2, such as temperature and humidity, may increase the risk of an attack to exercising asthmatics more than either of these factors acting alone.

The Scientific Basis for Secondary SO_2 Standards

The kinds of effects reviewed by CASAC in relation to the establishment of secondary ambient air quality standards include those on vegetation, materials, and acidic deposition.

1. Current scientific information documents effects on vegetation resulting from both short-term and long-term exposures to SO_2 and/or SO_2 in combination with other pollutants. One should keep in mind that there is no single concentration at which all species of plants are injured, just as there is no single point or threshold at which all humans suffer significant effects from SO_2. What is at issue in the development of secondary standards is the need to protect sensitive vegetative species from effects such as physiological and biochemical changes, foliar injury, and reduced growth and yield. The available studies of SO_2 effects on vegetation represent approximately one percent of total plant species, but they include such important species as soybeans, barley, and white pine, to name a few.

An issue of increasing concern in the protection of vegetation is that SO_2 is not present alone in the ambient air except at a few isolated point sources. It almost invariably occurs in the presence of other pollutants, primarily nitrogen oxides and ozone. The scientific evidence is conclusive that the combination of such pollutants is more damaging to vegetation than the presence of SO_2 alone.

The staff paper recommends consideration of a 3-hour standard at or below the current secondary standard level of .50 ppm to protect vegetation. Although there are reports in the literature concerning plant injury at .10 to .20 ppm averaged over several hours, there are great uncertainties associated with the effects of the exposures at these lower levels. The existing data on the acute effects of SO_2 on vegetation suggest to CASAC that a concentration limit selected within a range of .40 to .50 ppm for a 3-hour period would provide adequate protection to sensitive vegetative species.

The review of longer term effects on plants was hampered by a very limited data base, thus making it difficult to distinguish whether such effects resulted from chronic lower-level exposures or a series of shorter-term peak exposures. Available data do suggest, however, that changes in species diversity and reduced growth in vascular plants are effects that may occur over the long term. In addition, non-vascular plants, particularly lichens and mosses, are affected by SO_2 during prolonged periods of exposure. On the basis of scientific work conducted to date, CASAC concurs with the OAQPS staff recommendation that an annual secondary standard at or below .03 ppm (a level equivalent to the existing annual primary SO_2 standard) would afford adequate protection to vascular plant vegetation. The basis for concern over effects in non-vascular plants at lower levels needs to be strengthened. CASAC also agrees with the staff proposal to address this issue in the context of later action on fine particles and acidic deposition.

2. The action of SO_2 alone or in combination with other pollutants has been associated with a number of damages to building materials, corrosion of ferrous and non-ferrous structures, and impairment of other goods and materials.

OAQPS staff have reviewed the evidence documenting materials damage from SO_2. These effects are responsible for economically significant losses which have been adequately summarized in both the criteria document and the staff paper. Analyses of existing air quality data by OAQPS indicate that continued protection against SO_2-induced materials damage is needed, and toward that end, the staff paper recommends consideration of a long-term SO_2 standard at or below the level of the existing annual primary standard (.03 ppm). CASAC concurs with the staff recommendation.

3. Throughout its review of both the Air Quality Criteria Document for Sulfur Oxides/Particulate Matter and the Staff Paper for Sulfur Oxides, CASAC has recognized the complexity of the acidic deposition problem. Since SO_2 is only one of the precursor pollutants that lead to the formation of acidic deposition, CASAC recommended in August 1980 that EPA prepare a separate Critical Assessment Document that recognizes and incorporates information on causes, effects and data bases for all of the various pollutants relevant to acidic deposition. This CASAC recommendation was accepted by two previous Administrators, Douglas Costle and Anne Burford, and the assessment document should be available for CASAC review in the near future. At that time the Committee will be in a position to provide a more comprehensive and critical assessment of the acidic deposition problem.

Re-affirmation of the Existing Primary and Secondary Standards

Throughout its review of the staff paper, CASAC recognizes that large uncertainties exist in the data that support development of the options for setting the standards discussed in the previous pages. Given these uncertainties CASAC discussed the extent to which the existing standards provide adequate protection to the public health. The Committee recognizes the substantial improvements in air quality that have occurred since the 1971 promulgation of the primary SO_2 standards. In addition, more information on the effects of the short-term SO_2 exposures should become available in the peer reviewed literature in the next few years. Air quality modeling analyses also suggest that attainment of the proposed 24-hour and annual standards would not ensure complete attainment of the proposed 1-hour primary standard at all sites within the ranges of interest stated. The reverse also appears to be true.

CASAC's evaluation of the scientific evidence associated with existing averaging times in the staff paper leads the Committee to conclude that continuation of the existing primary and secondary standards also provides protection against the effects identified in the criteria document and staff paper from SO_2 at ground level. If you choose to follow this option some CASAC members suggest that additional health protection can be obtained by converting the existing 3-hour secondary standard into a primary standard. A principal argument supporting the latter is that since the States are already implementing a 3-hour secondary standard, conversion to a 3-hour primary standard would not be impractical. In summary, in view of the many uncertainties that pertain to the review of the SO_2 standards, retention of the existing set of primary and secondary SO_2 standards is an option that you ought to seriously consider at the present time.

Conclusion

CASAC recognizes that your statutory responsibility to set standards requires public health policy judgments in addition to determinations of a strictly scientific nature. The submission of this closure letter completes the Committee's scientific assessment of this pollutant and we see no need to provide any additional formal comments on the standards prior to their proposal in the **Federal Register.** The public comment period will then provide sufficient opportunity for the Committee to provide any additional comment or review that may be necessary.

February 19, 1987.

The Honorable Lee M. Thomas,
Administrator, U.S. Environmental Protection Agency, Washington, DC 10460

Dear Mr. Thomas: The Clean Air Scientific Advisory Committee (CASAC) has completed its review of the 1986 Addendum to the 1982 Staff Paper on Sulfur Oxides (*Review of the National Ambient Air Quality Standards for Sulfur Oxides: Updated Assessment of Scientific and Technical Information*) prepared by the Agency's Office of Air Quality Planning and Standards (OAPQS).

The Committee unanimously concludes that this document is consistent in all significant respects with the scientific evidence presented and interpreted in the combined Air Quality Criteria Document for Particulate Matter/Sulfur Oxides (1982) and its 1986 Addendum, on which CASAC issued its closure letter on December 15, 1986. The Committee believes that the 1986 Addendum to the 1982 Staff Paper on Sulfur Oxides provides you with the kind and amount of technical guidance that will be needed to make appropriate decisions with respect to the standards. The Committee's major findings and conclusions concerning the various scientific issues and studies discussed in the Staff Paper Addendum are contained in the attached report.

Thank you for the opportunity to present the Committee's views on this important public health and welfare issue.

Sincerely,

Morton Lippmann, Ph.D.,
Chairman, Clean Air Scientific Advisory Committee.

cc: A. James Barnes
Gerald Emison
Lester Grant
Vaun Newill
John O'Connor
Craig Potter
Terry Yosie

Summary of Major Scientific Issues and CASAC Conclusions of the 1986 Draft Addendum to the 1982 Sulfur Oxides Staff Paper

The Committee found the technical discussions contained in the Staff Paper Addendum to be scientifically thorough and acceptable, subject to minor editorial revisions. This document is consistent in all significant respects with the scientific evidence presented in the 1982 combined Air Quality Criteria Document for Particulate Matter/Sulfur Oxides and its 1986 Addendum, on which the Committee issued its closure letter on December 15, 1986.

Scientific Basis for Primary Standards

The Committee addressed the scientific basis for a 1-hour, 24-hour, and annual primary standards at some length in its August 26, 1983 closure letter on the 1982 Sulfur Oxides Staff Paper. That letter was based on the scientific literature which had been published up to 1982. The present review has examined the more recently published studies.

It is clear that no single study of SO_2 can fully address the range of public health issues that arise during the standard setting process. The Agency has completed a thorough analysis of the strengths and weaknesses of various studies and has derived its recommended ranges of interest by evaluating the weight of the evidence. The Committee endorses this approach.

The Committee wishes to comment on several major issues concerning the scientific data that are available. These issues include:

- Recent studies more clearly implicate particulate matter than SO_2 as a longer-term public health concern at low exposure levels.
- A majority of Committee members believe that the effects reported in the clinical studies of asthmatics represent effects of significant public health concern.
- The exposure uncertainties associated with a 1-hour standard are quite large. The relationship between the frequency of short-term peak exposures and various scenarios of asthmatic responses is not well understood. Both EPA and the electric power industry are conducting further analyses of a series of exposure assessment issues. Such analyses have the potential to increase the collective understanding of the relationship between SO_2 exposures and responses observed in subgroups of the general population.
- The number of asthmatics vulnerable to peak exposures near electric power plants, given the protection afforded by the current standards, represents a small number of people. Although the Clean Air Act requires that sensitive population groups receive protection, the size of such groups has not been defined. CASAC believes that this issue represents a legal/policy matter and has no specific scientific advice to provide on it.

CASAC's advice on primary standards for three averaging times is presented below:

1-Hour Standard—It is our conclusion that a large, consistent data base exists to document the bronchoconstrictive response in mild to moderate asthmatics subjected in clinical chambers to short-term low levels of sulfur dioxide while exercising. There is, however, no

scientific basis at present to support or dispute the hypothesis that individuals participating in the SO_2 clinical studies are surrogates for more sensitive asthmatics. Estimates of the size of the asthmatic population that experience exposures to short-term peaks of SO_2 (0.2–0.4 parts per million (ppm) SO_2 for 5–10 minutes) during light to moderate exercise, and that can be expected to exhibit a bronchoconstrictive response, varies from 5,000 to 50,000.

The majority of the Committee believes that the scientific evidence supporting the establishment of a new 1-hour standard is stronger than it was in 1983. As a result, and in view of the significance of the effects reported in these clinical studies, there is strong, but not unanimous support for the recommendation that the Administrator consider establishing a new 1-hour standard for SO_2 exposures. The Committee agrees that the range suggested by EPA staff (0.2–0.5 ppm) is appropriate, with several members of the Committee suggesting a standard from the middle of this range. The Committee concludes that there is not a scientifically demonstrated need for a wide margin of safety for a 1-hour standard.

24-Hour Standard—The more recent studies presented and analyzed in the 1986 Staff Paper Addendum, in particular, the episodic lung function studies in children (Dockery et al., and Dassen et al.) serve to strengthen our previous conclusion that the rationale for reaffirming the 24-hour standard is appropriate.

Annual Standard—The Committee reaffirms its conclusion, voiced in its 1983 closure letter, that there is no quantitative basis for retaining the current annual standard. However, a decision to abolish the annual standard must be considered in the light of the total protection that is to be offered by the suite of standards that will be established.

The above recommendations reflect the consensus position of CASAC. Not all CASAC reviewers agree with each position adopted because of the uncertainties associated with the existing scientific data. However, a strong majority supports each of the specific recommendations presented above, and the entire Committee agrees that this letter represents the consensus position.

Secondary Standards

The 3-hour secondary standard was not addressed at this review.

Addendum III—Executive Summary of the 1986 Addendum to the OAQPS Staff Paper on Sulfur Oxides

Executive Summary

This paper evalutes and interprets the updated scientific and technical information that the EPA staff believes is most relevant to the review of primary (health) national ambient air quality standards (NAAQS) for sulfur oxides [1] and represents an update of the 1982 sulfure oxides staff paper. This paper assesses what the staff believes should be considered in selecting appropriate averaging times and levels for the primary sulfur oxides standards, updating and supplementing previous staff conclusions and recommendations in these areas to incorporate more recent information. The assessment in this staff paper addendum is intended to help bridge the gap between the scientific review contained in the EPA criteria document addendum "Second Addendum Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information" and the judgments required of the Administrator in setting ambient standards for sulfur oxides. The staff paper and this addendum are, therefore, an important element in the standards review process and provide an opportunity for public comment on proposed staff recommendations before they are presented to the Administrator. The focus of this paper is on sulfur dioxide (SO_2), alone and in combination with other pollutants.

SO_2 is a rapidly diffusing reactive gas that is quite soluble in water. It is emitted principally from combustion or processing of sulfur-containing fossil fuels and ores. SO_2 occurs in the atmosphere with a variety of particles and other gases, and undergoes chemical and physical interactions with them forming sulfates and other transformation products.

Because much of the recently available health effects information on SO_2 is related to short-term exposures, the staff paid particular attention to updating information on short-term peak concentrations. The staff found that:

(1) Maximum 5 minute to hourly SO_2 concentrations are found near major point sources. The newer information tends to support earlier conclusions that near such sources, the 5 to 10 minute peak SO_2 concentration is likely to be within a factor of 1.4 to 2.4 times the hourly average. Maximum peak to mean ratios can be higher.

(2) Short duration peaks (less than 30 seconds to 2 minutes) in excess of 0.5 ppm appear likely to occur near numerous smaller sources of SO_2. None of the recently published assessments of the health effects of SO_2 has addressed exposures of such limited duration. Due to limitations of the monitoring instruments, it is not presently possible to assess the extent to which such peaks may be occurring in particular urban locations.

Updated Assessment of the Primary Standards

Conclusions and recommendations based on the updated staff assessment of the information in the criteria document addendum are summarized below.

(1) The present staff assessment of the more recent studies reinforce the earlier conclusion reached in the 1982 staff assessment that the most striking acute response to SO_2 is reflex bronchoconstriction, or airway narrowing, in exercising asthmatics and others with hyperreactive airways.

(2)(a) The updated staff assessment of key controlled human studies of peak (minutes to an hour) SO_2 exposures is summarized in Table 1. Both recently published studies and those assessed in the 1982 staff paper are included. The table focuses on those studies involving free breathing (chamber) or facemask exposures, which provide the closest approximation of natural breathing. After account is made for differences in ventilation rates and oral/nasal breathing patterns, consistent results are derived from the various studies including even those that used mouthpiece exposures. The major effects observed in these studies are increases in airway resistance and decreases in other functional measures indicative of significant bronchoconstriction in sensitive asthmatic or atopic subjects. At 0.4 ppm SO_2, changes in functional measures are accompanied by mild increases in perceptible symptoms such as wheezing, chest tightness, and coughing. At higher concentrations, effects are more pronounced and the fraction of asthmatic subjects who respond increase, with clearer indications of clinically or physiologically significant effects at 0.6–0.75 ppm and above.

[1] The current standards for sulfur dioxide (SO_2) are: primary, 0.03 ppm (80$\mu g/m^3$) annual arithmetic mean and 0.14 ppm (365 $\mu g/m^3$) 24-hour average not to be exceeded more than once per year; and, secondary, 0.5 ppm (1300 $\mu g/m^3$) 3-hour average not to be exceeded more than once per year.

TABLE 1.—UPDATED STAFF ASSESSMENT OF KEY CONTROLLED HUMAN STUDIES

SO_2 concentration (5–60 minutes)	Observed effects [1]	Comments/implications
1–2 ppm	Substantial changes in 8 of 12 subjects (ΔSRaw 100–600%) exposed to 2 ppm. At 1 ppm, functional changes (ΔSRaw 170–200%), symptoms in free breathing asthmatics at moderate exercise [2].	Effects range from moderate to incapacitating for some individuals. At 2 ppm, 80% of mild asthmatics could experience at least a doubling of SRaw. Some might not tolerate exposure at moderate exercise. Approx. 60% at 1 ppm could experience at least a doubling of SRaw.[3] Some asthmatic mouth breathers have significant bronchoconstriction at 2 ppm, even at light activity.
0.6–0.75 ppm	Functional changes (ΔSRaw 120–260%), symptoms in free breathing asthmatics at light-moderate exercise [4].	Effects indicative of clininal significance; on average, changes were mild to moderate although severe for some individuals; 25–50% of mild, free-breathing asthmatics at moderate exercise could experience at least a doubling of airway resistance.[3]
0.5 ppm	Significant functional changes (ΔSRaw 50–100%), symptoms in free breathing asthmatics at moderate, but not at light exercise.[5] At heavy exercise, ΔSRaw, 220–240%.[6].	On average, mild responses at moderate or higher exercise, symptoms possibly of clinical significance; severe responses for some individuals. About 20–25% could experience at least a doubling in airway resistance.
0.4 ppm	Functional changes (ΔSRaw 70%), symptoms in free breathing asthmatics at moderate-heavy exercise [7].	Lowest level of clinically significant response for some free breathers. Approx. 10% of mild, free breathing asthmatics could experience a doubling in airway resistance.[3]
0.1–0.3 ppm	No effects in free breathing asthmatics at light exercise. Slight but not significant functional changes in free-breathing subjects at moderate-heavy exercise (0.25 ppm) [6], but not at lower levels.[7].	Significant effects unlikely at moderate exercise. Effects of SO_2 indistinguishable at heavy exercise. Possibility of more significant responses in small percentage of sensitive asthmatics at 0.28 ppm.[3]

[1] Specific Airway Resistance (SRaw) is the lung function measure most often reported in SO_2 studies. Unless otherwise noted, (ΔSRaw____(%) reflects group mean increase over clean air control at rest. Light, moderate, heavy exercise refers to ventilation rates approximating ≤35 L/min, 40–45 L/min, and ≥ 50 L/min, respectively. Effects reflect results from range of moderate temperature/humidity conditions (i.e., 7–26°C, 36–90% RH). Studies at 0.5–0.6 ppm indicate that exercise-induced bronchoconstriction associated with cold and/or dry air exacerbates response to SO_2 while warm, humid air mitigates asthmatic responses relative to moderate conditions.

[2] Schacter et al. (1984); Roger et al. (1985); Horstman et al. (1986).

[3] Horstman et al., (1986).

[4] Hackney et al. (1984); Schacter et al. (1984); Linn et al. (1983a, b, 1984a, b, c, 1985a).

[5] Kirkpatrick et al. (1982); Linn et al. (1984b); Roger et al. (1985); Schacter et al. (1984).

[6] Bethel et al. (1983a, b; 1985).

[7] Linn et al. (1983b, 1984a).

(b) Significant bronchconstriction has been observed in asthmatics after 5–10 minutes of exposure and usually diminishes within one hour once either exposure or exercise alone is discontinued. Responses are mitigated with repeated exposures within one hour but not with continuous exposure, nor with subsequent exposures 5–24 hours later. Recent work indicates that the combined effect of SO_2 and cold, dry air further exacerbates the asthmatic response while warm, humid conditions mitigate SO_2 effects.

(c) Given practical considerations related to monitoring, modeling, data manipulation and storage, and implementation, the staff previously recommended consideration of a 1-hour averaging time to protect against the responses to short-term peak (5–10 minute) SO_2 exposures observed in the controlled human studies. Based on this updated staff assessment, the range of potential 1-hour levels of interest is revised from 0.25 to 0.75 ppm to 0.2 to 0.5 ppm (525 to 1300 $\mu g/m^3$). The lower bound represents a 1-hour level for which the maximum 5 to 10 minute peak exposures are unlikely to exceed 0.4 ppm, which is the lowest level where potentially significant responses in free (oronasal) breathing asthmatics have been reported in the criteria document addendum.The upper bound of the range represents a 1-hour level for which 5 to 10 minute peak concentration are unlikely to exceed 1 ppm, a concentration at which the risk of significant functional and symptomatic responses in exposed sensitive asthmatics and atopics appears high. In evaluating these laboratory data in the context of decision making on possible 1-hour standards, the following considerations are important: (a) The significance of the observed or anticipated responses to health, (b) the relative effect of SO_2 compared to normal day to day variations in asthmatics from exercise and other stimuli, (c) the low probability of exposures of exercising asthmatics to peak levels, and (d) five to ten minute peak exposures may be a factor of two greater than hourly averages.

(d) Independent of frequency of exposure considerations, the upper bound of the range contains little or no margin of safety for exposed sensitive individuals. The limited geographical areas likely to be affected and low frequency of peak exposures to active asthmatics if the standard is met add to the margin of safety. The widespread use of medication among asthmatics that prevents or rapidly relieves bronchoconstrictive effects due to natural and commonly encountered stimuli (e.g., exercise, cold air) further adds to the margin of safety. The data do not suggest other groups that are more sensitive than asthmatics to single peak exposures, but qualitative data suggest repeated peaks might produce effects of concern in other sensitive individuals. Potential interactions of SO_2 and O_3 have not been investigated in asthmatics. The qualitative data, potential pollution interactions, and other considerations listed above should be considered in determining the need for and evaluating the margin of safety provided by alternative 1-hour standards.

(3) Based on a staff assessment of the recent short-term epidemiological data summarized in Table 2, the original staff range of 24-hour SO_2 levels of interst—0.14 to 0.19 ppm (365 to 500 $\mu g/m^3$)—still appears appropriate, although some consideration could be given to the findings of physiological changes of uncertain significance at levels as low as 0.1 ppm. Earlier staff conclusions and recommendations concerning retaining the present 24-hour standard remain appropriate.

TABLE 2.—UPDATED STAFF ASSESSMENT OF SHORT-TERM EPIDEMIOLOGICAL STUDIES

Effects/study	Measured SO_2-$\mu g/m^3$ (ppm)—24 hour mean			
	Daily mortality in London [1]	Aggravation of bronchitis [2]	Small, reversible declines in children's lung function [3]	Combined effects levels
Effects likely	500–1000 (0.19–0.38)	500–600 (0.19–0.23)		500 (0.19)
Effects possible		<500 (0.19)	250–450 (0.10–0.18)	250 (0.10)
No effects observed			100–200 (0.04–0.08)	<200 (.08)

[1] Deviations in dailyn mortality during London winters (1958–1972). Early winters dominated by high smoke and SO_2, principally from coal combustion emissions, and with frequent fogs (Martin and Bradley, 1960; Ware et al., 1981; Mazumdar et al., 1981, 1982; Schwartz and Marcus, 1986).
[2] Examination of symptoms reported by bronchitics in London. Studies conducted from the mid-1950's to early 1970's (Lawther et al., 1970).
[3] Studies of children in Steubenville (1978–80) and in the Netherlands (1985–86) before, during, and after pollution episodes characterized by high particle and SO_2 levels (Dockery et al., 1982; Dassen et al., 1986).

(4) The previous staff assessment concluded that although the possibility of effects from continuous lower level exposures to SO_2 cannot be ruled out, no quantitative rationale could be offered to support a specific range of interest for an annual standard. The more recent epidemiological data, indicating associations between respiratory illnesses and symptoms and persistent exposures to SO_2 in areas with long-term averages exceeding .04 ppm (100 $\mu g/m^3$), provide additional support for the original recommendation for retaining an annual standard at or near the current level of 0.03 ppm (80 $\mu g/m^3$). This recommendation was based in part on finding that alternative short-term standards (1, 3, and 24-hour) would not prevent annual levels in excess of the current standard in a limited number of heavily populated urban areas. In addition, recent evidence suggests smaller sources in urban areas may produce short duration (<1 minute) peaks of potential concern. The long-term standard often serves to limit the emissions of numerous smaller sources in such areas. Given the additional information and the possibility of both chronic and acute effects from a large increase in population exposure, the staff recommends maintaining the primary annual standard at its current level.

(5) Analyses of alternative averaging times and population exposures suggest that:

(a) The current standards provide substantial protection against the effects identified as being associated with 24 hour and annual exposures.

(b) The current standards—as reflected by current emissions or emissions when the standards are just met with somewhat less restrictive implementation assumptions—also provide some limit on peak SO_2 exposures of concern for asthmatics. In some cases, however, up to 1 to 14% of the sensitive population in the vicinity of major sources could be exposed once a year to levels at or above 0.5 ppm for 5 minutes, while at elevated ventilation.

(c) The range of 1-hour standards analyzed (0.25 to 0.5 ppm) provides increased protection against such exposures, limiting the fraction of asthmatics exposed living near certain major point sources to less than 4%, although very short-term (<2 minutes) exposures greater than 0.5 ppm around smaller facilities would not be eliminated.

The relative protection afforded by current vs. alternative standards as indicated by current and ongoing exposure analyses is an important consideration in determining what, if any, standard revisions may be necessary.

For reasons set forth in the preamble, EPA proposes to amend Part 50, Chapter I of Title 40 of the *Code of Federal Regulations* as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

1. The authority citation for Part 50 continues to read as follows:

Authority: Sections 109 and 301(a), Clean Air Act, as amended (42 U.S.C. 7409, 7601(a)).

2. Section 50.4 is revised to read as follows:

§ 50.4 National primary ambient air quality standards for sulfur oxides (sulfur dioxide).

(a) The level of the annual standard is 0.030 parts per million (ppm) (80 $\mu g/m^3$). The standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.030 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up).

(b) The level of the 24-hour standard is 0.14 parts per million (ppm) (365 $\mu g/m^3$). The standard is attained when the second highest 24-hour average in a calendar year is less than or equal to 0.14 ppm, rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up). The 24-hour averages shall be determined from successive nonoverlapping 24-hour blocks starting at midnight each calendar day.

(c) Sulfur oxides shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A to this part or by an equivalent method designated in accordance with Part 53 of this chapter.

(d) To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average shall be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18, 19, 20, 21, 22 or 23 hourly averages are available, the 24-hour block average shall be computed as the sum of the available hourly averages using 18, 19, etc. as the divisor. If less than 18 hourly averages are available, but the 24-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of paragraph (b) of this section, then this shall be considered a valid 24-hour average. In this case, the 24-hour block average shall be computed as the sum of the available hourly averages divided by 24.

3. Section 50.5 is revised to read as follows:

§ 50.5 National secondary ambient air quality standard for sulfur oxides (sulfur dioxide).

(a) The level of the 3-hour standard is 0.5 parts per million (ppm) (1300 $\mu g/m^3$). The standard is attained when the second-highest 3-hour average in a calendar year is less than or equal to 0.5 ppm, rounded to 1 decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up). The 3-hour averages shall be determined from successive nonoverlapping 3-hour blocks starting at midnight each calendar day.

(b) Sulfur oxides shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A to this part or by an equivalent method designated in accordance with Part 53 of this chapter.

(c) To demonstrate attainment, the second-highest 3-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 3-hour block average shall be considered valid only if all three hourly averages for the 3-hour period are available. If only one or two hourly averages are available, but the 3-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of paragraph (a) of this section, then this shall be considered a valid 3-hour average. In all cases, the 3-hour block average shall be computed as the sum of the hourly averages divided by 3.

For reasons set out in the preamble, Part 51 of Chapter I of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority for Part 51 continues to read as follows:

Authority: Sec. 301(a), Clean Air Act (42 U.S.C. 1857(a)), as amended by section 15(c)(2), Pub. L. 91-604, 84 Stat. 1713, unless otherwise noted.

2. In § 51.151 of Subpart H, the entry for "sulfur dioxide" is revised to read as follows:

§ 51.151 Significant harm levels.

* * * * *

Sulfur dioxide—5.0 parts per million (13000 micrograms/cubic meter), 5-minute average; 2.5 parts per million (6550 micrograms/cubic meter), 1-hour average, as a guide to be used in assessing contingency plans to prevent exceedances of the 5-minute significant harm level; 0.29 parts per million (750 micrograms/cubic meter), 24-hour average.

* * * * *

3. In Appendix L, paragraphs 1.1 (b), (c), and (d) are amended by revising the entries for "SO_2" to read as follows:

Appendix L—Example Regulations for Prevention of Air Pollution Emergency Episodes

1.1 * * *

(b) * * *

SO_2—0.75 ppm (1960 $\mu g/m^3$), 1-hour average; 0.19 ppm (500 $\mu g/m^3$), 24-hour average.

* * * * *

(c) * * *

SO_2—1.0 ppm (2620 $\mu g/m^3$), 1-hour average; 0.23 ppm (600 $\mu g/m^3$), 24-hour average.

* * * * *

(d) * * *

SO_2—1.5 ppm (3930 $\mu g/m^3$), 1-hour average; 0.26 ppm (675 $\mu g/m^3$), 24-hour average.

* * * * *

For the reasons set out in the preamble, Part 58 of Chapter I of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

1. The authority for Part 58 continues to read as follows:

Authority: 42 U.S.C. 7410, 7601(a), 7619.

2. Appendix C is proposed to be amended by adding Section 2.4 to read as follows:

Appendix C—Ambient Air Quality Monitoring Methodology

* * * * *

2.4 Analyzer Measurement Range. Except as otherwise provided in this Appendix, automated methods (analyzers) used in a SLAMS must be operated with a measurement range approved as part of the analyzer's designation as a reference or equivalent method. The nominal ranges, specified in Table B-1 of Part 53 of this Chapter, are 0-0.5 ppm for SO_2, NO_2, and O_3 analyzers and 0-50 ppm for CO analyzers. Narrower (lower) ranges, or broader (higher) ranges extending to not more than two times the upper range limit specified in Table B-1 of Part 53 of this Chapter (i.e., 0-1 ppm for SO_2, NO_2, and O_3 analyzers and 0-100 ppm for CO analyzers), may be used if approved as part of the analyzer's designation. Generally, a SLAMS analyzer should be operated on the lowest (narrowest) approved range that will include and accurately measure the highest pollutant concentration likely to occur at the monitoring site during a specified monitoring period. If concentrations can be expected to exceed 1 ppm (SO_2, NO_2, O_3) or 100 ppm for CO, application for use of non-conforming ranges must be filed following the provisions of Section 2.6 of this Appendix.

* * * * *

3. Appendix F, sections 2.1.1 and 2.1.2 introductory text are revised to read as follows:

Appendix F—Annual SLAMS Air Quality Information

* * * * *

2.1.1 Site and Monitoring Information. City name (when applicable), county name and street address of site location. SAROAD site code. SAROAD monitoring method code. Number of hourly observations for continuous methods only. Number of daily observations for manual or intermittent methods only.

2.1.2 Annual Summary Statistics. Annual arithmetic mean (ppm). Highest and second highest 24-hour averages (ppm) and dates of occurrence, based on fixed block (midnight to midnight) averages. Highest and second highest 3-hour averages (ppm) and dates and times (ending hour) of occurrence for continuous methods based on eight fixed block (midnight to 3:00 a.m., 3:00 to 6:00 a.m., etc.) averages per day. Number of exceedances of the 24-hour primary NAAQS based on fixed block averages. Number of exceedances of the 3-hour secondary NAAQS based on the eight fixed block averages. Number of 24-hour (midnight to midnight) average concentrations in ranges:

* * * * *

Appendix G [Amended]

4. Appendix G is amended as follows:

a. In 7.2:

i. The heading is revised to read "7.2 Example Computations"

ii. The heading, *Example A.* is added before the word "Suppose" in the first paragraph.

iii. After the second paragraph ending with "exceed 80", a second example, Example B, is added as follows:

Example B. In the of SO_2, there are two subindex functions—one for 24-hour running averages and one for 1-hour averages. At the time a PSI report is to be issued, suppose an SO_2 24-hour running average of .15 ppm is observed, and a 1-hour concentration of 0.80 ppm is also observed. The PSI subindex functions would be computed for both averaging times. Based on the breakpoints in Table 2, the corresponding PSI index value for the 24-hour running averages is 120, while the PSI value for the 1-hour value is 220. In this case, the maximum PSI value of 220 would be used for SO_2. If the other pollutant subindices were $I_2=0$, $I_3=0$, $I_4=20$ and $I_5=30$, then the overall index is reported as the maximum of these values:

$PSI=\max(220, 0, 0, 20, 30)=220$

In this example, if the 1-hour average concentration were 0.70 ppm instead of 0.80 ppm, there would be no PSI subindex value for the 1-hour value because the PSI subindex function is not used unless the SO_2 1-hour concentration is greater than or equal to 0.75 ppm (1965 ug/m^3). As a result, the maximum PSI index value would be the 120 value recorded for the 24-hour average of 0.15 ppm, which in this example would also be the overall index for the day.

b. In Table 1, the second column entitled 24-hour SO_2 ug/m^3 is revised and an additional column is inserted next to it entitled, 1-hour SO_2 ug/m^3 to read as follows:

TABLE 1.—BREAKPOINT FOR PSI IN METRIC UNITS [1]

24-hr SO_2 ug/m^3	1-hour SO_2 ug/m^3
80[3]	(*)
365[3]	(*)

TABLE 1.—BREAKPOINT FOR PSI IN METRIC UNITS [1]—Continued

500[3]	1965[3]
600[3]	2620[3]
675[3]	3930[3]
750[3]	6550[3]

[1] At 25°C and 760 mm Hg.
[3] All the concentration levels are used for illustrative purposes only. The actual levels will be determined at the time of the promulgation of the standard.
[4] No index value reported at these concentrations because there is no 1-hour NAAQS for SO_2.

c. In Table 2, the first column entitled 24-hour SO_2 ppm is revised and an additional column is inserted next to it entitled one 1-hour SO_2 ppm to read as follows:

TABLE 2.—BREAKPOINTS FOR PSI

[Parts per million]

24-hour SO_2	1-hour SO_2
0.03[3]	([1])
0.14[3]	([1])
0.19[2]	0.75[2]
0.23[2]	1.00[2]
0.26[2]	1.50[2]
0.29[2]	2.50[2]

[1] No index value reported at these concentration levels because there is no short-term NAAQS.
[2] All the concentration levels are used for illustrative purposes only. The actual levels will be determined at the time of the promulgation of the standard.

d. Figure 3 is removed and Figure 3A (24-hour SO_2 running averages) and Figure 3b (1-hour SO_2 averages) are added:

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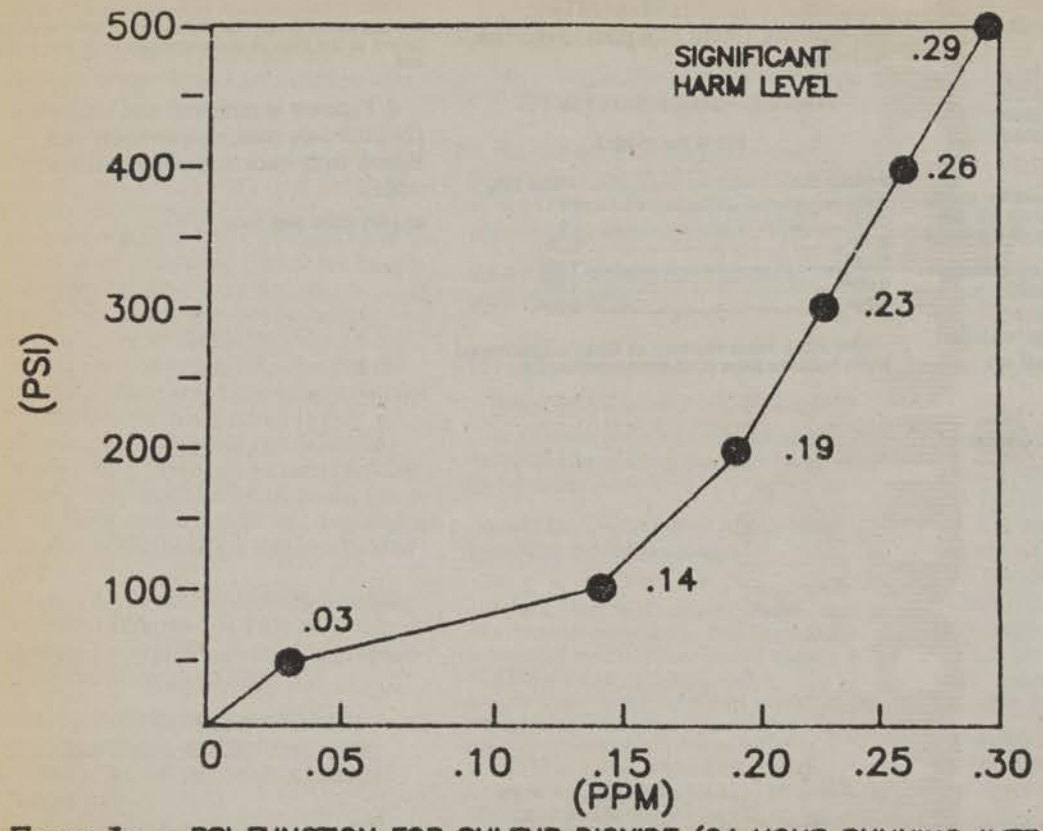

Figure 3a – PSI FUNCTION FOR SULFUR DIOXIDE (24 HOUR RUNNING AVERAGE)

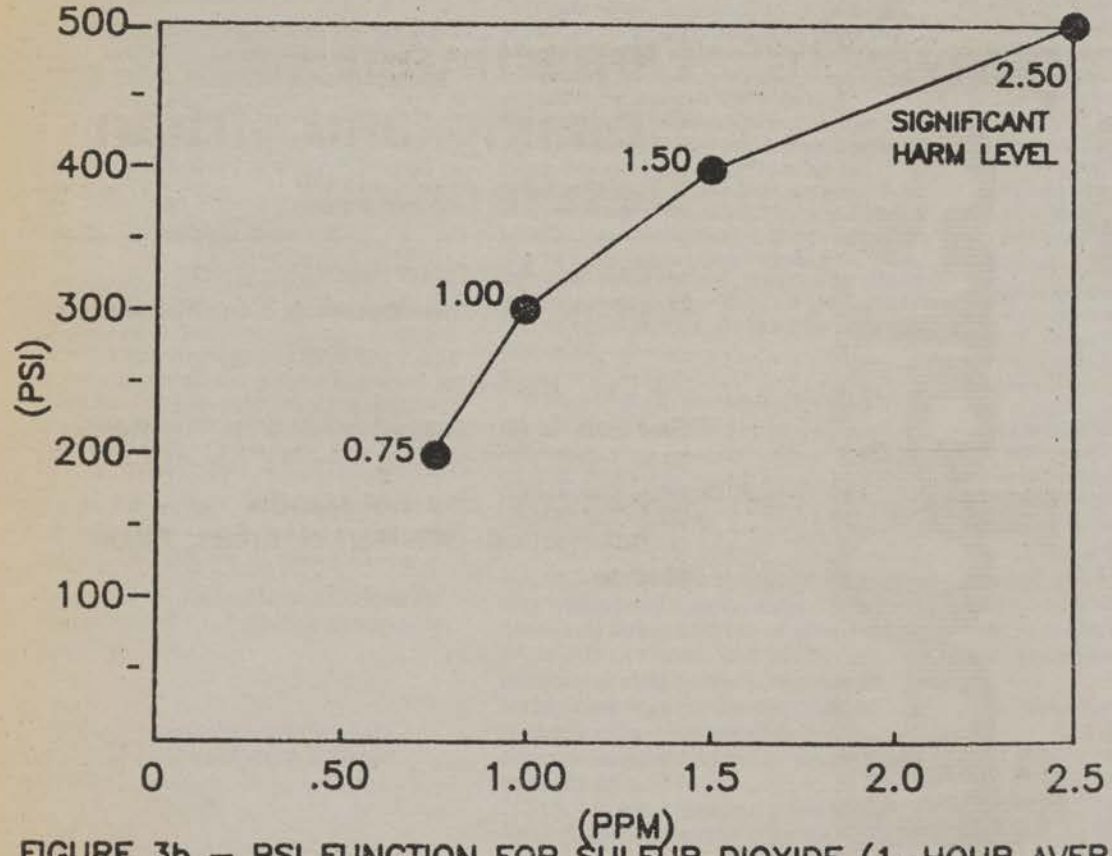

FIGURE 3b – PSI FUNCTION FOR SULFUR DIOXIDE (1–HOUR AVERAGE)

[FR Doc. 88–8741 Filed 4–25–88; 8:45 am]
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Part VI

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program, Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas; Final Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-88-1792; FR-2406]

Section 8 Housing Assistance Payments Program, Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

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

ACTION: Final notice.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to establish Fair Market Rents (FMRs) periodically, but not less frequently than annually. This document announces final Fiscal Year 1987 FMRs for the Section 8 New Construction Program and the Section 8 Substantial Rehabilitation Program. These FMRs are based primarily on the level of rentals paid for recently completed or newly-constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. They also reflect the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Program.

EFFECTIVE DATE: April 26, 1988, retroactive to September 15, 1987.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of the Insured Multifamily Housing Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 426-7624 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe, and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income familiies for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments on behalf of eligible families to owners. Total housing expense represents the total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance for the assisted unit occupied by the family. Where the unit is leased to an eligible family, the housing assistance payment represents the difference between the total housing expense and the total family contribution. Initial contract rents plus any allowances for utilities generally may not exceed area-wide FMRs established by the Department.

Section 8(c)(1) of the Act states that the Secretary shall establish FMRs periodically, but not less frequently than annually. Section 8(c)(1) further provides that the Department shall publish FMRs in the **Federal Register**, with reasonable time for public comment, and that the FMRs will become effective upon their publication in final form in the **Federal Register**. The Department published proposed FMRs in the **Federal Register** on November 12, 1987 (52 FR 43486), with a comment due date of December 14, 1987.

This Notice

Today's document announces the Fiscal Year 1987 FMRs for new construction and substantial rehabilitation that apply to Section 8 New Construction under Part 880, Substantial Rehabilitation under Part 881, Housing Finance and Development Agencies under Part 883, New Construction Set-Aside for Section 515 Rural Rental Housing Projects under Part 884, Housing for the Elderly and Handicapped under Part 885, and Disposition of HUD-owned projects under Part 886, Subpart C.

The FRMs are based primarily on the levels of rent paid for recently completed or newly-constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff, trended ahead to October 1, 1988, to allow time for the period of construction or rehabilitation of the projects involved. They are estimates of rentals that prospective tenants who are not receiving Federal rent subsidies would be willing and able to pay for recently completed or newly-constructed dwelling units of modest design, with suitable amenities. They do not necessarily represent rents needed to support construction and operating costs.

This Notice includes FMRs for 0, 1, 2, 3 and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, 2-4-story elevator and 5-plus-story elevator buildings). Construction or rehabilitation of elevator projects for families with children is prohibited unless there is no practical alternative. FMRs for family units in elevator structures are proposed for appropriate market areas; however, the determination that there is "no practical alternative" must be made on a project-by-project basis. HUD regulations also provide that high-rise elevator projects for the elderly may be approved only if HUD determines that high-rise construction is appropriate after taking into account land costs, safety and security factors.

With this publication for effect in the **Federal Register**, they will be made retroactive to September 15, 1987.

Section 202/Section 8 Projects

A. In accordance with the applicability set forth in the preamble to the Fiscal Year 1986 FMRs, which was published for effect in the **Federal Register** on August 7, 1986 at 51 FR 28486, for Section 202/Section 8 proposals, beginning with the Fiscal Year 1986 selections, the FMRs on which the contract rents will be based will be limited to the Fiscal Year 1986 FMRs that were in effect on the date of the Fiscal Year 1986 Notice of Section 202 Fund Reservation. However, these FMRs may be increased by up to 10 percent with the approval of the Field Office Manager or by up to 20 percent with the approval of the Assistant Secretary for Housing-Federal Housing Commissioner.

B. For Fiscal Year 1987 Section 202/Section 8 selections, the applicable FMRs are those set forth in Schedule A that follows this preamble. However, the Fiscal Year 1987 FMRs may be increased by up to 10 percent with the approval of the Field Office Manager or by up to 20 percent with the approval of the Assistant Secretary for Housing-Federal Housing Commissioner.

Public Comments

The Department received 17 comments on the proposed notice. Four were from HUD Field Offices; six were from private nonprofit associations or community development agencies; two were from private consultants; two were from nonprofit housing sponsors; and one comment was received from each of the following: an architect, a mortgage banker, and a real estate developer. Virtually all comments included the general statement that the FMRs were inadequate for their particular jurisdictions. In addition to this general comment, the following substantive issues were raised. The Department's response follows each issue.

1. Three commenters questioned whether the proposed rents met the HUD criteria stated in the proposed notices, that Fair Market Rents are based primarily on the level of rent paid

for recently completed or newly constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff trended to October 1, 1988, to allow for the period of construction or rehabilitation of the projects involved.

One HUD Field Office commenter indicated that field office staff proposed FMR increases that were much higher than those indicated in the proposed notice, and that the proposed FMRs, as published, do not reflect market reality.

We disagree with the commenters. The FMRs have their foundation in local market data, since their genesis is the annual rent survey conducted by each Field Office in preparation of the annual revisions to the FMR schedules. In addition, the preamble states that they also "reflect the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs." Therefore, while we acknowledge that the published rents may, in some cases, be lower than the rents proposed by our Field Offices, the published rents are nonetheless consistent with the considerations specified in the preamble.

2. Three commenters made the point that the intent of the Section 202 regulations is to provide funding for 100% of the development costs of Section 202 projects. Moreover, FMRs do not reflect typical rents for specialized housing for the elderly or handicapped.

Construction cost data was never intended to be, and still is not, the primary consideration in establishing FMRs and FMR limits. Moreover, our policies and procedures strictly preclude the selection of HUD subsidized projects as rental comparables in developing FMRs for any given market area. As required by the Congress, HUD procedures for establishing FMRs for any market area rely on market rental comparables reflecting local market conditions. In addition, consistent with our regulations, the FMRs for the elderly and handicapped are increased five percent above the published FMRs specifically to take specialized housing factors into consideration.

3. Seven commenters indicated that the proposed FMRs will not support the operating costs and debt service requirements for projects to be developed under the Section 202 program. This is despite the nonprofit status of the developer and the federally subsidized interest rates for construction and long term financing.

The Department makes every effort to work with Section 202 borrowers to assure the development of feasible projects. These efforts include enforcement of our cost containment policies and procedures as well as other suggestions for economies in the management and operation of projects. When all of these efforts fail to produce a financially feasible project, the Department will consider requests for special revision of one or more of the FMR schedules. Such requests may be initiated by a Field Office at any time.

4. One commenter stated that Section 202 sponsors were required to build a project in 1988 with FMRs established in Fiscal Year 1986, despite construction cost increases during that time interval.

To prevent such an inequity, the Notice has been revised to permit the Fiscal Year 1987 Section 202 selections to use the Fiscal Year 1987 FMR schedules published as a Proposed Notice on November 12, 1987 and which this Notice publishes for effect.

5. Four commenters stated that there was a wide disparity between the Fiscal Year 1987 Existing Housing FMRs and the proposed New Construction and Substantial Rehabilitation FMRs applicable to the market areas.

The Department is currently re-examining the Existing and the New Construction and Substantial Rehabilitation FMR schedules for all nine market areas in order to bring the conflicting rent schedules into a harmonious relationship. The results of the re-analysis would permit the Department to make a determination as to what increases in the New Construction and Substantial Rehabilitation FMRs, if any, may be warranted.

Other Information

HUD regulations in 24 CFR Part 50, implementing Section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities, and programs specified in § 50.20. Since the FMRs proposed in this Notice are within the exclusion set forth in § 50.20(1), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Housing Assistance Program (Section 8).

Accordingly, the Department revises Schedule A of 24 CFR Part 888 to read as set forth below.

Authority: Section 8(c)(1), U.S. Housing Act of 1937, 42 U.S.C. 1437f; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Date: April 6, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation

Notes

Special Category Computations

1. FMRs for dwelling units designed for the elderly or handicapped are those for appropriate size units, not to exceed two bedrooms for the elderly, multiplied by 1.05.

2. Congregate housing dwelling unit FMRs are the same as for noncongregate units.

3. Single-room occupancy dwelling unit FMRs (applicable only for substantial rehabilitation projects) are 75 percent of those for zero-bedroom units of the same structural type.

4. FMRs for living units in a group home developed with a direct loan under Section 202 of the Housing Act of 1959 are those for zero-bedroom or a one bedroom unit of the walkup structural type (or if the group home contains an elevator, of the 2–4-story elevator structural type). Each living unit in a group home is composed of a bedroom plus a proportionate part of common living space ordinarily included in a living unit. One-bedroom FMRs may be applied only when the bedroom space plus the proportionate part of the common space totals at least 450 square feet.

5. Manufactured home (unit and space) FMRs shall be 95 percent of the rents for detached units of the appropriate bedroom size (except that where a manufactured home FMR is specified in the schedule for an area, the amount in the schedule shall be the FMR).

6. FMRs for manufactured home spaces in newly-constructed or substantially rehabilitated manufactured home parks are determined by multiplying by 1.25 the FMR for the spaces published for the Existing Housing Program. (For currently effective FMRs for the Existing Housing Program, see **Federal Register** documents published on April 22, 1986 (51 FR 15118) and December 21, 1987 (52 FR 48205).

Rent Computations

All rents computed in accordance with this note shall be rounded *down* to the nearest whole dollar.

Similarly, all FMRs increased by up to 10 percent with the approval of the HUD Field Office Manager, or by up to 20 percent with the approval of the HUD Assistant Secretary for Housing should have the result rounded *down* to the nearest whole dollar.

BILLING CODE 4210-27-M,

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON REGIONAL OFFICE

MARKET: BOSTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			786	1009	1097
SEMI-DETACHED/ROW	657	662	778	917	1016
WALKUP	571	645	773	853	968
ELEVATOR 2-4 STY	592	719	831	1079	1228
ELEVATOR 5+ STY	597	724	836	1161	1282
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WORCESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		730	933	1012
581	587	722	842	966
524	558	700	794	912
535	614	736		
561	647	774		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FALL RIVER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		753	906	922
578	584	738	895	906
543	563	697	798	837
562	584	712		
567	614	744		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

HARTFORD OFFICE

MARKET: HARTFORD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			696	774	797
SEMI-DETACHED/ROW	561	575	663	751	774
WALKUP	477	554	630	711	734
ELEVATOR 2-4 STY	484	562	635		
ELEVATOR 5+ STY	500	611	704		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NEW HAVEN
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			676	764	816
	535	557	627	738	794
	476	533	604	688	711
	489	548	642		
	507	605	715		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NEW LONDON
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			673	751	784
	494	499	639	713	760
	445	478	629	707	732
	450	493	653		
	475	545	673		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NEW MILFORD
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			628	700	718
	526	540	623	695	713
	449	521	592	667	690
	454	528	597		
	469	574	662		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WINDHAM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			577	639	663
SEMI-DETACHED/ROW	487	492	551	616	642
WALKUP	403	469	526	584	601
ELEVATOR 2-4 STY	427	488	537		
ELEVATOR 5+ STY	444	518	591		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BRIDGEPORT
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			675	721	752
	553	558	643	697	729
	463	536	608	676	700
	469	561	615		
	488	593	683		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: RIDGEFIELD
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			783	839	869
	642	647	746	816	845
	536	624	709	794	817
	545	633	716		
	562	688	792		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NORWICH
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			628	700	718
	505	550	623	695	713
	457	532	604	668	689
	464	539	609		
	481	577	673		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

MANCHESTER OFFICE

	MARKET: MAINE STATEWIDE NUMBER OF BEDROOMS					MARKET: VERMONT STATE NUMBER OF BEDROOMS					MARKET: NEW HAMPSHIRE ST. NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED		572	645	736	854		592	690	770	868		570	638	735	854
SEMI-DETACHED/ROW	450	528	603	694	804	493	554	653	732	827	484	539	607	696	807
WALKUP	403	490	574	651	735	441	517	614	693	764	427	479	551	627	713
ELEVATOR 2-4 STY	451	539	679			501	572	678			451	546	629		
ELEVATOR 5+ STY	501	602	756			556	634	753			501	606	699		
MANUFACTURED HOME															
	EFFECTIVE DATE 100186					EFFECTIVE DATE 100186					EFFECTIVE DATE 100186				
	TRENDED DATE 100188					TRENDED DATE 100188					TRENDED DATE 100188				

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

PROVIDENCE OFFICE

MARKET: PROVIDENCE

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			700	815	912
SEMI-DETACHED/ROW	425	510	594	658	710
WALKUP	382	498	574	646	694
ELEVATOR 2-4 STY	387	513	667		
ELEVATOR 5+ STY	392	519	674		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 092487

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

BUFFALO OFFICE

MARKET: BUFFALO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			582	659	743
SEMI-DETACHED/ROW	418	438	511	601	695
WALKUP	333	394	474	557	593
ELEVATOR 2-4 STY	437	481	637		
ELEVATOR 5+ STY	475	519	675		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ALBANY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			553	668	740
SEMI-DETACHED/ROW	402	407	488	593	657
WALKUP	347	396	465	547	621
ELEVATOR 2-4 STY	352	427	540		
ELEVATOR 5+ STY	378	467	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ELMIRA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		550	636	705
344	399	501	593	661
298	345	454	562	637
366	447	573		
403	484	610		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PLATTSBURGH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		562	663	732
469	474	517	597	666
372	408	472	553	630
415	491	597		
453	530	640		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: JAMESTOWN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		575	646	725
423	451	524	601	687
347	408	485	557	643
425	501	615		
463	539	653		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SYRACUSE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		570	657	751
416	421	500	602	676
328	393	479	547	630
333	437	554		
369	476	595		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ROCHESTER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		562	629	698
439	442	517	601	679
341	397	477	541	610
440	501	601		
478	539	642		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BINGHAMTON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		550	663	733
399	404	488	584	648
345	394	463	543	614
350	429	545		
383	456	586		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEW YORK REGIONAL OFFICE

MARKET: NEW YORK CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			808	980	1092
SEMI-DETACHED/ROW	660	665	916	1087	1328
WALKUP	597	624	850	1017	1229
ELEVATOR 2-4 STY	638	820	877	1106	1298
ELEVATOR 5+ STY	832	1013	1125	1429	1633
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SUFFOLK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			767	802	955
SEMI-DETACHED/ROW	611	647	688	749	828
WALKUP	490	571	902		
ELEVATOR 2-4 STY	630	740	948		
ELEVATOR 5+ STY	680	759			
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WESTCHESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			918	1072	1174
SEMI-DETACHED/ROW	651	656	768	947	1030
WALKUP	513	612	732	885	971
ELEVATOR 2-4 STY	634	726	892	1043	
ELEVATOR 5+ STY	687	816	950		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ORANGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			779	884	958
SEMI-DETACHED/ROW	544	588	704	839	918
WALKUP	479	550	668	784	868
ELEVATOR 2-4 STY	641	694	877		
ELEVATOR 5+ STY	689	788	963		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ROCKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			907	984	1057
SEMI-DETACHED/ROW	563	649	809	942	1022
WALKUP	482	611	764	887	982
ELEVATOR 2-4 STY	545	657	815		
ELEVATOR 5+ STY	596	710	859		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NASSAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			969	1106	1215
SEMI-DETACHED/ROW	681	687	886	1005	1114
WALKUP	531	661	802	921	1020
ELEVATOR 2-4 STY	546	676	841		
ELEVATOR 5+ STY	553	776	897		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PUTNAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			845	972	1057
SEMI-DETACHED/ROW	564	569	725	870	949
WALKUP	460	539	622	778	903
ELEVATOR 2-4 STY	646	732	801		
ELEVATOR 5+ STY	692	796	884		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: POUGHKEEPSIE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			703	821	938
SEMI-DETACHED/ROW	483	513	614	703	772
WALKUP	409	489	609	653	725
ELEVATOR 2-4 STY	623	728	838		
ELEVATOR 5+ STY	651	756	905		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEWARK OFFICE

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1118	1249	1328
SEMI-DETACHED/ROW	632	703	891	1034	1124
WALKUP	556	622	797	925	1013
ELEVATOR 2-4 STY	642	714	910	1060	1145
ELEVATOR 5+ STY	722	809	1033	1210	1303
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NORTH BERGEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1111	1243	1321
SEMI-DETACHED/ROW	694	764	886	1027	1117
WALKUP	615	680	790	917	1006
ELEVATOR 2-4 STY	701	773	903	1052	1138
ELEVATOR 5+ STY	781	869	1026	1203	1296
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FREEHOLD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1028	1157	1239
SEMI-DETACHED/ROW	623	694	806	944	1034
WALKUP	546	609	713	834	924
ELEVATOR 2-4 STY	630	702	819	970	1053
ELEVATOR 5+ STY	710	798	942	1118	1215
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CAMDEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			980	1105	1181
SEMI-DETACHED/ROW	600	605	739	899	982
WALKUP	447	518	636	787	881
ELEVATOR 2-4 STY	575	645	785	942	1025
ELEVATOR 5+ STY	657	740	922	1092	1184
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ATLANTIC CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			944	1069	1131
SEMI-DETACHED/ROW	628	633	721	860	946
WALKUP	503	563	638	764	844
ELEVATOR 2-4 STY	606	675	761	905	986
ELEVATOR 5+ STY	687	771	884	1053	1147
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BURLINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			980	1105	1181
SEMI-DETACHED/ROW	597	605	758	899	982
WALKUP	474	534	675	801	881
ELEVATOR 2-4 STY	576	645	798	942	1025
ELEVATOR 5+ STY	657	740	922	1092	1184
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GLOUCESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			980	1105	1181
SEMI-DETACHED/ROW	552	605	747	899	982
WALKUP	457	532	642	798	881
ELEVATOR 2-4 STY	576	645	796	942	1025
ELEVATOR 5+ STY	657	740	922	1092	1184
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TRENTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1001	1124	1200
SEMI-DETACHED/ROW	658	680	776	917	1002
WALKUP	518	590	695	820	902
ELEVATOR 2-4 STY	646	723	818	962	1044
ELEVATOR 5+ STY	739	825	941	1111	1206
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: VINELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			860	984	1060
SEMI-DETACHED/ROW	538	558	638	776	862
WALKUP	398	475	554	680	761
ELEVATOR 2-4 STY	532	606	678	821	904
ELEVATOR 5+ STY	620	702	801	971	1065
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ASBURY PARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			986	1117	1195
SEMI-DETACHED/ROW	570	640	762	903	994
WALKUP	491	556	665	794	882
ELEVATOR 2-4 STY	577	649	779	929	1012
ELEVATOR 5+ STY	657	751	902	1077	1174
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

CARIBBEAN OFFICE

MARKET: SAN JUAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			498	554	614
SEMI-DETACHED/ROW	412	422	472	514	573
WALKUP	347	399	445	486	525
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	397	445	510	587	649
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MAYAGUEZ

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			481	529	588
SEMI-DETACHED/ROW	386	422	446	488	548
WALKUP	330	392	419	459	500
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	370	420	522	565	633
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PONCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			446	494	553
SEMI-DETACHED/ROW	351	387	411	453	513
WALKUP	323	359	384	424	465
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	370	420	497	530	598
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ARECIBO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			476	524	583
SEMI-DETACHED/ROW	381	417	441	483	543
WALKUP	330	389	414	454	495
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	370	420	522	560	628
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ST. CROIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			628	708	816
SEMI-DETACHED/ROW	415	485	569	658	749
WALKUP	353	415	505	568	633
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ST. THOMAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			687	750	846
SEMI-DETACHED/ROW	469	513	588	677	769
WALKUP	375	434	530	592	664
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: OLD SAN JUAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	550	593	622	675	745
WALKUP	517	559	590	639	686
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

BALTIMORE OFFICE

	MARKET: BALTIMORE NUMBER OF BEDROOMS					MARKET: HAGERSTOWN NUMBER OF BEDROOMS					MARKET: SALISBURY NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			726	819	963			628	737	850			616	680	798
SEMI-DETACHED/ROW	435	509	588	697	902	354	471	554	626	813	397	435	501	580	747
WALKUP	393	504	579	692	777	352	466	548	621	650	332	430	495	574	646
ELEVATOR 2-4 STY	425	531	629			378	473	554			344	471	516		
ELEVATOR 5+ STY	469	579	707			411	478	567			380	495	601		
MANUFACTURED HOME															
	EFFECTIVE DATE 100186					EFFECTIVE DATE 100186					EFFECTIVE DATE 100186				
	TRENDED DATE 100188					TRENDED DATE 100188					TRENDED DATE 100188				

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

CHARLESTON OFFICE

MARKET: CHARLESTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			539	640	728
SEMI-DETACHED/ROW	365	404	517	626	722
WALKUP	313	399	501	512	578
ELEVATOR 2-4 STY	409	503	568		
ELEVATOR 5+ STY	421	510	574		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BLUEFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	569	633
SEMI-DETACHED/ROW	313	382	474	532	572
WALKUP	299	370	432	483	531
ELEVATOR 2-4 STY	406	483	540		
ELEVATOR 5+ STY	414	489	548		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HUNTINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			492	594	646
SEMI-DETACHED/ROW	318	388	482	561	620
WALKUP	252	378	478	535	586
ELEVATOR 2-4 STY	384	456	547		
ELEVATOR 5+ STY	390	463	553		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PARKERSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	532	585
SEMI-DETACHED/ROW	262	339	433	502	553
WALKUP	257	328	407	476	525
ELEVATOR 2-4 STY	395	476	577		
ELEVATOR 5+ STY	404	483	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WHEELING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			506	561	628
SEMI-DETACHED/ROW	312	366	472	546	603
WALKUP	283	361	461	506	552
ELEVATOR 2-4 STY	380	454	551		
ELEVATOR 5+ STY	385	461	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MARTINSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			477	561	628
SEMI-DETACHED/ROW	290	353	441	529	603
WALKUP	272	329	437	506	572
ELEVATOR 2-4 STY	430	473	526		
ELEVATOR 5+ STY	437	478	533		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FAIRMONT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			534	594	665
SEMI-DETACHED/ROW	332	409	504	569	638
WALKUP	327	399	485	535	589
ELEVATOR 2-4 STY	454	499	556		
ELEVATOR 5+ STY	462	505	562		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: POINT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	530	578
SEMI-DETACHED/ROW	262	339	429	499	550
WALKUP	249	328	421	469	522
ELEVATOR 2-4 STY	393	469	526		
ELEVATOR 5+ STY	398	478	534		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PHILADELPHIA REGIONAL OFFICE

MARKET: PHILADELPHIA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		588	736	852	954
WALKUP	461	519	656	744	823
ELEVATOR 2-4 STY	560	610	727		
ELEVATOR 5+ STY	635	692	816		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ALLENTOWN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
473	491	611	715	790
419	462	575	672	750
495	522	612		
509	559	685		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BELLEFONTE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
434	497	600	685	768
395	484	566	659	719
430	502	624		
478	539	666		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HARRISBURG
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
496	501	552	703	768
395	462	534	659	717
449	521	575		
486	563	624		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LANCASTER
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	461	466	573	705	732
WALKUP	385	450	561	676	704
ELEVATOR 2-4 STY	467	540	702		
ELEVATOR 5+ STY	491	564	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: YORK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
461	466	573	705	732
385	450	561	676	704
467	540	702		
491	564	726		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: READING
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
486	491	588	707	786
391	471	564	667	732
447	527	611		
484	578	678		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SCRANTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
457	521	605	688	752
391	478	575	660	732
490	569	642		
521	606	683		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WELLSBORO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	402	497	600	688	768
WALKUP	395	484	566	659	719
ELEVATOR 2-4 STY	430	502	624		
ELEVATOR 5+ STY	478	539	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PITTSBURGH OFFICE

	MARKET: PITTSBURGH NUMBER OF BEDROOMS					MARKET: ERIE NUMBER OF BEDROOMS					MARKET: ALTOONA NUMBER OF BEDROOMS					MARKET: JOHNSTOWN NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			659	732	857			616	685	802			536	645	779			552	656	784
SEMI-DETACHED/ROW	468	562	625	711	824	444	534	587	653	764	362	436	526	614	742	379	449	525	618	747
WALKUP	402	478	557	706	819	355	438	520	604	676	344	424	521	599	689	347	428	515	592	675
ELEVATOR 2-4 STY	511	572	659			501	556	646			498	561	594			465	500	599		
ELEVATOR 5+ STY	527	596	701			519	573	694			511	578	632			474	537	631		
MANUFACTURED HOME																				
	EFFECTIVE DATE 100186					EFFECTIVE DATE 100186					EFFECTIVE DATE 100186					EFFECTIVE DATE 100186				
	TRENDED DATE 100188					TRENDED DATE 100188					TRENDED DATE 100188					TRENDED DATE 100188				

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

RICHMOND OFFICE

MARKET: NORTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	350	361	434	526	586
WALKUP	266	330	419	521	574
ELEVATOR 2-4 STY	300	364	453		
ELEVATOR 5+ STY	329	409	541		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HARRISONBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	370	403	469	541	613
WALKUP	315	374	464	536	596
ELEVATOR 2-4 STY	349	408	499		
ELEVATOR 5+ STY	398	469	546		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NEWPORT NEWS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	397	402	463	577	628
WALKUP	316	358	432	517	576
ELEVATOR 2-4 STY	350	391	465		
ELEVATOR 5+ STY	472	534	613		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NORFOLK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	425	430	513	582	632
WALKUP	369	416	492	577	625
ELEVATOR 2-4 STY	403	450	526		
ELEVATOR 5+ STY	471	574	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CHARLOTTESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	445	451	533	630	669
WALKUP	370	419	502	558	621
ELEVATOR 2-4 STY	404	453	536		
ELEVATOR 5+ STY	447	541	671		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: RICHMOND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	410	416	483	564	613
WALKUP	338	396	473	558	608
ELEVATOR 2-4 STY	372	429	506		
ELEVATOR 5+ STY	421	512	632		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

WASHINGTON D.C. OFFICE

MARKET: WASHINGTON D.C.

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	559	628	688	765	863
SEMI-DETACHED/ROW	450	532	605	701	782
WALKUP	486	586	756		
ELEVATOR 2-4 STY	544	627	813		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE. AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

WILMINGTON

	MARKET: WILMINGTON, DEL NUMBER OF BEDROOMS					MARKET: DOVER, DEL NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			633	796	832			606	726	821
SEMI-DETACHED/ROW	457	462	564	678	744	419	424	510	628	684
WALKUP	382	442	522	607	650	369	403	458	546	590
ELEVATOR 2-4 STY	421	492	621			380	466	552		
ELEVATOR 5+ STY	448	571	633			403	515	612		
MANUFACTURED HOME										
EFFECTIVE DATE			100186			EFFECTIVE DATE			100186	
TRENDED DATE			100188			TRENDED DATE			100188	

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

ATLANTA REGIONAL OFFICE

MARKET: ATLANTA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			542	655	696
SEMI-DETACHED/ROW	448	478	530	641	681
WALKUP	436	463	557		
ELEVATOR 2-4 STY	464	491	634		
ELEVATOR 5+ STY	520	554			
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COLUMBUS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			453	554	597
SEMI-DETACHED/ROW	327	364	407	522	561
WALKUP	313	350	394	509	548
ELEVATOR 2-4 STY	340	379	421		
ELEVATOR 5+ STY	397	437	476		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: VALDOSTA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			434	497	569
SEMI-DETACHED/ROW	302	342	408	489	536
WALKUP	291	324	398	465	524
ELEVATOR 2-4 STY	318	358	427		
ELEVATOR 5+ STY	370	412	478		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

MARKET: ALBANY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		473	542	576
323	361	422	491	536
312	350	412	481	525
337	375	437		
389	427	489		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MACON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		463	501	557
351	385	431	477	536
347	367	420	462	515
376	397	445		
429	462	497		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: AUGUSTA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		444	522	567
338	374	420	501	538
328	359	405	485	526
357	387	433		
398	431	498		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ROME
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		442	515	555
307	333	384	456	510
295	320	379	443	496
320	345	404		
381	400	460		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BRUNSWICK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		483	568	604
350	390	443	515	573
338	378	438	503	550
367	405	467		
421	458	523		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SAVANNAH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		516	598	635
361	398	479	543	589
348	385	466	531	577
375	417	493		
429	471	547		

EFFECTIVE DATE 100186
TRENDED DATE 100188

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

BIRMINGHAM OFFICE

MARKET: BIRMINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			599	727	822
SEMI-DETACHED/ROW	365	371	441	534	572
WALKUP	328	365	428	515	554
ELEVATOR 2-4 STY	339	384	453		
ELEVATOR 5+ STY	352	403	479		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: DOTHAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		503	637	722
324	355	409	487	531
315	348	400	468	512
328	366	425		
340	371	451		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FLORENCE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		534	676	764
328	354	420	511	553
307	348	407	491	538
321	361	430		
334	373	442		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HUNTSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		560	709	808
384	389	464	548	596
324	383	458	534	588
371	413	498		
383	432	523		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MOBILE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			542	694	778
SEMI-DETACHED/ROW	348	375	448	536	575
WALKUP	321	363	436	516	559
ELEVATOR 2-4 STY	344	382	462		
ELEVATOR 5+ STY	356	400	486		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MONTGOMERY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		523	666	747
353	358	455	539	592
327	352	436	534	585
339	371	461		
351	390	487		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TUSCALOOSA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		556	704	793
376	382	443	552	589
338	376	430	533	573
360	395	455		
373	414	481		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

COLUMBIA OFFICE

MARKET: GREENVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			531	618	668
SEMI-DETACHED/ROW	361	420	495	581	627
WALKUP	352	410	479	566	606
ELEVATOR 2-4 STY	457	525	608		
ELEVATOR 5+ STY	482	550	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GREENWOOD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		477	533	577
333	381	445	503	543
324	371	432	491	527
426	486	544		
449	511	567		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MYRTLE BEACH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		560	637	680
372	437	540	617	660
363	427	525	602	640
461	535	650		
485	559	675		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ROCKHILL
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		553	632	683
403	475	533	611	662
393	458	519	595	646
456	517	624		
481	542	648		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COLUMBIA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			571	648	698
SEMI-DETACHED/ROW	396	459	551	627	678
WALKUP	386	449	536	610	658
ELEVATOR 2-4 STY	467	536	629		
ELEVATOR 5+ STY	492	561	655		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: AIKEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		536	584	638
386	459	517	563	620
375	449	503	550	599
456	517	620		
481	542	642		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CHARLESTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		560	637	680
393	437	540	617	660
382	427	525	602	640
481	542	650		
505	567	675		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FLORENCE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		502	562	616
347	430	486	545	600
337	422	473	533	584
430	517	578		
452	542	599		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

GREENSBORO OFFICE

MARKET: GREENSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			486	555	658
SEMI-DETACHED/ROW	392	397	474	522	627
WALKUP	336	392	469	517	623
ELEVATOR 2-4 STY	358	427	496		
ELEVATOR 5+ STY	510	548	664		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ASHEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		464	566	647
374	380	447	543	627
319	374	431	538	622
355	409	466		
464	522	616		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CHARLOTTE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		528	613	688
414	420	497	575	664
355	415	492	570	659
380	443	527		
512	550	659		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: DURHAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		519	596	700
390	395	487	585	668
366	390	482	578	663
400	425	515		
509	554	674		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			451	519	616
SEMI-DETACHED/ROW	339	363	436	496	573
WALKUP	292	358	430	491	568
ELEVATOR 2-4 STY	324	380	452		
ELEVATOR 5+ STY	437	507	608		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: RALEIGH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		523	623	728
435	440	513	571	657
366	434	507	566	650
395	456	530		
555	624	740		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WINSTON-SALEM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		473	563	641
370	385	447	523	605
311	380	441	518	599
339	402	471		
488	522	626		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FAYETTEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		450	526	603
350	359	421	490	563
310	354	417	485	558
340	387	452		
428	481	571		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WILMINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			465	550	625
SEMI-DETACHED/ROW	366	371	447	507	575
WALKUP	315	366	441	502	580
ELEVATOR 2-4 STY	347	387	463		
ELEVATOR 5+ STY	455	505	607		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ELIZABETH CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		470	534	598
319	337	427	520	593
285	332	421	515	588
311	380	477		
476	547	633		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSON OFFICE

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			511	616	699
SEMI-DETACHED/ROW	373	410	505	597	673
WALKUP	355	405	458	542	606
ELEVATOR 2-4 STY	464	539	632		
ELEVATOR 5+ STY	475	554	649		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CORINTH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			418	530	611
SEMI-DETACHED/ROW	292	341	406	511	589
WALKUP	277	331	401	504	572
ELEVATOR 2-4 STY	375	473	544		
ELEVATOR 5+ STY	388	488	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			506	536	615
SEMI-DETACHED/ROW	373	414	479	520	605
WALKUP	336	382	457	484	557
ELEVATOR 2-4 STY	434	485	608		
ELEVATOR 5+ STY	447	499	626		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GREENWOOD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			470	509	599
SEMI-DETACHED/ROW	349	395	455	487	589
WALKUP	311	366	431	452	519
ELEVATOR 2-4 STY	447	508	571		
ELEVATOR 5+ STY	462	525	586		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GULFPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	557	638
SEMI-DETACHED/ROW	392	407	469	550	589
WALKUP	324	375	427	522	584
ELEVATOR 2-4 STY	475	557	635		
ELEVATOR 5+ STY	487	571	653		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HATTIESBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			458	543	622
SEMI-DETACHED/ROW	320	370	440	519	592
WALKUP	281	335	422	476	531
ELEVATOR 2-4 STY	398	436	550		
ELEVATOR 5+ STY	409	450	567		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SOUTHAVEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			499	577	658
SEMI-DETACHED/ROW	337	417	481	563	647
WALKUP	324	398	475	551	620
ELEVATOR 2-4 STY	441	489	595		
ELEVATOR 5+ STY	450	502	612		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSONVILLE OFFICE

MARKET: JACKSONVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			574	635	710
SEMI-DETACHED/ROW	412	473	551	617	667
WALKUP	365	414	511	607	660
ELEVATOR 2-4 STY	429	478	602		
ELEVATOR 5+ STY	482	532	671		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PENSACOLA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		536	596	697
384	430	505	565	622
326	373	456	534	571
381	433	528		
430	488	589		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KEY WEST
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		728	804	885
523	587	654	748	833
434	482	586	698	747
504	557	693		
572	637	792		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MIAMI
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		728	804	885
523	587	654	748	833
434	482	586	698	747
504	557	693		
572	637	792		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TAMPA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			554	630	743
SEMI-DETACHED/ROW	420	480	549	617	691
WALKUP	371	423	511	598	659
ELEVATOR 2-4 STY	464	520	638		
ELEVATOR 5+ STY	547	607	734		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ORLANDO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		629	702	747
407	467	575	642	716
381	441	522	592	666
467	532	648		
542	605	716		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

LOUISVILLE OFFICE

MARKET: LOUISVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			562	638	715
SEMI-DETACHED/ROW	442	469	538	605	674
WALKUP	387	422	496	575	627
ELEVATOR 2-4 STY	421	456	528		
ELEVATOR 5+ STY	459	506	573		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COVINGTON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		535	640	736
421	437	502	586	674
358	399	454	559	621
409	451	516		
437	486	559		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: OWENSBORO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		520	623	691
359	397	483	577	638
324	364	441	523	577
349	394	476		
376	428	518		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PADUCAH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		523	627	695
361	399	486	580	642
326	366	444	525	580
351	396	479		
378	431	521		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PIKEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			588	670	735
SEMI-DETACHED/ROW	442	461	550	622	683
WALKUP	392	436	502	575	628
ELEVATOR 2-4 STY	439	470	564		
ELEVATOR 5+ STY	498	548	621		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

KNOXVILLE OFFICE

MARKET: KNOXVILLE

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			463	540	576
SEMI-DETACHED/ROW	365	401	448	530	566
WALKUP	350	375	437	520	556
ELEVATOR 2-4 STY	375	396	463		
ELEVATOR 5+ STY	396	422	473		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CHATTANOOGA

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			474	561	599
	422	425	463	545	584
	386	414	447	534	572
	414	436	474		
	436	463	501		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: JOHNSON CITY

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			453	525	561
	345	370	442	515	545
	334	355	432	494	535
	370	391	453		
	391	416	478		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KINGSPORT

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			453	525	561
	345	370	442	515	545
	330	346	432	478	515
	370	391	453		
	391	416	478		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: OAKRIDGE

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			463	540	576
SEMI-DETACHED/ROW	365	401	448	530	566
WALKUP	350	375	437	520	556
ELEVATOR 2-4 STY	375	396	463		
ELEVATOR 5+ STY	396	422	473		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

NASHVILLE OFFICE

MARKET: NASHVILLE

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			492	574	616
SEMI-DETACHED/ROW	376	418	475	561	605
WALKUP	344	398	467	555	599
ELEVATOR 2-4 STY	355	418	475		
ELEVATOR 5+ STY	362	433	492		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: JACKSON

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			422	492	576
SEMI-DETACHED/ROW	295	337	396	457	532
WALKUP	277	319	385	445	507
ELEVATOR 2-4 STY	324	365	458		
ELEVATOR 5+ STY	345	404	499		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

MARKET: CLARKSVILLE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		442	531	574
324	359	431	517	561
295	337	426	500	555
319	365	431		
325	387	451		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COLUMBIA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		417	515	564
309	332	393	507	542
276	325	382	492	536
283	344	390		
294	368	426		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MEMPHIS

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		442	497	581
319	363	422	472	539
285	319	372	449	483
332	398	469		
373	441	512		

EFFECTIVE DATE 100186
TRENDED DATE 100188

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CHICAGO REGIONAL OFFICE

MARKET: CHICAGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			784	932	1075
SEMI-DETACHED/ROW	567	637	719	845	937
WALKUP	481	555	663	795	834
ELEVATOR 2-4 STY	513	604	712	846	848
ELEVATOR 5+ STY	556	696	828	859	908
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BELLEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		665	753	839
417	470	563	655	764
381	441	534	603	666
415	469	571		
475	530	624		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MOLINE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		653	839	931
451	490	587	737	827
393	452	531	695	735
417	481	567		
481	547	674		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SPRINGFIELD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		684	782	880
388	441	535	619	708
353	417	498	580	662
381	454	535		
452	504	597		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EAST ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			555	648	710
SEMI-DETACHED/ROW	402	454	508	586	664
WALKUP	359	415	486	561	624
ELEVATOR 2-4 STY	382	442	520		
ELEVATOR 5+ STY	462	524	596		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CINCINNATI OFFICE

	MARKET: CINCINNATI NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			699	865	901
SEMI-DETACHED/ROW	430	496	564	677	745
WALKUP	347	408	515	586	676
ELEVATOR 2-4 STY	382	510	608		
ELEVATOR 5+ STY	532	626	710		
MANUFACTURED HOME					
EFFECTIVE DATE			100186		
TRENDED DATE			100188		

	MARKET: DAYTON NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			613	796	879
	399	427	496	594	669
	333	416	482	557	623
	389	516	616		
	538	632	677		
EFFECTIVE DATE			100186		
TRENDED DATE			100188		

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CLEVELAND OFFICE

MARKET: CLEVELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			714	775	835
SEMI-DETACHED/ROW	501	524	589	665	698
WALKUP	375	432	501	581	661
ELEVATOR 2-4 STY	385	457	563		
ELEVATOR 5+ STY	439	466	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: AKRON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			683	749	772
SEMI-DETACHED/ROW	477	502	566	640	672
WALKUP	370	422	495	566	630
ELEVATOR 2-4 STY	375	412	500		
ELEVATOR 5+ STY	380	440	505		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FINDLAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			582	652	701
SEMI-DETACHED/ROW	397	429	477	568	602
WALKUP	330	357	419	510	566
ELEVATOR 2-4 STY	335	362	466		
ELEVATOR 5+ STY	378	433	533		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LORAIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			584	655	705
SEMI-DETACHED/ROW	386	391	463	538	574
WALKUP	283	311	382	479	520
ELEVATOR 2-4 STY	357	375	447		
ELEVATOR 5+ STY	375	381	465		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MANSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			605	658	728
SEMI-DETACHED/ROW	448	453	500	575	640
WALKUP	331	356	404	502	540
ELEVATOR 2-4 STY	365	401	479		
ELEVATOR 5+ STY	371	427	490		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TOLEDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			677	742	790
SEMI-DETACHED/ROW	414	472	540	620	661
WALKUP	350	389	460	561	596
ELEVATOR 2-4 STY	372	404	495		
ELEVATOR 5+ STY	408	414	504		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: YOUNGSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			599	668	674
SEMI-DETACHED/ROW	407	413	477	557	573
WALKUP	296	334	397	498	543
ELEVATOR 2-4 STY	332	350	436		
ELEVATOR 5+ STY	339	358	444		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

COLUMBUS OFFICE

MARKET: COLUMBUS

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			528	646	657
SEMI-DETACHED/ROW	368	404	466	541	592
WALKUP	320	393	457	500	561
ELEVATOR 2-4 STY	356	434	517		
ELEVATOR 5+ STY	403	488	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

DETROIT OFFICE

MARKET: DETROIT
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			724	797	928
SEMI-DETACHED/ROW	447	484	593	693	800
WALKUP	373	461	540	639	741
ELEVATOR 2-4 STY	399	487	565		
ELEVATOR 5+ STY	408	501	650		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FLINT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		553	657	748
345	385	481	614	653
330	371	433	568	646
335	390	458		
342	451	538		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ANN ARBOR
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		634	729	768
401	406	525	630	694
327	401	493	540	604
367	432	512		
372	470	534		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: YPSILANTI
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			634	729	768
SEMI-DETACHED/ROW	401	406	525	630	694
WALKUP	327	401	493	540	604
ELEVATOR 2-4 STY	367	432	512		
ELEVATOR 5+ STY	372	470	534		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

GRAND RAPIDS OFFICE

MARKET: MT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			591	700	746
SEMI-DETACHED/ROW	387	436	502	622	672
WALKUP	265	355	396	492	530
ELEVATOR 2-4 STY	273	371	414		
ELEVATOR 5+ STY	424	507	588		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GRAND RAPIDS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	694	728
SEMI-DETACHED/ROW	404	409	505	598	646
WALKUP	297	370	470	516	552
ELEVATOR 2-4 STY	315	390	487		
ELEVATOR 5+ STY	429	500	555		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BENTON HARBOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			563	669	704
SEMI-DETACHED/ROW	385	413	515	619	653
WALKUP	288	334	413	505	537
ELEVATOR 2-4 STY	305	351	430		
ELEVATOR 5+ STY	416	477	546		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BATTLE CREEK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			613	701	738
SEMI-DETACHED/ROW	383	407	500	617	664
WALKUP	287	368	451	545	579
ELEVATOR 2-4 STY	305	386	468		
ELEVATOR 5+ STY	440	510	572		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LANSING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			589	724	766
SEMI-DETACHED/ROW	406	412	492	608	655
WALKUP	316	371	450	542	575
ELEVATOR 2-4 STY	334	390	467		
ELEVATOR 5+ STY	398	450	528		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MUSKEGON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	702	737
SEMI-DETACHED/ROW	422	463	550	645	685
WALKUP	302	382	452	536	547
ELEVATOR 2-4 STY	321	402	470		
ELEVATOR 5+ STY	437	510	567		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TRAVERSE CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			637	745	780
SEMI-DETACHED/ROW	463	477	559	687	725
WALKUP	305	396	448	550	590
ELEVATOR 2-4 STY	322	413	465		
ELEVATOR 5+ STY	483	558	619		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MARQUETTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			553	662	697
SEMI-DETACHED/ROW	349	400	504	607	642
WALKUP	227	316	409	509	547
ELEVATOR 2-4 STY	244	333	427		
ELEVATOR 5+ STY	444	520	535		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			576	702	750
SEMI-DETACHED/ROW	393	398	482	595	641
WALKUP	309	383	438	538	567
ELEVATOR 2-4 STY	315	401	456		
ELEVATOR 5+ STY	457	522	591		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

INDIANAPOLIS OFFICE

MARKET: INDIANAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			572	639	702
SEMI-DETACHED/ROW	359	405	493	595	613
WALKUP	331	375	455	512	549
ELEVATOR 2-4 STY	359	398	483		
ELEVATOR 5+ STY	462	513	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BLOOMINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			566	634	707
SEMI-DETACHED/ROW	373	407	486	552	601
WALKUP	333	378	450	510	561
ELEVATOR 2-4 STY	369	396	479		
ELEVATOR 5+ STY	458	507	597		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EVANSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			553	619	684
SEMI-DETACHED/ROW	352	401	491	565	620
WALKUP	318	364	450	510	554
ELEVATOR 2-4 STY	351	389	479		
ELEVATOR 5+ STY	431	483	587		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FORT WAYNE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			558	622	693
SEMI-DETACHED/ROW	375	406	486	539	602
WALKUP	330	372	442	496	545
ELEVATOR 2-4 STY	365	396	471		
ELEVATOR 5+ STY	457	506	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HAMMOND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			583	652	719
SEMI-DETACHED/ROW	382	431	539	595	674
WALKUP	349	400	489	556	591
ELEVATOR 2-4 STY	392	422	516		
ELEVATOR 5+ STY	458	514	630		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LAFAYETTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			564	633	706
SEMI-DETACHED/ROW	373	413	495	567	620
WALKUP	338	385	454	513	562
ELEVATOR 2-4 STY	371	406	482		
ELEVATOR 5+ STY	464	516	602		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SOUTH BEND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			571	639	714
SEMI-DETACHED/ROW	384	427	498	575	655
WALKUP	342	390	457	517	562
ELEVATOR 2-4 STY	383	415	488		
ELEVATOR 5+ STY	469	525	605		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TERRE HAUTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			559	631	708
SEMI-DETACHED/ROW	367	409	493	566	629
WALKUP	328	377	461	529	574
ELEVATOR 2-4 STY	363	400	489		
ELEVATOR 5+ STY	440	494	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GARY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			571	633	700
SEMI-DETACHED/ROW	370	424	513	586	670
WALKUP	349	400	487	557	572
ELEVATOR 2-4 STY	392	422	521		
ELEVATOR 5+ STY	435	492	600		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MILWAUKEE OFFICE

MARKET: MADISON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			661	748	783
SEMI-DETACHED/ROW	380	484	571	689	726
WALKUP	370	424	511	626	
ELEVATOR 2-4 STY	387	442	533		
ELEVATOR 5+ STY	527	572	693		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: REEDSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			569	653	685
SEMI-DETACHED/ROW	327	417	487	598	634
WALKUP	322	370	441	527	
ELEVATOR 2-4 STY	340	386	454		
ELEVATOR 5+ STY	457	507	606		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SUPERIOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			532	652	688
SEMI-DETACHED/ROW	312	416	479	591	629
WALKUP	306	365	435	544	
ELEVATOR 2-4 STY	324	383	451		
ELEVATOR 5+ STY	457	503	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MILWAUKEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			724	793	854
SEMI-DETACHED/ROW	414	530	621	747	787
WALKUP	408	466	551	680	
ELEVATOR 2-4 STY	427	483	569		
ELEVATOR 5+ STY	567	621	756		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EAU CLAIRE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			500	584	618
SEMI-DETACHED/ROW	292	375	420	530	586
WALKUP	284	327	377	478	
ELEVATOR 2-4 STY	303	346	396		
ELEVATOR 5+ STY	415	459	537		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GREEN BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			564	645	678
SEMI-DETACHED/ROW	311	401	484	589	624
WALKUP	303	350	438	536	
ELEVATOR 2-4 STY	319	366	454		
ELEVATOR 5+ STY	436	482	597		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WAUSAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			540	624	657
SEMI-DETACHED/ROW	314	401	461	569	606
WALKUP	309	354	418	518	
ELEVATOR 2-4 STY	324	370	436		
ELEVATOR 5+ STY	439	482	574		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MINNEAPOLIS-ST. PAUL OFFICE

MARKET: MINNEAPOLIS	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	423	428	573	659	736
WALKUP	349	401	478	611	633
ELEVATOR 2-4 STY	387	460	576		
ELEVATOR 5+ STY	395	522	659		
MANUFACTURED HOME					
EFFECTIVE DATE	100186				
TRENDED DATE	100188				

MARKET: DULUTH	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	363	394	542	618	689
WALKUP	347	376	459	561	596
ELEVATOR 2-4 STY	366	435	538		
ELEVATOR 5+ STY	384	463	589		
MANUFACTURED HOME					
EFFECTIVE DATE	100186				
TRENDED DATE	100188				

MARKET: MANKATO	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	418	436	548	624	698
WALKUP	342	383	477	551	582
ELEVATOR 2-4 STY	379	420	492		
ELEVATOR 5+ STY	393	539	639		
MANUFACTURED HOME					
EFFECTIVE DATE	100186				
TRENDED DATE	100188				

MARKET: ROCHESTER	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	391	424	553	641	716
WALKUP	350	391	482	555	588
ELEVATOR 2-4 STY	382	424	500		
ELEVATOR 5+ STY	413	560	634		
MANUFACTURED HOME					
EFFECTIVE DATE	100186				
TRENDED DATE	100188				

MARKET: ST. CLOUD	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	340	369	492	567	624
WALKUP	310	347	431	519	551
ELEVATOR 2-4 STY	336	407	468		
ELEVATOR 5+ STY	341	479	566		
MANUFACTURED HOME					
EFFECTIVE DATE	100186				
TRENDED DATE	100188				

MARKET: WORTHINGTON	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	319	332	461	524	586
WALKUP	284	312	402	485	515
ELEVATOR 2-4 STY	301	369	440		
ELEVATOR 5+ STY	306	428	522		
MANUFACTURED HOME					
EFFECTIVE DATE	100186				
TRENDED DATE	100188				

PREPARED ON 092487

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

FORT WORTH REGIONAL OFFICE

MARKET: DALLAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			601	701	748
SEMI-DETACHED/ROW	388	429	529	651	708
WALKUP	337	386	502	606	689
ELEVATOR 2-4 STY	352	442	545		
ELEVATOR 5+ STY	494	572	736		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SHERMAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		448	556	630
286	317	391	496	572
249	285	371	453	537
260	327	403		
365	438	570		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TYLER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		483	623	694
309	342	422	535	624
269	308	400	488	579
281	352	434		
393	472	614		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WACO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		464	570	640
296	328	405	513	594
258	295	384	469	556
269	338	417		
378	453	590		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WICHITA FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			464	586	660
SEMI-DETACHED/ROW	296	328	405	513	599
WALKUP	258	295	384	469	556
ELEVATOR 2-4 STY	269	338	417		
ELEVATOR 5+ STY	378	453	590		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SAN ANGELO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		452	633	694
289	320	394	500	583
251	288	374	457	452
262	329	406		
368	442	574		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ABILENE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		498	696	765
318	352	434	551	642
277	317	412	503	597
289	363	447		
405	486	633		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LUBBOCK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		453	602	675
290	321	395	501	585
252	288	375	458	543
263	330	407		
369	443	576		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: AMARILLO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			498	588	661
SEMI-DETACHED/ROW	329	364	449	542	627
WALKUP	284	328	426	504	589
ELEVATOR 2-4 STY	299	375	462		
ELEVATOR 5+ STY	419	497	630		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EL PASO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		451	577	647
288	319	393	499	581
251	287	373	455	540
262	328	405		
367	440	573		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MIDLAND

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		450	630	692
288	319	392	498	580
250	295	372	463	539
261	328	404		
366	439	572		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ODESSA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		429	601	659
274	304	374	475	553
238	273	355	433	514
249	312	385		
349	419	545		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ALBUQUERQUE NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			522	609	680
SEMI-DETACHED/ROW	367	372	473	556	644
WALKUP	293	342	445	517	603
ELEVATOR 2-4 STY	307	385	484		
ELEVATOR 5+ STY	431	503	667		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SANTA FE NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		537	728	799
361	399	468	575	671
313	327	444	510	623
327	410	482		
460	552	682		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SILVER CITY NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		446	591	660
300	334	389	478	558
262	272	369	424	518
274	344	400		
384	461	567		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TAOS NM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		532	621	693
361	367	463	548	640
287	327	440	509	594
301	379	477		
425	509	678		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

FORT WORTH REGIONAL OFFICE

MARKET: CLOVIS NM

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			416	564	619
SEMI-DETACHED/ROW	279	311	363	446	520
WALKUP	245	253	344	395	483
ELEVATOR 2-4 STY	255	320	373		
ELEVATOR 5+ STY	358	430	528		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

HOUSTON OFFICE

MARKET: HOUSTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			648	794	920
SEMI-DETACHED/ROW	362	430	554	653	744
WALKUP	337	405	529	624	719
ELEVATOR 2-4 STY	397	470	594		
ELEVATOR 5+ STY	548	640	740		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BEAUMONT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		606	693	849
340	393	474	563	651
315	368	454	538	621
375	443	549		
537	576	580		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BRYAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		562	744	863
348	407	515	641	739
328	389	495	614	720
378	444	580		
523	628	785		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LUFKIN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		536	629	729
305	356	470	555	629
285	336	445	530	613
332	391	517		
488	545	669		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EL CAMPO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			553	647	750
SEMI-DETACHED/ROW	346	381	503	585	679
WALKUP	327	371	481	565	654
ELEVATOR 2-4 STY	380	445	566		
ELEVATOR 5+ STY	463	546	675		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TEXAS CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		642	732	848
365	439	552	625	721
344	427	547	597	691
421	492	640		
548	640	740		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

LITTLE ROCK OFFICE

MARKET: FAYETTEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			503	573	649
SEMI-DETACHED/ROW	335	407	472	548	614
WALKUP	327	391	460	543	601
ELEVATOR 2-4 STY	349	419	493		
ELEVATOR 5+ STY	428	500	577		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LITTLE ROCK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			520	591	670
SEMI-DETACHED/ROW	350	430	493	570	631
WALKUP	325	409	457	565	626
ELEVATOR 2-4 STY	350	439	486		
ELEVATOR 5+ STY	431	504	589		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TEXARKANA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			496	590	662
SEMI-DETACHED/ROW	331	385	467	570	625
WALKUP	323	374	455	565	618
ELEVATOR 2-4 STY	347	404	490		
ELEVATOR 5+ STY	428	500	578		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FORT SMITH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			477	556	627
SEMI-DETACHED/ROW	320	361	458	530	593
WALKUP	300	349	422	488	546
ELEVATOR 2-4 STY	326	380	461		
ELEVATOR 5+ STY	434	504	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: JONESBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			482	572	642
SEMI-DETACHED/ROW	329	382	467	566	617
WALKUP	310	367	442	540	590
ELEVATOR 2-4 STY	342	398	473		
ELEVATOR 5+ STY	421	493	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

NEW ORLEANS OFFICE

MARKET: NEW ORLEANS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			438	489	568
SEMI-DETACHED/ROW	311	332	424	473	546
WALKUP	300	323	416	462	524
ELEVATOR 2-4 STY	310	333	426		
ELEVATOR 5+ STY	436	467	600		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LAKE CHARLES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			393	498	591
SEMI-DETACHED/ROW	316	318	381	486	573
WALKUP	247	295	356	457	528
ELEVATOR 2-4 STY	258	306	367		
ELEVATOR 5+ STY	410	463	560		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LAFAYETTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			330	430	521
SEMI-DETACHED/ROW	233	256	315	418	503
WALKUP	198	247	306	407	481
ELEVATOR 2-4 STY	210	258	316		
ELEVATOR 5+ STY	356	402	487		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BATON ROUGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			389	488	565
SEMI-DETACHED/ROW	269	306	374	471	543
WALKUP	240	277	341	433	488
ELEVATOR 2-4 STY	250	287	351		
ELEVATOR 5+ STY	380	425	530		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HOUMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			404	460	540
SEMI-DETACHED/ROW	251	286	347	444	519
WALKUP	237	276	336	431	495
ELEVATOR 2-4 STY	247	286	346		
ELEVATOR 5+ STY	374	420	521		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SHREVEPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			413	518	595
SEMI-DETACHED/ROW	286	318	393	497	569
WALKUP	261	291	367	465	520
ELEVATOR 2-4 STY	271	301	377		
ELEVATOR 5+ STY	413	456	572		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ALEXANDRIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			391	471	540
SEMI-DETACHED/ROW	297	323	373	451	517
WALKUP	275	307	360	434	489
ELEVATOR 2-4 STY	285	317	370		
ELEVATOR 5+ STY	415	467	558		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MONROE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			422	553	624
SEMI-DETACHED/ROW	296	335	405	535	602
WALKUP	272	323	397	524	581
ELEVATOR 2-4 STY	290	333	407		
ELEVATOR 5+ STY	433	484	601		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

OKLAHOMA CITY OFFICE

MARKET: OKLAHOMA CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			500	598	656
SEMI-DETACHED/ROW	354	366	452	499	551
WALKUP	281	315	395	485	534
ELEVATOR 2-4 STY	299	339	431		
ELEVATOR 5+ STY	365	406	501		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ADA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			496	582	647
SEMI-DETACHED/ROW	345	400	475	560	627
WALKUP	288	327	394	472	519
ELEVATOR 2-4 STY	305	350	429		
ELEVATOR 5+ STY	365	403	497		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ARDMORE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			510	598	665
SEMI-DETACHED/ROW	353	396	488	576	644
WALKUP	293	336	405	485	533
ELEVATOR 2-4 STY	311	360	441		
ELEVATOR 5+ STY	365	403	511		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ENID

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			504	575	641
SEMI-DETACHED/ROW	343	398	482	554	621
WALKUP	275	316	389	451	494
ELEVATOR 2-4 STY	293	339	424		
ELEVATOR 5+ STY	334	406	493		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GUYMON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			462	518	590
SEMI-DETACHED/ROW	298	352	440	497	569
WALKUP	235	275	352	403	452
ELEVATOR 2-4 STY	253	299	388		
ELEVATOR 5+ STY	320	367	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LAWTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			537	607	696
SEMI-DETACHED/ROW	390	417	515	594	681
WALKUP	292	336	428	515	584
ELEVATOR 2-4 STY	310	361	465		
ELEVATOR 5+ STY	380	432	539		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SHAWNEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			463	509	561
SEMI-DETACHED/ROW	362	378	451	496	545
WALKUP	283	314	381	415	454
ELEVATOR 2-4 STY	294	332	420		
ELEVATOR 5+ STY	341	380	456		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: STILLWATER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	552	622
SEMI-DETACHED/ROW	348	395	464	537	602
WALKUP	280	323	393	456	507
ELEVATOR 2-4 STY	303	347	429		
ELEVATOR 5+ STY	340	401	471		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WOODWARD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	514	585
SEMI-DETACHED/ROW	296	349	438	493	564
WALKUP	233	273	352	400	448
ELEVATOR 2-4 STY	251	297	388		
ELEVATOR 5+ STY	317	364	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BARTLESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			465	547	607
SEMI-DETACHED/ROW	339	371	452	532	592
WALKUP	270	310	389	463	509
ELEVATOR 2-4 STY	288	334	398		
ELEVATOR 5+ STY	325	359	452		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MC ALESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			462	536	591
SEMI-DETACHED/ROW	332	337	449	522	576
WALKUP	236	267	371	434	481
ELEVATOR 2-4 STY	249	285	391		
ELEVATOR 5+ STY	296	332	441		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MUSKOGEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			420	485	550
SEMI-DETACHED/ROW	326	372	405	471	534
WALKUP	250	303	337	418	453
ELEVATOR 2-4 STY	268	321	350		
ELEVATOR 5+ STY	332	367	401		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TULSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			500	649	722
SEMI-DETACHED/ROW	270	310	410	547	595
WALKUP	264	304	405	542	590
ELEVATOR 2-4 STY	282	328	441		
ELEVATOR 5+ STY	348	395	511		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

SAN ANTONIO OFFICE

MARKET: SAN ANTONIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			623	729	803
SEMI-DETACHED/ROW	400	452	562	647	715
WALKUP	376	410	497	559	610
ELEVATOR 2-4 STY	425	479	609		
ELEVATOR 5+ STY	522	600	808		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: AUSTIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			699	866	948
SEMI-DETACHED/ROW	448	513	658	794	878
WALKUP	409	464	585	703	780
ELEVATOR 2-4 STY	475	539	698		
ELEVATOR 5+ STY	585	675	901		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CORPUS CHRISTY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	710	778
SEMI-DETACHED/ROW	399	491	595	650	717
WALKUP	394	443	525	555	600
ELEVATOR 2-4 STY	426	514	633		
ELEVATOR 5+ STY	538	643	771		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EAGLE PASS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			568	695	775
SEMI-DETACHED/ROW	373	425	524	619	738
WALKUP	334	369	439	507	597
ELEVATOR 2-4 STY	409	445	557		
ELEVATOR 5+ STY	520	588	768		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HARLINGEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			563	688	789
SEMI-DETACHED/ROW	343	401	524	645	736
WALKUP	306	342	437	529	602
ELEVATOR 2-4 STY	364	409	549		
ELEVATOR 5+ STY	473	548	745		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LAREDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			568	695	775
SEMI-DETACHED/ROW	373	425	524	619	738
WALKUP	334	369	439	507	597
ELEVATOR 2-4 STY	409	445	557		
ELEVATOR 5+ STY	520	588	768		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: VICTORIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			620	710	778
SEMI-DETACHED/ROW	397	490	594	650	717
WALKUP	358	443	524	555	600
ELEVATOR 2-4 STY	426	513	632		
ELEVATOR 5+ STY	538	642	770		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: DEL RIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			568	695	775
SEMI-DETACHED/ROW	373	425	524	619	738
WALKUP	334	369	439	507	597
ELEVATOR 2-4 STY	409	445	557		
ELEVATOR 5+ STY	520	588	768		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES OFFICE

MARKET: DES MOINES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			610	714	813
SEMI-DETACHED/ROW	421	445	535	602	689
WALKUP	341	392	456	513	569
ELEVATOR 2-4 STY	412	456	539		
ELEVATOR 5+ STY	443	495	587		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BETTENDORF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			511	598	677
SEMI-DETACHED/ROW	343	392	451	517	597
WALKUP	295	340	399	459	521
ELEVATOR 2-4 STY	362	406	481		
ELEVATOR 5+ STY	395	444	529		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CEDAR RAPIDS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			593	690	776
SEMI-DETACHED/ROW	363	423	525	599	690
WALKUP	301	353	452	522	592
ELEVATOR 2-4 STY	391	444	547		
ELEVATOR 5+ STY	441	491	597		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COUNCIL BLUFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			564	655	757
SEMI-DETACHED/ROW	399	426	509	573	651
WALKUP	319	367	432	483	535
ELEVATOR 2-4 STY	404	458	527		
ELEVATOR 5+ STY	439	497	588		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: DUBUQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	643	727
SEMI-DETACHED/ROW	368	426	489	560	643
WALKUP	311	364	434	509	576
ELEVATOR 2-4 STY	390	439	519		
ELEVATOR 5+ STY	424	478	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MASON CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			571	659	740
SEMI-DETACHED/ROW	363	415	508	578	658
WALKUP	312	360	436	502	573
ELEVATOR 2-4 STY	379	427	537		
ELEVATOR 5+ STY	412	465	587		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SIOUX CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			599	686	766
SEMI-DETACHED/ROW	384	433	535	604	684
WALKUP	323	361	438	503	585
ELEVATOR 2-4 STY	402	448	543		
ELEVATOR 5+ STY	435	486	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: DAVENPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			512	595	674
SEMI-DETACHED/ROW	342	392	451	517	595
WALKUP	295	340	399	469	532
ELEVATOR 2-4 STY	382	407	483		
ELEVATOR 5+ STY	395	445	531		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WATERLOO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			489	572	651
SEMI-DETACHED/ROW	337	387	428	494	572
WALKUP	289	335	376	446	509
ELEVATOR 2-4 STY	353	399	456		
ELEVATOR 5+ STY	385	436	504		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

KANSAS CITY REGIONAL OFFICE

MARKET: KANSAS CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	417	461	552	621	662
WALKUP	339	400	487	601	641
ELEVATOR 2-4 STY	373	418	551		
ELEVATOR 5+ STY	470	512	652		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: JOPLIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	311	352	456	542	585
WALKUP	259	309	396	502	540
ELEVATOR 2-4 STY	327	375	468		
ELEVATOR 5+ STY	426	472	601		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ST. JOSEPH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	292	330	399	486	522
WALKUP	287	325	372	459	495
ELEVATOR 2-4 STY	336	386	483		
ELEVATOR 5+ STY	438	487	620		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SEDALIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	286	329	417	512	553
WALKUP	281	324	412	493	538
ELEVATOR 2-4 STY	341	392	490		
ELEVATOR 5+ STY	444	494	629		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	292	316	425	513	561
WALKUP	244	295	400	503	550
ELEVATOR 2-4 STY	291	334	418		
ELEVATOR 5+ STY	380	422	537		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TOPEKA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	327	386	469	560	596
WALKUP	290	331	419	507	546
ELEVATOR 2-4 STY	356	412	511		
ELEVATOR 5+ STY	426	479	627		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GARDEN CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	353	384	458	554	590
WALKUP	301	338	411	496	532
ELEVATOR 2-4 STY	347	401	501		
ELEVATOR 5+ STY	414	466	610		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PITTSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	289	327	388	491	526
WALKUP	245	282	361	446	482
ELEVATOR 2-4 STY	340	395	493		
ELEVATOR 5+ STY	406	458	601		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SALINA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	291	329	408	495	531
WALKUP	262	300	403	490	525
ELEVATOR 2-4 STY	347	405	501		
ELEVATOR 5+ STY	414	466	610		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: WICHITA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	309	366	464	556	586
WALKUP	274	320	416	506	538
ELEVATOR 2-4 STY	354	408	511		
ELEVATOR 5+ STY	421	475	622		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

OMAHA OFFICE

MARKET: OMAHA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	344	384	490	558	614
WALKUP	297	359	442	547	578
ELEVATOR 2-4 STY	304	403	485		
ELEVATOR 5+ STY	334	417	502		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GRAND ISLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	284	331	422	494	552
WALKUP	274	323	397	471	533
ELEVATOR 2-4 STY	302	387	478		
ELEVATOR 5+ STY	313	397	490		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LINCOLN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	328	375	475	545	601
WALKUP	296	359	442	540	595
ELEVATOR 2-4 STY	304	405	485		
ELEVATOR 5+ STY	347	417	502		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NORFOLK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	284	331	422	494	552
WALKUP	274	323	397	471	533
ELEVATOR 2-4 STY	302	387	478		
ELEVATOR 5+ STY	313	397	490		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NORTH PLATTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	286	338	425	497	543
WALKUP	276	333	400	474	521
ELEVATOR 2-4 STY	291	368	464		
ELEVATOR 5+ STY	312	394	485		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SCOTTS BLUFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	295	344	446	512	569
WALKUP	284	330	438	489	545
ELEVATOR 2-4 STY	309	392	495		
ELEVATOR 5+ STY	325	412	509		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

ST. LOUIS OFFICE

MARKET: ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			613	734	790
SEMI-DETACHED/ROW	411	502	594	703	774
WALKUP	369	467	557	631	696
ELEVATOR 2-4 STY	401	503	602		
ELEVATOR 5+ STY	447	574	784		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CAPE GIRARDEAU

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		429	488	533
298	345	413	483	528
258	314	359	445	463
286	346	401		
315	380	536		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COLUMBIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		406	534	582
280	352	388	529	577
272	346	378	508	560
295	371	453		
329	439	606		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KIRKSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		424	527	575
288	347	403	518	570
267	338	398	513	565
291	365	461		
324	432	616		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ROLLA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	539	572
SEMI-DETACHED/ROW	295	354	442	521	566
WALKUP	263	333	420	507	556
ELEVATOR 2-4 STY	286	359	453		
ELEVATOR 5+ STY	319	417	584		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL OFFICE

MARKET: DENVER, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			716	851	949
SEMI-DETACHED/ROW	457	512	604	703	804
WALKUP	370	432	476	627	717
ELEVATOR 2-4 STY	387	440	560		
ELEVATOR 5+ STY	469	481	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GRAND JUNCT,CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			548	657	700
SEMI-DETACHED/ROW	319	366	443	555	637
WALKUP	291	302	406	508	583
ELEVATOR 2-4 STY	357	408	493		
ELEVATOR 5+ STY	381	433	520		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: ASPEN/VAIL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			568	680	721
SEMI-DETACHED/ROW	350	403	486	602	672
WALKUP	323	366	449	556	631
ELEVATOR 2-4 STY	382	439	511		
ELEVATOR 5+ STY	390	449	521		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FARGO, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			528	646	725
SEMI-DETACHED/ROW	325	363	450	558	637
WALKUP	284	341	416	492	589
ELEVATOR 2-4 STY	331	368	453		
ELEVATOR 5+ STY	338	377	463		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BISMARK, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			500	609	681
SEMI-DETACHED/ROW	314	345	422	521	589
WALKUP	290	314	388	479	541
ELEVATOR 2-4 STY	307	350	425		
ELEVATOR 5+ STY	314	359	435		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: DICKINSON, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			443	552	625
SEMI-DETACHED/ROW	257	288	365	464	532
WALKUP	233	282	331	422	484
ELEVATOR 2-4 STY	250	293	368		
ELEVATOR 5+ STY	257	302	378		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HELENA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			462	545	586
SEMI-DETACHED/ROW	295	351	435	535	575
WALKUP	265	321	395	507	567
ELEVATOR 2-4 STY	327	395	464		
ELEVATOR 5+ STY	340	412	477		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BILLINGS, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			552	627	666
SEMI-DETACHED/ROW	348	398	483	599	657
WALKUP	321	366	445	552	633
ELEVATOR 2-4 STY	357	421	533		
ELEVATOR 5+ STY	370	436	559		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GREAT FALLS,MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			489	563	605
SEMI-DETACHED/ROW	300	350	437	551	595
WALKUP	272	319	399	507	585
ELEVATOR 2-4 STY	334	390	488		
ELEVATOR 5+ STY	349	405	505		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MISSOULA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			474	558	602
SEMI-DETACHED/ROW	272	326	412	536	592
WALKUP	243	313	371	485	568
ELEVATOR 2-4 STY	314	371	467		
ELEVATOR 5+ STY	340	399	496		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SALT LAKE CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			547	688	756
SEMI-DETACHED/ROW	358	402	483	621	679
WALKUP	277	377	457	529	631
ELEVATOR 2-4 STY	346	455	513		
ELEVATOR 5+ STY	382	486	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CEDAR CITY, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			487	534	580
SEMI-DETACHED/ROW	343	370	436	488	524
WALKUP	267	362	416	483	504
ELEVATOR 2-4 STY	339	408	471		
ELEVATOR 5+ STY	357	454	521		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: VERNAL, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			489	618	719
SEMI-DETACHED/ROW	235	313	416	522	618
WALKUP	209	259	342	453	542
ELEVATOR 2-4 STY	281	338	436		
ELEVATOR 5+ STY	299	359	459		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SIOUX FALLS,SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	550	595
SEMI-DETACHED/ROW	306	344	409	502	566
WALKUP	283	316	377	463	521
ELEVATOR 2-4 STY	297	332	409		
ELEVATOR 5+ STY	304	346	419		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PIERRE, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			491	562	611
SEMI-DETACHED/ROW	256	319	415	516	589
WALKUP	250	302	374	477	545
ELEVATOR 2-4 STY	287	330	415		
ELEVATOR 5+ STY	294	344	425		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: RAPID CITY, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			543	660	702
SEMI-DETACHED/ROW	337	407	481	582	657
WALKUP	310	375	449	543	612
ELEVATOR 2-4 STY	344	395	481		
ELEVATOR 5+ STY	349	409	491		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL OFFICE

MARKET: CASPER, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			555	680	770
SEMI-DETACHED/ROW	316	366	449	563	651
WALKUP	289	335	412	518	599
ELEVATOR 2-4 STY	353	406	497		
ELEVATOR 5+ STY	378	433	524		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CHEYENNE, WY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		560	677	762
333	377	455	563	642
308	348	421	519	592
368	417	503		
392	442	530		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CODY, WY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		555	680	773
316	366	449	563	653
289	335	412	518	599
353	406	497		
378	433	524		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

HONOLULU OFFICE

MARKET: HONOLULU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			849	1105	1255
SEMI-DETACHED/ROW	575	597	816	976	1101
WALKUP	501	575	665	969	1090
ELEVATOR 2-4 STY	556	646	694		
ELEVATOR 5+ STY	571	766	944		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: GUAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		663	760	853
534	537	616	683	805
362	428	510	580	

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KAUAI

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		865	1005	1100
660	765	854	994	1087
510	644	687	970	1062
540	676	717		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MAUI

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		781	968	1025
645	726	765	956	1015
472	610	737	861	919
503	641	769		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: HILO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			608	760	882
SEMI-DETACHED/ROW	493	512	597	749	872
WALKUP	416	461	568	721	850
ELEVATOR 2-4 STY	449	490	601		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KONA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		745	886	977
593	650	734	874	967
482	550	641	782	859
511	579	672		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

LOS ANGELES OFFICE

MARKET: LOS ANGELES

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			814	916	1032
SEMI-DETACHED/ROW	560	651	751	852	962
WALKUP	498	574	693	826	899
ELEVATOR 2-4 STY	538	619	747	856	928
ELEVATOR 5+ STY	677	768	991		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PASO ROBLES

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			744	830	902
SEMI-DETACHED/ROW	495	500	622	747	831
WALKUP	416	469	578	689	745
ELEVATOR 2-4 STY	436	490	602		
ELEVATOR 5+ STY	592	661	818		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SAN DIEGO

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			677	804	889
SEMI-DETACHED/ROW	541	546	651	738	866
WALKUP	440	502	608	713	765
ELEVATOR 2-4 STY	476	550	663		
ELEVATOR 5+ STY	570	665	814		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BAKERSFIELD

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		582	748	840
414	461	532	692	780
354	434	508	666	730
371	454	532		
531	623	743		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LANCASTER

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		612	705	822
475	479	578	669	782
374	451	554	640	730
400	476	578		
563	644	799		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EL CAJON

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		677	804	889
541	546	651	738	866
440	502	608	713	765
476	550	663		
570	665	814		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SANTA BARBARA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		814	905	1025
638	643	782	871	985
455	507	656	743	806
473	531	678		
615	687	879		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: OXNARD

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		768	873	971
551	567	630	769	838
487	533	597	732	782
509	555	621		
663	721	831		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SANTA MARIA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		691	784	884
517	576	659	739	824
406	460	533	592	651
429	482	555		
576	644	762		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: VENTURA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		768	872	971
547	567	630	769	838
487	533	597	732	782
509	555	621		
663	721	831		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SANTA ANA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		809	979	1067
679	685	795	962	1044
548	644	740	888	941
551	663	764		
702	828	972		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SAN BERNARDINO

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		615	742	835
479	506	604	702	818
430	485	570	575	750
460	505	591		
621	670	803		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

PHOENIX OFFICE

MARKET: PHOENIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	716	810
SEMI-DETACHED/ROW	428	491	588	681	747
WALKUP	390	472	560	656	699
ELEVATOR 2-4 STY	412	497	591		
ELEVATOR 5+ STY	507	598	738		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: CASA GRANDE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		500	599	683
350	396	471	564	640
338	391	464	534	592
367	413	486		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FLAGSTAFF

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		622	685	759
411	451	548	633	718
395	438	539	618	683
417	460	561		
526	573	710		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SAFFORD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		489	559	642
337	392	466	527	603
316	373	454	520	566
345	402	477		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: TUCSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			542	608	691
SEMI-DETACHED/ROW	358	415	505	585	666
WALKUP	337	391	500	569	628
ELEVATOR 2-4 STY	367	421	531		
ELEVATOR 5+ STY	507	579	753		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: YUMA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		531	593	674
382	436	520	575	650
367	417	513	567	625
396	445	535		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KINGMAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		509	587	671
387	420	494	556	614
362	408	488	543	603
384	440	510		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: DOUGLAS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		517	571	673
349	389	486	552	636
334	377	476	537	606
356	399	503		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: NOGALES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			502	583	682
SEMI-DETACHED/ROW	320	381	465	548	638
WALKUP	298	363	454	533	603
ELEVATOR 2-4 STY	322	390	481		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SACRAMENTO OFFICE

MARKET: SACRAMENTO

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			580	615	707
SEMI-DETACHED/ROW	478	485	554	609	669
WALKUP	369	439	501	602	674
ELEVATOR 2-4 STY	429	477	564		
ELEVATOR 5+ STY	583	644	761		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

NO MARKET CODE MATCH IN PRT 93707

MARKET: REDDING

	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		538	563	646	
403	457	506	557	625	
338	392	454	500	629	
368	427	519			

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: PLACERVILLE

	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		604	646	742	
503	508	580	640	703	
381	455	519	632	708	
468	537	609			

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: YREKA

	NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+	
		540	632	679	
351	437	520	602	648	
303	373	463	571	633	
323	393	484			

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: S. LAKE TAHOE

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			651	754	821
SEMI-DETACHED/ROW	525	551	630	731	784
WALKUP	418	492	561	672	737
ELEVATOR 2-4 STY	474	537	635		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
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REGION 9

SAN FRANCISCO REGIONAL OFFICE

MARKET: SAN FRANCISCO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	801	831	1062	1230	1314
WALKUP	570	659	862	1050	1153
ELEVATOR 2-4 STY	627	757	968		
ELEVATOR 5+ STY	797	925	1172		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FRESNO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
391	403	520	682	747
339	397	489	625	714
426	506	631		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MODESTO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
369	374	449	547	603
349	369	443	542	598
451	506	634		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SAN JOSE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
556	561	684	830	913
463	556	661	788	860
496	576	668		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: OAKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	637	642	817	935	1033
WALKUP	527	613	761	862	955
ELEVATOR 2-4 STY	567	621	837		
ELEVATOR 5+ STY	774	846	1102		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: MARIN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
637	642	817	935	1033
527	613	761	862	955
567	621	837		
774	846	1102		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EUREKA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
340	401	545	714	808
335	393	540	707	802
427	520	669		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SANTA ROSA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
526	531	654	808	876
451	526	649	802	862
558	650	820		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SANTA CRUZ

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	477	483	650	830	914
WALKUP	402	478	611	788	860
ELEVATOR 2-4 STY	496	612	738		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: RENO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
474	479	588	718	791
414	474	562	654	725
533	614	771		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: LAS VEGAS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
386	442	551	661	731
379	419	529	656	710
470	533	701		

EFFECTIVE DATE 100186
TRENDED DATE 100188

PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
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REGION 10

ANCHORAGE OFFICE

MARKET: ANCHORAGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			772	854	882
SEMI-DETACHED/ROW	639	663	739	806	833
WALKUP	422	510	620	745	781
ELEVATOR 2-4 STY	443	535	645		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: FAIRBANKS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			760	829	902
SEMI-DETACHED/ROW	558	650	730	820	885
WALKUP	400	520	701	750	860
ELEVATOR 2-4 STY	486	572	724		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: JUNEAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			805	917	954
SEMI-DETACHED/ROW	640	675	780	874	917
WALKUP	425	550	680	761	875
ELEVATOR 2-4 STY	525	615	750		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KETCHIKAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			707	802	896
SEMI-DETACHED/ROW	469	573	674	767	853
WALKUP	437	519	611	698	774
ELEVATOR 2-4 STY	495	587	711		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: KENAI PENINSULAR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			781	867	974
SEMI-DETACHED/ROW	455	594	680	766	873
WALKUP	371	440	505	565	664
ELEVATOR 2-4 STY	453	535	680		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SITKA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			610	734	874
SEMI-DETACHED/ROW	310	396	501	632	757
WALKUP	299	383	477	562	646
ELEVATOR 2-4 STY	391	472	618		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

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PREPARED ON 030988

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
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REGION 10

PORTLAND OFFICE

MARKET: PORTLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			479	592	642
SEMI-DETACHED/ROW	306	365	434	528	578
WALKUP	294	362	420	485	564
ELEVATOR 2-4 STY	305	375	437		
ELEVATOR 5+ STY	369	438	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BEND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			366	470	525
SEMI-DETACHED/ROW	273	286	331	406	456
WALKUP	208	268	311	384	425
ELEVATOR 2-4 STY	221	288	329		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COOS BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			366	428	476
SEMI-DETACHED/ROW	250	283	331	407	453
WALKUP	222	269	322	393	440
ELEVATOR 2-4 STY	233	283	337		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BOISE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			451	533	575
SEMI-DETACHED/ROW	307	344	376	489	542
WALKUP	275	326	370	466	508
ELEVATOR 2-4 STY	299	336	384		
ELEVATOR 5+ STY	370	439	503		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: EUGENE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			386	486	541
SEMI-DETACHED/ROW	233	267	361	440	483
WALKUP	214	260	327	423	456
ELEVATOR 2-4 STY	227	277	346		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: IDAHO FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			342	386	430
SEMI-DETACHED/ROW	251	256	305	357	401
WALKUP	188	237	284	342	386
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: POCATELLO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			397	501	537
SEMI-DETACHED/ROW	255	276	377	436	492
WALKUP	207	258	342	414	445
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: COEUR D'ALEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			384	475	524
SEMI-DETACHED/ROW	257	267	347	405	447
WALKUP	229	245	306	385	419
ELEVATOR 2-4 STY	251	260	325		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100186
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SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
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REGION 10

SEATTLE REGIONAL OFFICE

MARKET: SEATTLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			604	668	758
SEMI-DETACHED/ROW	338	416	508	603	699
WALKUP	330	410	503	572	588
ELEVATOR 2-4 STY	369	441	545		
ELEVATOR 5+ STY	414	479	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: BELLINGHAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		460	545	621
295	337	408	503	555
252	322	398	481	540
269	339	416		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: OLYMPIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		438	525	624
332	351	378	473	562
253	323	372	448	534
270	340	415		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: YAKIMA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		431	518	607
286	329	406	474	555
236	307	366	451	530
253	330	383		

EFFECTIVE DATE 100186
TRENDED DATE 100188

MARKET: SPOKANE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			451	520	602
SEMI-DETACHED/ROW	277	320	399	463	534
WALKUP	243	297	367	441	509
ELEVATOR 2-4 STY	260	332	384		
ELEVATOR 5+ STY	376	426	545		
MANUFACTURED HOME					

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