7-22-88
Vol. 53 No. 141
Pages 27663-27818

federal register

Friday
July 22, 1988

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

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

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

Contents

Federal Register

Vol. 53, No. 141

Friday, July 22, 1988

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
Proposed Rules:
317 27695

7 CFR
401 27663
910 27664
1030 27798
Proposed Rules:
1040 27699

9 CFR
Proposed Rules:
201 27700

10 CFR
35 27665
1015 27798
Proposed Rules:
50 27701

12 CFR
563 (3 documents) 27667, 27814
570 27673

14 CFR
97 27675
234 27676
255 27676

17 CFR
140 27677

18 CFR
Proposed Rules:
154 27704

29 CFR
1910 27679
1915 27679
1917 27679
1918 27679
1926 27679
1928 27679
2676 27679
Proposed Rules:
2584 27704

33 CFR
117 27680
165 27681
334 27681
Proposed Rules:
66 27708
164 27708
165 27711
166 27711

36 CFR
251 27682

40 CFR
60 27685
61 27685
Proposed Rules:
52 (3 documents) 27711, 27716
156 27717
170 27717

42 CFR
Proposed Rules:
417 27718

43 CFR
4 27686

44 CFR
64 26799

46 CFR
35 27686
78 27686
97 27686
108 27686
167 27686
196 27686

49 CFR
390 27688
391 27688
392 27688
393 27688
394 27688
395 27688
396 27688
397 27688

50 CFR
17 27689
280 27693
285 27798
620 27798
630 (3 documents) 27693, 27798
638 27798
640 27798
641 27798
642 (2 documents) 27693, 27798
645 27798
646 27798
649 27798
650 27798
651 27798
652 27798
653 27798
654 27798
655 27798
657 27798
658 27798
661 (2 documents) 27798
662 27798
663 27798
669 27798
672 27798
674 27798
675 (2 documents) 27798
676 27798
680 27798
681 27798
683 27798
685 27798
Proposed Rules:
17 27724
20 27728

Rules and Regulations

Federal Register
Vol. 53, No. 141
Friday, July 22, 1988

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 401

[Amdt. No. 41; Doc. No. 5786S]

General Crop Insurance Regulations; Malting Barley Option

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the General Crop Insurance Regulations (7 CFR Part 401) to revise and reissue the Malting Barley Option (7 CFR 401.135), effective for the 1989 crop year. The intended effect of this rule is to provide that: (1) Acceptable sales records of malting barley varieties may be substituted for a malting barley contract in obtaining a malting barley option; (2) malting barley units, in accordance with provisions of the barley endorsement, will be allowed; (3) if this option is elected, *all* barley acreage planted to any approved malting variety must be insured under this option; (4) the malting barley price election used to determined liability and indemnity will be contained on the actuarial table; (5) production to count will include all harvested and appraised production accepted by a buyer or meeting applicable malting barley standards provided in the option; (6) quality adjustment determinations for mature malting barley production will be based on a comparison of the malting barley price election to the local market value for No. 2 basic barley if the damaged malting barley grades higher than the endorsement standards, or if not, the value of such basic barley of similar quality; and (7) the date for contract changes will be September 1.

EFFECTIVE DATE: August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1992.

John Marshall, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Additional minor editorial changes have been to improve compatibility with the General Crop Insurance Policy. These changes do not affect the meaning or intent of such provisions. The principal changes in the Malting Barley Option are:

1. A malting barley contract is no longer essential to obtain the option. Acceptable records of the sale of malting varieties for malting purposes may be used as a substitute.
2. Multiple malting barley units according to the provisions of the barley endorsement will be allowed.
3. If this option is chosen, then all barley acreage planted to any approved malting variety must be insured under this option. All other barley will be insured as basic barley under the endorsement.
4. The malting barley price election (only 1) used in determining liability and indemnities will be contained in the actuarial table.
5. Production to count will include all harvested and appraised production which is accepted by a buyer or meets applicable malting barley standards provided in the option.
6. Quality adjustment determinations for mature malting barley production will be based on a comparison of the malting barley price election to the local market value for No. 2 non-malting barley if the damaged malting barley grades higher than the basic barley endorsement standards, or if the damaged malting barley does not grade higher than the endorsement standards, the value of such non-malting barley of similar quality.
7. Several new definitions have been added while others have been revised.
8. The date by which changes to the option are to be available in the service office in now included in the option.

On Friday, June 3, 1988, FCIC published a notice of proposed rulemaking (NPRM) in the **Federal Register** at 53 FR 20332 to revise and reissue the Malting Barley Option (7 CFR 401.135) effective for the 1989 and succeeding crop years. The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule but none were received.

In reviewing the rule FCIC has determined that several minor errors are contained in the NPRM and are corrected herein as follows:

1. In the heading of the document, the amendment number reads No. 27. This should have read Amendment No. 41.
2. The sunset review date for these regulations, under the USDA procedures established by Departmental Regulation 1512–2, reads May 1, 1993. This should have read April 1, 1991.

3. The last word in Paragraph 9. of Subsection 401.135 reads "notice." This word should read "date."

Therefore, FCIC hereby adopts the rule published at 53 FR 20332 as a final rule.

List of Subjects in 7 CFR Part 401

General crop insurance regulations, Malting barley option.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the General Crop Insurance Regulations (7 CFR Part 401), to revise and reissue the Malting Barley Option (7 CFR 401.135), to be effective for the 1989 and succeeding crop years, as follows:

1. The authority citation for 7 CFR Part 401 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. 7 CFR Part 401 is amended to revise and reissue the Malting Barley Option, (7 CFR 401.135) effective for the 1989 and succeeding crop years, to read as follows:

§ 401.135 Malting Barley Option.

The provisions of the Malting Barley Option for the 1989 and subsequent crop years are as follows:

United States Department of Agriculture Federal Crop Insurance Corporation Barley Insurance Malting Barley Option

(This is a continuous Option. Refer to section 15 of the General Crop Insurance Policy)

Insured's name _____
Contract No. _____

Crop Year

Address

Identification No. _____
SSN _____
Tax _____

It is hereby agreed to amend the Federal Crop Insurance General Crop Insurance Policy and Barley Endorsement under, and in accordance with, the following terms and conditions:

1. The option must be submitted to us on or before the final date for accepting applications for the initial crop year in which you wish to insure your malting barley acreage under this option.

2. You must have a Federal Crop Insurance General Crop Insurance Policy and Barley Endorsement ("Basic Policy") in force.

3. You must provide by the acreage reporting date:

a. Acceptable records of the sale of malting barley for malting purposes for 3 of the previous 5 crop years; or

b. A binding written contract with a buyer of malting barley for malting purposes, which states the quantity contracted and purchase price or method for determining such price.

4. All barley acreage in the county planted to an approved malting variety in which you have a share, will be insured under this option ("Malting Barley"). All barley acreage of any non-malting variety will be insured under the terms of the Basic Policy ("Basic Barley"). Malting barley and basic barley acreage will be separate units. Further unit division may be allowed in accordance with the provisions of the basic policy.

5. You must elect the highest price election provided for basic barley.

6. Your premium rate for malting barley will be provided by the actuarial table.

7. In lieu of section 7.b. (1) and (2) of the Barley Endorsement:

a. Mature malting barley production which otherwise is not eligible for quality adjustment will be reduced .12 percent for each one tenth (.1) percentage point of moisture in excess of 13.0 percent; or

b. Mature malting barley production, which due to insurable causes, is not accepted by a buyer of malting barley and will not meet the applicable standards for two-rowed or six-rowed malting barley (see 10.c.), will be adjusted by:

(1) Dividing the value per bushel for the insured malting barley (see 10.d.) by the price election for malting barley; and

(2) Multiplying the result (not to exceed one (1.0)) by the number of bushels of such barley.

c. All grade determinations must be made by a grader licensed to grade barley under the Unted States Grain Standards Act from samples obtained by a licensed sampler or our loss adjuster. Any production which is not sampled and graded as provided by this section will be considered as malting barley meeting the applicable standards.

8. All provisions of the basic policy not in conflict with this option are applicable.

9. Contract changes will be available at your service office by September 1 preceding the cancellation date.

10. As used in this option:

a. "*Applicable standards*" for two-rowed and six-rowed malting barley are defined in the Official United States Grain Standards.

b. "*Approved malting variety*" means the varieties specified in the actuarial table or approved in writing by us.

c. "*Buyer*" means any business enterprise regularly engaged in the malting of barley or brewing of malt beverages for human consumption, or its representative which is authorized to engage in the purchase of malting barley on behalf of or for sale to the malting or brewing company.

d. "*Value per bushel*" for the insured malting barley means;

(1) The local market price of U.S. No. 2 barley (basic barley) if the insured mature malting barley production, due to insurable causes, has a test weight of greater than 40 pounds per bushel and, as determined by a grain grader licensed by the Federal Grain Inspection Service or licensed under the United States Warehouse Act, contains more than 85 percent sound barley; less than 8 percent damaged kernels; less than 35 percent thin barley; less than 5 percent black barley; and does not grade smutty, garlicky, or ergoty; or

(2) The local market price of basic barley of the same quality as the insured malting barley, if the malting barley does not meet all the standards in 10.d.(1).

The local market price for basic barley as identified in 10.d. (1) and (2) above will be the price on the earlier of the day the loss is adjusted or the day the insured barley is sold.

(2) The local market price of basic barley of the same quality as the insured malting barley, if the malting barley does not meet all the standards in 10.d.(1).

The local market price for basic barley as identified in 10.d. (1) and (2) above will be the price on the earlier of the day the loss is adjusted or the day the insured barley is sold.

Insured's Signature _____
Date _____
Corporation Representative's Signature and Code Number _____
Date _____

Done in Washington, DC on July 18, 1988.

John Marshall,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 88–16549 Filed 7–21–88; 8:45 am]

BILLING CODE 3410–08–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 623]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 623 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 385,000 cartons during the period July 24 through July 30, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 623 (§ 910.923) is effective for the period July 24 through July 30, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: 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 has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action 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 Agricultural Marketing Agreement 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.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987–88. The committee met publicly on July 19, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by an 8–4 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of **Subjects in 7 CFR Part 910**

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. Section 910.923 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.923 Lemon Regulation 623.

The quantity of lemons grown in California and Arizona which may be handled during the period July 24, 1988, through July 30, 1988, is established at 385,000 cartons.

Dated: July 20, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–16664 Filed 7–21–88; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Control of Aerosols and Gases

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations governing the medical uses of byproduct material by removing the requirement that radioactive aerosols be administered to patients only in rooms that are at negative pressure relative to surrounding rooms. The rule, developed in response to PRM–35–6, allows the use of radioactive aerosols in locations such as intensive care units, critical care units, and patients' rooms. Evaluation of potential radiation hazards to hospital personnel showed minimal risk when a radioactive aerosol is used with a closed, shielded system either vented to the outside atmosphere through an air exhaust or a system which provides for collection and disposal of the aerosol. The rule allows physicians greater latitude in administering necessary clinical procedures to their patients. The safety requirement that certain diagnostic medical procedures be performed only in rooms at negative pressure relative to surrounding rooms continues to apply to the use of radioactive gases.

EFFECTIVE DATE: August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Alan K. Roecklein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492–3740.

SUPPLEMENTARY INFORMATION:

Background

In 1983, NRC began authorizing medical licensees to administer radioactive aersols by inhalation (see 48 FR 5217; February 4, 1983) to patients for diagnosing lung disease. The only safety measure required specific to this clinical procedure was that the licensee had to administer the radioactive aerosol "with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol," (see 10 CFR 35.14(b)(8)). In a complete revision of 10 CFR Part 35, effective April 1, 1987, NRC added the requirement that aerosols be administered only in rooms that are at negative pressure (see § 35.205(b), 51 FR 36932; October 16, 1986). In response to a letter received in February 1987 that stated that application of the requirement would have a negative impact on health care delivery, medical licensees were temporarily exempted from the requirement in § 35.205(b) (see 52 FR 9292; March 24, 1987).

Petition for Rulemaking

On March 9, 1987, Mallinckrodt, Inc., submitted a petition for rulemaking which was docketed PRM–35–6 on March 11, 1987. A copy of the petition may be obtained from the Regulatory Publications Branch, Division of Freedom of Information and Publication Service, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The petitioner requested that the Commission remove the requirement that radioactive aerosols be administered only in rooms that are at negative pressure relative to surrounding rooms.

The petitioner submitted literature showing that, for many hospitals, TC–99m DTPA aerosol is the preferred lung ventilation imaging procedure. For critically ill patients who cannot be moved, it has been the only lung imaging technique available. If use of aerosols is restricted to negative pressure rooms, these patients would be deprived of the benefits of lung imaging.

The petitioner described a typical radioactive aerosol delivery system. Because the only radiation safety hazard is leakage of the aerosol, three potential leakage points external to the shield were identified in drawings. Two leakage points require patient compliance for safety; the frequencies of

patient non-compliance based on clinical experience were 10% and 5%. Corresponding durations of leakage were 2–3 exhalations and 1–2 exhalations. These numbers were used to calculate the average administration loss per patient. This quantity was used to calculate the maximum number of clinical procedures that could be performed in an average room per week without exceeding the maximum permissible concentration for Tc–99m in an unrestricted area. The very large number (238) of diagnostic procedures possible before exceeding the maximum permissible concentration greatly exceeds the busiest work load of 30 studies per week in a larger hospital. The third potential leakage point is the junction between the manifold and the plastic patient breathing tube. Leakage has been found to be negligible during routine, proper use.

The NRC examined Mallinckrodt's petition and supporting information and made a determination to grant the petition. The requirement for administering radioactive aerosols in rooms at negative pressure relative to their surroundings may adversely affect the public health and safety. Some patients requiring the clinical procedure cannot be moved safely to an appropriate room or another hospital that has the required facilities. These patients would not be able to be treated unless the restriction on the negative pressure is removed. Calculations show that worker health and safety does not require negative pressure rooms for administration of radioaerosols. This final rule completes the action necessary to grant PRM–35–6 and also completes action on the petition for rulemaking.

Public Comments

A notice of proposed rulemaking was published in the **Federal Register** on December 16, 1987 (52 FR 47726). Four letters of public comment were received and docketed in the NRC public docketing facilities. Georgetown University Hospital supported the rulemaking unequivocally. An E.I. DuPont DeNemours & Co. spokesperson had no objection to the amendment but requested a copy of the petition for rulemaking which was provided.

Representatives of the Bureau of Environmental Health of the State of Iowa, and the University of Washington commented that the rule was too broad, that it might permit the use of other radioisotopes in aerosol form which could pose a serious public health problem, and that the need for negative pressure or supplemental ventilation should be addressed on an individual basis. Given that this amendment addresses the use of radioisotopes in aerosol form, administered by inhalation for diagnostic purposes, the Commission rejected these comments for the following reasons:

Although it is possible that some radioisotope other than Tc–99m might be developed in aerosol form for inhalation diagnostic studies, it is not likely that it would be in a different hazard classification. Considerations of patient dose would restrict half-life and decay mode. Future imaging techniques would require photon energies comparable to Tc–99m. Because imaging equipment detection sensitivities are high, total administered radioactivity for any new clinical diagnostic procedures would not need to be higher than current methods. Additionally, any new diagnostic radiopharmaceutical would be evaluated by the Food and Drug Administration prior to approval for use based on these considerations.

The clinical requirements for aerosol particle size and other physical properties are expected to remain constant so that the risk from dispersion of any aerosol lost during patient administration would be minimal. All devices currently used for aerosol administration include exhalant trapping, and the current requirements for using collection or atmospheric venting systems remain unchanged.

The NRC notes that relief from the negative pressure requirement of § 35.205(b) does not relieve licensees from the requirements to comply with other NRC regulations, orders, or license conditions limiting maximum permissible air concentrations in controlled and uncontrolled areas.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. In a revision to 10 CFR Part 35, effective April 1, 1987, the NRC added a requirement that radioactive aerosols be administered only in rooms that are at negative pressure. This was in addition to existing requirements that radioactive aerosols were to be administered "with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol." In response to a letter stating that the negative pressure requirement would have a negative impact on health care delivery, medical licensees were temporarily exempted from the requirement in March 1987, before the rule became effective. This action removes the requirement in 10 CFR Part 35 to use negative pressure rooms for the administration of radioactive aerosols, which requirement was never in fact implemented. The remaining requirements, a closed system either vented to the atmosphere or provided with collection and disposal, remain in effect, and were found when promulgated in February 1983 (48 FR 5217) to have no significant environmental impact. This action, removing a safety requirement for negative pressure rooms, which in fact was not implemented, has no significant environmental impact. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the environmental assessment and the finding of no significant impact are available from Alan K. Roecklein, USNRC, Washington, DC 20555, (301) 492–3740.

Paperwork Reduction Act Statement

The final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0010.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC.

Removing the requirement to use Tc–99m DTPA and other aerosols only in rooms kept at negative pressure will eliminate an unnecessary safety measure for medical licensees and will avoid depriving patients of a necessary clinical diagnostic procedure. No adverse impact on public or worker health and safety will result.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule removes a restriction imposed on many of the NRC's 2,500

medical licensees that administer radioactive aerosols by inhalation for diagnostic purposes. The NRC has adopted size standards that classify a hospital as a small entity if its annual gross receipts do not exceed $3.5 million, and a private practice physician as a small entity if the physician's annual gross receipts are $1 million or less (50 FR 50241; December 9, 1985). Although some NRC medical licensees could be considered "small entities," the number that would fall into this category does not constitute a substantial number for purposes of the Regulatory Flexibility Act.

The effect of the regulation is to remove a restriction applicable to the administration of radioactive aerosols. This will benefit all medical licensees but will provide special benefits for smaller institutions by allowing the continued use of a clinical diagnostic procedure without imposing the requirement of constructing additional facilities or modifying existing facilities.

Backfit Analysis

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

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendment to 10 CFR Part 35.

PART 35—MEDICAL USES OF BYPRODUCT MATERIAL

1. The authority citation for Part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.11, 35.13, 35.20 (a) and (b), 35.21 (a) and (b), 35.22, 35.23, 35.25, 35.27 (a), (c) and (d), 35.31(a), 35.49, 35.50 (a)–(d), 35.51 (a)–(c), 35.53 (a) and (b), 35.59 (a)–(c), (e)(1), (g) and (h), 35.60, 35.61, 35.70 (a)–(f), 35.75, 35.80 (a)–(e), 35.90, 35.92(a), 35.120, 35.200(b), 35.204 (a) and (b), 35.205, 35.220, 35.310(a), 35.315, 35.320, 35.400, 35.404(a), 35.406 (a) and (c), 35.410(a), 35.415, 35.420, 35.500, 35.520, 35.605, 35.606, 35.610 (a) and (b), 35.615, 35.620, 35.630 (a) and (b), 35.632 (a)–(f), 35.633 (a)–(i), 35.636 (a) and (b), 35.641 (a) and (b), 35.643 (a) and (b), 35.645 (a) and (b), 35.900, 35.910, 35.920, 35.930, 35.932, 35.934, 35.940, 35.941, 35.950, 35.960, 35.961, 35.970, and 35.971 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14, 35.21(b), 35.22(b), 35.23(b), 35.27 (a) and (c), 35.29(b), 35.33 (a)–(d), 35.36(b), 35.50(e), 35.51(d), 35.53(c), 35.59 (d) and (e)(2), 35.59 (g) and (i), 35.70(g), 35.80(f), 35.92(b), 35.204(c), 35.310(b), 35.315(b), 35.404(b), 35.406 (b) and (d), 35.410(b), 35.415(b), 35.610(c), 35.615(d)(4), 35.630(c), 35.632(g), 35.634(j), 35.636(c), 35.641(c), 35.643(c), 35.645, and 35.647(c) are issued under sec. 161o, 68 Stat. 950 as amended (42 U.S.C. 2201(o)).

2. In § 35.205, paragraphs (b) and (e) are revised to read as follows:

§ 35.205 Control of aerosols and gases.

* * * * *

(b) A licensee shall administer radioactive gases only in rooms that are at negative pressure compared to surrounding rooms.

* * * * *

(e) A licensee shall check the operation of reusable collection systems each month, and measure the ventilation rates available in areas of radioactive gas use each six months.

Dated at Rockville, Maryland, this 20th day of June, 1988.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Executive Director for Operations.

[FR Doc. 88–16587 Filed 7–21–88; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 88-578]

Over-the-Counter Financial Options Transactions; Accounting for Financial Options

Date: July 15, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is amending its regulations pertaining to financial option transactions by institutions whose accounts are insured by the FSLIC ("insured institutions"). Specifically, the Board is amending its regulations to allow insured institutions to engage in over-the-counter ("OTC") financial option transactions with certain types of counterparties in addition to primary dealers in government securities. The Board believes that there are a variety of entities, other than primary dealers, that trade OTC options and are subject to capital adequacy standards and oversight that are sufficiently comparable to the standards applicable to primary dealers that such other entities should also be permissible counterparties in OTC option transactions. The amendments are intended to allow insured institutions to use more effectively the authority previously granted to them to engage in OTC option transactions.

The Board also is revising the manner in which insured institutions account for "short call" option positions for purposes of Risk Analysis Report ("RAR") to the Board. Under the existing regulations, an institution that enters into a short call option matched against a specific asset, liability, or intended cash-market transaction, may defer any realized losses on the option position over the estimated life of the matched item and recognize the option commitment fee as income over the term of the option. The Board believes that the present accounting rules may encourage insured institutions to enter into short call positions solely to take advantage of the favorable regulatory accounting treatment, rather than for sound economic reasons such as the reduction of interest rate risk. To eliminate that incentive, the Board is amending its regulation to require that the income recognition of the commitment fee received by an institution writing a call option be deferred until the option position is terminated. At that time, any gains or losses resulting from the option position shall be recognized, together with the fee income that had previously been deferred.

EFFECTIVE DATE: August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Robert J. Pomeranz, Senior Policy Analyst, Office of Policy and Economic Research, (202) 377–6760; Steven Gray, Attorney, Corporate and Securities Division, Office of General Counsel, (202) 377–7506; Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552; or Carol Larson, Accounting Fellow, Office of Regulatory Policy, Oversight and Supervision, (202) 778–2535; Federal Home Loan Bank System, 900 19th Street NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: On August 11, 1982, the Board, as operating

head of the FSLIC, adopted regulations governing the extent to which insured institutions may trade financial options. Board Res. No. 82–557, 47 FR 36621 (Aug. 23, 1982). Those regulations permitted an institution to engage in financial option transactions by using any financial option contract designated by the Commodity Futures Trading Commission ("CFTC") or approved by the Securities and Exchange Commission ("SEC") and based upon a financial instrument in which the insured institution may invest, or based upon a financial futures contract. Additionally, such transactions were required to be conducted under the terms and conditions established by an exchange designated or regulated by the CFTC or the SEC. *See* 12 CFR 563.17–5 (1983). Thus, under the terms of that regulation, insured institutions were not permitted to engage in OTC financial option transactions because such transactions do not involve standardized contracts and are not considered to be part of an exchange. *See* Office of Examination and Supervision, Memorandum No. T74, Prohibition Against Over-the-Counter Options Trading (Feb. 14, 1985).

As a separate part of that regulation, the Board also established certain accounting rules to be used for purposes of regulatory reporting by insured institutions engaging in financial option transactions. The Board reasoned that the establishment of such rules was necessary because at that time there was no single accounting treatment for financial option transactions recognized by the accounting standard setting bodies. The rules adopted by the Board required insured institutions to use hedge accounting in recognizing gains or losses on long and short call options and long put options that were properly matched against cash or forward market positions. Unmatched long and short call positions, unmatched long put positions, and any short put positions were required to be accounted for on a mark-to-market basis. When using hedge accounting, an institution would treat the gain or loss from an option position as an adjustment to the carrying amount of the cash or forward market position against which the option was matched. In order to use hedge accounting, the Board's rules required that an institution match its option positions against cash or forward market positions and that the option transactions reduce the interest-rate risks of the corresponding transactions. The rules further required that an institution divide the option premium paid or received into two parts: An option commitment fee and the immediate exercise value of the option. The commitment fee was to be recognized as an expense or revenue item over the term of the option and the change in immediate exercise value (or "intrinsic value") was to be treated as gain or loss subject to hedge accounting treatment.

On April 18, 1985, the Board amended 12 CFR 563.17–5 with regard to permissible types of financial option transactions and the regulatory accounting rules applicable to short call option positions and also requested public comment on the amendments, which were adopted in final form. Board Res. No. 85–293, 50 FR 16459 (April 26, 1985). As part of those amendments, the Board permitted insured institutions to engage in all types of OTC option transactions (*i.e.*, long calls, long puts, short calls, and short puts), but generally limited the permissible counterparties in an OTC option transaction to entities that were "primary dealers" in government securities (*i.e.*, members of the Association of Primary Dealers in United States Government Securities). The Board adopted the limitation on permissible counterparties as a means of minimizing the potential credit and liquidity risks to which an insured institution trading in OTC financial options could be exposed. *See id.* Because primary dealers are actively engaged in the distribution of government securities, are substantially capitalized, make continuous markets in government securities, have a long-term commitment to the market, are capable of maintaining a market in OTC option contracts, and are monitored by the Federal Reserve Bank of New York, the Board reasoned that permitting primary dealers to act as counterparties in OTC financial option transactions would not involve any substantial credit risk—arising by virtue of the nature of the counterparty involved—to insured institutions. Moreover, such a limitation made it unnecessary for the Board to monitor the capital adequacy of all potential counterparties with which an institution could trade OTC options. The Board also allowed insured institutions to conduct OTC option trading with affiliates of a primary dealer, provided, however, that the affiliate was substantially engaged in dealing in government securities and its performance under an OTC option contract was guaranteed by the primary dealer.

In those amendments, the Board also revised its regulatory accounting rules for short call option transactions in order to eliminate the potential for certain abusive practices that had arisen under the initial accounting rules adopted in 1982. Under the prior rules, an institution receiving a fee for writing a call option would recognize the option commitment fee as income over the term of the option. If the option was matched against a specific asset, liability, or intended cash market position, any realized gains or losses on the option position would be deferred over the estimated life of the matched item. The Board expressed its belief at that time that such accounting treatment could lead an institution to enter into short calls to record the option commitment fee as current income. In order to deter insured institutions from entering into short call opotion positions solely for the benefit derived from a favorable accounting rule, the Board amended 12 CFR 563.17–5(g) to require that option commitment fees received for the sale of matched call options be recorded as a discount on the matched item. That fee, as well as any related losses from the option transactions, would be deferred and amortized over the estimated life of the matched item.

On May 24, 1985, the Board rescinded the accounting portion of the amendments that had been adopted on April 18, 1985, and reinstated the initial accounting rules in order to give further consideration to the most appropriate method of accounting for short call options. Board Res. No. 85–420, 50 FR 23395 (June 4, 1985). On the same date, the Board separately issued an advance notice of proposed rulemaking, which requested public comment on all of the related accounting aspects of short call option transactions in which insured institutions may engage. Board Res. No. 85–421, 50 FR 23432 (June 4, 1985).

After considering the comments received in response to the advance notice and the solicitation of comments made in conjunction with the April 18, 1985 amendments, the Board proposed amendments to 12 CFR 563.17–5 with regard to the permissible counterparties for OTC option transactions and the accounting rules for short call options. Board Res. No. 85–1196, 50 FR 53336 (December 31, 1985) (the "Proposal"). The comment period on the Proposal closed on March 3, 1986. The Board received eighteen comment letters in response to the Proposal. The largest group (6) were submitted by insured institutions. Of the remainder, 5 were submitted by trade associations, 3 were submitted by broker-dealer firms, 2 were submitted by law firms, 1 was submitted by an accounting firm, and 1 was submitted by a futures exchange. After carefully considering the issues raised

by the commenters, the Board today is adopting the Proposal as a final rule, with certain modifications as described below.

I. Permissible Counterparties

A. The Proposal

Based on its concerns that the present regulations may be unnecessarily restrictive, may have the unintended effect of denying smaller insured institutions access to the OTC option market, and may be anti-competitive by prohibiting well capitalized entities other than primary dealers from dealing with insured institutions, the Board proposed to amend 12 CFR 563.17–5 by allowing insured institutions to engage in OTC option transactions with the following additional types of entities:

—Banks that are subject to regulation and supervision by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System and are in compliance with their applicable regulatory capital requirement.

—Institutions that are subject to regulation and supervision by the FSLIC and are in compliance with their regulatory capital requirement.

—Brokers registered with the SEC and subject to regulation and supervision by the National Association of Securities Dealers ("NASD") and that are in compliance with their capital requirements.

—Futures commission merchants registered with the CFTC and that are in compliance with their capital requirements.

—The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association.

—Other entities, upon application, that the FSLIC determines are adequately regulated by a government entity or a self-regulatory agency, are subject to capital adequacy standards, and are regularly audited and examined.

The Board requested public comment on whether the types of institutions described in the above categories would be appropriate counterparties for insured institutions and whether there exist any additional entities whose capital adequacy, stability, and regulatory supervision are such that they also should be included in the category of entities permitted to act as counterparties in OTC option transactions. More specifically, the Board requested public comment on whether insured institutions should be permitted to engage in OTC option transactions with certain unregulated entities, such as unregulated government securities dealers, or Federal Home Loan Banks ("District Banks"). The Board also requested comment on whether it should require the depository institutions that act as counterparties be in compliance with their regulatory capital requirements as a condition to acting as a counterparty to an insured institution.

B. Summary of Comments

All the commenters that commented on the permissible counterparties aspect of the Proposal supported the proposed expansion of the type of counterparties with which insured institutions may enter into OTC option transactions. One additional commenter, a national broker-dealer firm, supported expanding the list of permissible counterparties to include the Federal Home Loan Banks. In recognition of the potential benefits to insured institutions, the Board has determined that it is appropriate to include the District Banks as a category of permissible counterparties.

Several of the commenters stated their belief that any depository institution that is permitted to act as a counterparty in an OTC option transaction must be in compliance with its regulatory capital requirements in order to help satisfy the Board's liquidity and credit risk concerns. One commenter expressed the view that such a condition would be inequitable due to the variation in regulatory capital requirements between FDIC and FSLIC insured institutions. The Board notes, however, that any potential inequity will in time be largely obviated by its recently revised regulatory capital requirements. *See* Board Res. No. 86–857, 51 FR 33565 (September 22, 1986) and Board Res. No. 87–661, 52 FR 23845 (June 25, 1987). In the meantime, the Board believes it is desirable that each type of counterparty be in compliance with the capital requirement deemed appropriate for it by its regulator.

Several commenters felt strongly that unregulated securities dealers should not under any circumstances be permissible counterparties. In this regard, the Board notes that the Government Securities Act of 1986 (the "1986 Act"), amended the Securities Exchange Act of 1934 (the "Exchange Act"), effective July 25, 1987, to require previously unregulated government securities brokers and dealers to register with the SEC. Further, the 1986 Act authorizes the Secretary of the Treasury to propose and adopt rules with respect to financial responsibility and related practices of government securities brokers and dealers. *See* Exchange Act Section 15C. The Treasury has exercised such authority by adopting various financial responsibility and related rules, which are patterned after similar SEC rules. *See* 52 FR 27910 (July 24, 1987).

Two commenters, a trade association and a savings and loan association, felt that the proposed requirements that each counterparty notify the District Director-Examinations of the Federal Home Loan Bank in the district in which the insured institution is located immediately following the entering into an OTC option transaction and that such counterparty report monthly on the outstanding position of the insured institution were impracticable. These commenters suggested that it would be more appropriate for the insured institutions to bear the responsibility for reporting information regarding OTC option transactions.

The Board agrees with these commenters that it would be appropriate for the bulk of the reporting obligation to be borne by the insured institutions. However, the Board notes that several of the District Banks have emphasized the usefulness of the counterparty reports they have been receiving pursuant to the no-action position taken by the Board in Res. No. 85–1196. Accordingly, the amendments retain the requirement for immediate notification but delete the monthly reporting requirement by the relevant counterparty.

One commenter, a futures exchange, expressed concern that the Proposal might be misunderstood by some insured institutions as authorizing OTC transactions in commodity options, subject to the jurisdiction of the CFTC pursuant to sections 2(a), 2(b) and 4(c) of the Commodity Exchange Act ("CEA"). This commenter pointed out that, except for certain limited exceptions that are generally inapplicable to transactions by insured institutions, the CEA and the regulations thereunder generally prohibit OTC transactions in commodity options by U.S. entities.[1] The Board did not and does not intend to authorize insured institutions to enter into OTC commodity option transactions subject to the jurisdiction of the CFTC that are not otherwise authorized under the CEA and the regulations thereunder. The final rule clarifies this point by excluding OTC commodity option transactions from the definition of financial option contract contained in 12 CFR 563.17–5(a)(4).

Two commenters, a national trade association and a law firm writing on

[1] *See* 17 CFR Parts 32 and 33.

behalf of a federal savings and loan association, were concerned that the Proposal could be read to have application to optional delivery forward commitment contracts (so-called "standby commitments") to purchase and sell mortgages and mortgage-backed securities. These commenters noted that the use of standby commitments was an integral component of the mortgage loan origination process for many insured institutions, especially smaller institutions. These commenters further noted that standby commitment funding was typically provided through special purpose subsidiaries of bank holding companies, a category of entities not included as possible permissible counterparties in the Proposal. These commenters urged the Board to clarify the Proposal to exclude standby commitments from the definition of "financial option contracts" in order to avoid denying smaller institutions access to the secondary mortgage market.

The Board wishes to make clear that the Proposal was not intended to cover standby commitments to purchase and sell mortgages and mortgage-backed securities when used by insured institutions as part of the mortgage loan origination process. Toward this end, the amendments to 12 CFR 563.17–5 specifically exclude standby commitments used as part of an insured institution's mortgage loan origination process from the definition of financial option transactions.

However, the Board is aware that certain insured institutions have issued standby commitments as a means to speculate on interest rates. Such speculative use of standby commitments appears indistinguishable from uncovered (or "naked") short put positions in financial option contracts from both economic and policy viewpoints. Accordingly, although the Board is leaving undisturbed the current preferential treatment of standby commitments used as part of an insured institution's mortgage loan origination process, it wishes to note its concerns in this area and to caution insured institutions against the speculative use of standby commitments.[2] The Board will monitor the activities of insured institutions with respect to the use of standby commitments and will propose additional amendments to its regulations in the future if warranted.

C. Amendments to 12 CFR 563.17–5

Having considered the comment letters summarized above, the Board is adopting amendments to 12 CFR 563.17–5 regarding permissible counterparties in OTC option transactions. The final rule, as adopted by the Board, incorporates several modifications of the Proposal.

One modification expands the list of permissible counterparties to include, not only the specific types of entities listed in the Proposal, but also the Federal Home Loan Banks, and government securities brokers and dealers registered with the SEC pursuant to section 15(b) or 15C of the Exchange Act, that are subject to regulation by the Treasury Department, that are members of either a Registered Securities Association or a National Securities Exchange (registered in accordance with sections 6 and 19(a) of the Exchange Act), and that are in compliance with their applicable capital requirements.

The category "brokers registered with the SEC and subject to regulation and supervision by the NASD * * *" has been slightly modified to be more technically precise. As adopted, this category reads: "Brokers or dealers registered with the Securities and Exchange Commission and subject to regulation and supervision by a Registered Securities Association (registered pursuant to section 15A of the Securities and Exchange Act of 1934 ("Exchange Act")) or a National Securities Exchange (registered pursuant to sections 6 and 19(a) of the Exchange Act) and that is in compliance with its applicable capital requirements."

In recognition of the credit and liquidity risk associated with long positions in OTC financial option contracts (*e.g.*, in contrast to standardized option contracts, there are no performance guarantees to protect an insured institution from the risk of default by the short side of the OTC option contract), the amendments limit the dollar amount of long OTC option positions that an insured institution can maintain with any single counterparty to the same extent as the limitations placed on aggregate loans to one borrower, now or hereafter in effect, pursuant to 12 CFR 563.9–3(b)(1). As currently in effect, that limitation prohibits an insured institution from making loans to any one borrower in an amount in excess of ten percent of such institution's withdrawable accounts or one hundred percent of its regulatory capital, whichever amount is less. The Board believes such a limitation is necessary with regard to OTC option transactions to protect the FSLIC fund from undue risk.

However, the Board recognizes that specific counterparties will have varying degrees of creditworthiness and that flexibility in this regard is desirable. Accordingly, the amendments authorize approval by an insured institution's Principal Supervisory Agent ("PSA") of proposed OTC option transactions with a specific counterparty in excess of the limitations imposed by 12 CFR 563.9–3(b)(1) whenever the PSA determines that such transactions do not subject the FSLIC to undue risk. In this regard, the amendments direct the PSA to consider the creditworthiness of the specific counterparty, the insured institution's experience with that counterparty and with transacting in financial option and futures contracts generally, the nature of the subject contracts (*e.g.*, matched or unmatched), and any other circumstances deemed relevant by the PSA. In order to limit processing delays, the amendments provide that an application will be deemed approved if it is not denied by the PSA within 10 calendar days from the date the application was filed.

The Board believes that the prior approval mechanism for transactions that exceed the applicable limitations will provide insured institutions with necessary flexibility in implementing their investment and risk management strategies while, at the same time, protecting the FSLIC fund from undue risk. In addition, the Board notes that the subject limitations are substantially less stringent than the tentative thresholds for required disclosures regarding maximum credit risk concentrated in an individual counterparty (over 20 percent of equity and 1 percent of total assets, or over 10 percent of total assets) as announced by the Financial Accounting Standards Board ("FASB"). *See* Financial Accounting Standards Board, Exposure Draft, Proposed Statement of Financial Accounting Standards: Disclosure about Financial Instruments (November 30, 1987).

II. Accounting for Short Call Option Positions

A. The Proposal

Based on its desire to discourage insured institutions from entering into short call option positions solely to take

[2] The Board further notes that 12 CFR 563.17–3(c)(1) prohibits insured institutions from entering into standby commitments at a price other than "actual market value." Accordingly, regardless of labels, any financial instrument concerning the purchase and sale of securities at a price other than "actual market value" would not be a standby commitment under the Board's regulation.

advantage of a favorable regulatory accounting treatment, the Board proposed to amend 12 CFR 563.17–5 to require insured institutions to use a simplified mark-to-market approach to account for short call financial option transactions. Under that approach, the option commitment fee received for writing a matched call option would be deferred until the option expires, the institution is called to perform under the option contract, or the institution offsets its short position. At the time that an institution terminates its short call position through one of the above methods, it would be required to aggregate the commitment fee received with any resulting gain or loss on the option position and record the net result as income or expense.

The Board noted in the Proposal its belief that by requiring insured institutions to recognize the net gain or loss at the time the option position is terminated, the resulting accounting would more accurately reflect the true economic substance of a short call option transaction than the existing accounting treatment. In addition, the Board notes that such an approach furthers the requirement in the Competitive Equality Banking Act of 1987 ("CEBA"), Pub. L. 100–86, 101 Stat. 552, that the Board and the FSLIC issue regulations prescribing "uniformly applicable accounting standards to be used by all insured institutions for the purpose of measuring compliance with any rule or regulation" promulgated by the Board or the FSLIC "to the same degree that generally accepted accounting principles are used to determine compliance with rules and regulations of the Federal banking agencies." [3]

B. Summary of Comments

Eleven of the commenters commented on the accounting for short call options aspect of the Proposal. Two of the commenters supported the proposed change in the accounting for short call options. Two other commenters recommended that the Board not change existing accounting rules until such time as the FASB establishes generally accepted accounting principles ("GAAP") for financial option transactions.

The Board does not anticipate a FASB pronouncement in this area in the near future. For this reason, and in light of several recent instances where misuse of short call optionshas resulted in or contributed to financial difficulties for insured institutions,[4] the Board believes that leaving the existing regulatory accounting rules unchanged is not a viable alternative. At such time as GAAP for financial option transactions is clarified, the Board will reexamine its rules in this area.

Several commenters recommended that short call options be accounted for on a mark-to-market basis. Because insured institutions file regulatory reports with the Board on a monthly basis, such a requirement would necessitate marking positions to the market at least monthly. The Board has determined not to adopt such an approach at this time because it exceeds the scope of the Proposal. Instead, as described below, the amendments provided for a simplified approach effectively requiring option positions to be marked-to-market when such position is terminated.

One commenter, a futures exchange, observed that the proposed accounting fails to reflect the economic substance of options transactions. The concerns raised could be resolved only by requiring mark-to-market accounting for both the written option position as well as the matched cash market or anticipated transactions. Such an approach, although potentially justifiable on economic grounds, would mark a substantial departure from an historical cost accounting treatment under GAAP. The Board has, therefore, determined not to implement this alternative at this time.

Two commenters recommended that "hedge" accounting treatment should be afforded a short call option position when the options strike price is substantially below the market price for the underlying security (so-called "deep-in-the-money" option). Those commenters made reference to certain conclusions by the Accounting Standards Executive Committee issued on August 15, 1986, in response to a March 6, 1986 Issues Paper by the American Institute of Certified Public Accountants entitled "Accounting for Options," which would permit hedge accounting treatment for deep-in-the-money options.

The Board recognizes that a short call option that is matched to a long position in a specific security (so-called "covered call") does provide some protection against price changes in the matched security. Further, it is recognized that hedge accounting treatment for deep-in-the-money covered call positions does have some theoretical merit because, for limited intervals of price decreases in the underlying security, deep-in-the-money covered call options protect against a loss in value of the "covered" security. However, because of the calculation complexities in correctly accounting for such positions and because deep-in-the-money call options are rarely sold by insured institutions, the Board has determined that hedge accounting for any short call option position would be inappropriate.

Two commenters pointed out that call writing can be used effectively to hedge a long security position when the call position is periodically adjusted to "preserve delta neutrality." The Board notes that preservation of delta neutrality requires that position adjustments be made on an ongoing and frequent basis to insure that changes in the value of the security being hedged are exactly offset by changes in the value of the option position. Consequently, a great deal of position monitoring and adjustment to "hedge ratios" is necessary to maintain delta neutrality. Because of an almost constant need to monitor and adjust positions and, as previously noted, the complexities involved in hedge accounting, the Board does not believe applying hedge accounting to "delta neutral" positions (*i.e.*, a position that utilizes the ratio of the change in option price to the change in price of the hedged assets to determine the precise number of option contracts required at any point in time in order to offset exactly the change in price of the hedged asset) is a practical alternative.

C. Amendments to 12 CFR 563.17–5

Having considered the comment letters summarized above, the Board is adopting amendments to 12 CFR 563.17–5 regarding the accounting treatment for short call financial option positions. The amendments follow the simplified mark-to-market approach substantially as proposed in the Proposal. The Board believes that the amendments will more accurately reflect the true economic substance of a short call option transaction and will discourage insured

[3] *See* section 402(b) of the CEBA.

[4] For example, in one instance, an institution's covered call writing investment strategy degenerated into a large speculative option selling program. The institution sold increasing amounts of call and put options to offset losses on previously established option positions. The institution had large unrealized losses resulting from the exercise of short put options against it, which losses were subsequently offset by gains on sales of securities when, fortuitously, interest rates fell. The institution's speculative strategy could easily have resulted in its financial ruin under a different interest rate scenario. Such a strategy constitutes an unsafe and unsound practice.

In another instance, as part of an interest rate guarantee program, an institution (through an investment adviser) bought put options as protection against rising interest rates. To offset the cost of the put purchases, the institution sold naked short call options. When interest rates fell the institution incurred substantial losses, which led to its liquidation.

institutions from entering into such positions solely to take advantage of the prior more favorable accounting treatment.

Final Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 604, the Board is providing the following regulatory flexibility analysis.

1. Need For and Objectives of the Rule

These elements are incorporated above in **SUPPLEMENTARY INFORMATION.**

2. Issues Raised by Comments and Agency Assessment and Response

These elements are incorporated above in **SUPPLEMENTARY INFORMATION.**

3. Significant Alternative Minimizing Small-entity Impact and Agency Response

The amendments will allow smaller institutions greater access to the OTC options market than permitted under the present rules. There are no alternatives that would be less burdensome than the amendments in addressing the concerns expressed above in **SUPPLEMENTARY INFORMATION.**

List of Subjects in 12 CFR Part 563

Accounting, Bank deposit insurance, Investments, Reporting and recordkeeping requirements, Savings and loan associations.

Accordingly, the Board hereby amends Part 563, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows:

Authority: Sec. 1, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401–407, 48 Stat. 1255–1260, as amended (12 U.S.C. 1724–1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–1948 Comp., p. 1071.

2. Amend § 563.17–5 by revising paragraphs (a)(4), and (c); by revising the heading of the paragraph and the text of paragraph (e)(2); by revising paragraphs (g)(2), (g)(3)(ii)(B), and (g)(3)(ii)(C); by redesignating paragraph (g)(3)(ii)(D) as the new paragraph (g)(3)(ii)(E); by revising the new paragraph (g)(3)(ii)(E); and by adding new paragraphs (a)(13) and (g)(3)(ii)(D), to read as follows:

§ 563.17–5 Financial options transactions.

(a) *Definitions.* * * *

(4) *Financial options contract.* An agreement (other than an optional delivery forward commitment contract to purchase and sell mortgages or mortgage-backed securities when used as part of the mortgage loan origination process) to make or take delivery of a financial instrument upon demand by the holder of the contract at any time prior to the expiration date specified in the agreement, under terms and conditions established either by—(i) A board of trade designated as a contract market for the trading of option contracts by the Commodity Futures Trading Commission ("CFTC") or a national securities exchange registered with the Securities Exchange Commission (SEC) or

(ii) The insured institution and a "permissible counterparty," as defined in paragraph (a)(13) of this section, that are counterparties in an over-the-counter option transaction (other than an over-the-counter commodity option transaction subject to the jurisdiction of the CFTC that is not otherwise authorized under the Commodity Exchange Act and the regulations thereunder).

* * * * *

(13) *Permissible counterparty.* Any entity that is: (i) A primary dealer as defined in paragraph (a)(12) of this section;

(ii) A bank subject to the regulation and supervision of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System and that is in compliance with applicable regulatory capital requirements;

(iii) An institution that is subject to the regulation and supervision of the Federal Savings and Loan Insurance Corporation and is in compliance with applicable regulatory capital requirements;

(iv) A broker or dealer registered with the SEC and subject to regulation and supervision by a Registered Securities Association (registered pursuant to section 15A of the Securities and Exchange Act of 1934 ("Exchange Act")) or a National Securities Exchange (registered pursuant to sections 6 and 19(a) of the Exchange Act) and that is in compliance with applicable capital requirements;

(v) A government securities broker or dealer registered with the SEC that is subject to examination and supervision by a Registered Securities Association (registered pursuant to section 15A of the Exchange Act) or National Securities Exchange (registered pursuant to sections 6 and 19(a) of the Exchange Act) and that is in compliance with applicable capital requirements;

(vi) A futures commission merchant registered with the CFTC and that is in compliance with applicable capital requirements;

(vii) The Federal Home Loan Banks;

(viii) The Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association; or

(ix) Any other entity that the Board, upon application, determines to be adequately regulated, capitalized, and audited or examined such that acting as a counterparty in an over-the-counter options transaction with an insured institution would not entail substantial credit risks for the institution. The Board delegates the authority to consider and approve such applications to the Executive Director of the Office of Regulatory Policy, Oversight and Supervision, with the concurrence of the General Counsel, or their respective designees.

* * * * *

(c) *Authorized contracts.* An insured institution may engage in financial option transactions using any financial option contracts either—

(1) Designated by the CFTC or approved by the SEC; or

(2) Entered into with a "permissible counterparty" (as defined in paragraph (a)(13) of this section) and based upon a financial instrument that the institution has authority to invest in or to issue.

* * * * *

(e) *Notification, reporting, and approval.* * * *

(2) An insured institution shall not engage in over-the-counter financial option transactions with any permissible counterparty unless such counterparty agrees to notify the Office of the Principal Supervisory Agent ("PSA") of the Federal Home Loan Bank district in which the insured institution is located immediately following the entering into such transaction. An insured institution shall not continue to engage in over-the-counter financial option transactions with any permissible counterparty that has failed to so notify the appropriate PSA with respect to previous over-the-counter financial option transactions with that insured institution. Notwithstanding the foregoing, no insured institution shall engage in a long over-the-counter

financial option transaction with a specific permissible counterparty, without obtaining the prior approval of its PSA, whenever the aggregate exercise value of all long over-the-counter financial option positions with the counterparty exceeds the limitations contained in § 563.9–3(b)(1). A PSA may approve any financial option transaction whenever it determines that such transaction does not subject the FSLIC fund to undue risk. In making such determinations, the PSA shall consider:

(i) The creditworthiness of the specific counterparty,

(ii) The insured institution's experience with such counterparty and with transacting in financial option and futures contracts generally,

(iii) The nature of the subject contracts (*e.g.*, matched or unmatched), and

(iv) Any other circumstances deemed relevant by the PSA.

An application to enter into a financial option transaction under this paragraph (e)(2) shall be deemed approved if the PSA does not deny such application within 10 calendar days from the date the application was filed.

* * * * *

(g) *Accounting.* * * *

(2) *Option commitment fee.* (i) The option commitment fee paid for a long position or received from the sale of a short put option shall be amortized to income or expense over the term of the option, except as provided in paragraph (g)(3)(ii) of this section.

(ii) The option commitment fee received from the sale of a matched short call option shall be deferred until the option position is terminated. The option commitment fee received from the sale of an unmatched short call option shall be amortized to income over the term of the option.

(3) *Options contracts.* * * *

(ii) * * *

(B) If a commitment fee has not been received with respect to a matched asset, the option commitment fee (except if received for the sale of a short call option) shall be amortized to income or expense over the commitment period by the straight-line method;

(C) Any resulting gain or loss from an option position (except from a short call option) shall be treated as a discount or premium on the matched asset or liability;

(D) Any resulting gain or loss from a short call option position shall be recognized as income or expense upon termination of the option position;

(E) In the event that an option position is not matched with a cash-market or forward-commitment position or if the cash-market or forward-commitment position with which an option is matched is sold or will not occur, the option shall be marked to market.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 88–16591 Filed 7–21–88; 8:45 am]

BILLING CODE 6720–01–M

12 CFR Part 570

Insurance of Accounts; Interpretive Rule; Federal Savings and Loan Insurance Corporation

Date: July 18, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Interpretive rule; delay of effective date.

SUMMARY: The Federal Home Loan Bank Board (the "Board"), as operating head of the Federal Savings and Loan Insurance Corporation (the "FSLIC") is delaying the effective date of the implementation of its interpretive rule on annuity accounts, 12 CFR 570.13, as applied to certain annuity accounts opened before the interpretive rule's publication in August 1986. The Board is taking this action because it believes that the restructuring of annuity accounts contemplated in its August 1986 ruling is not feasible for many accountholders and insured institutions, given the constraints of IRS rulings and state laws.

EFFECTIVE DATE: This delay of effective date is effective July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah Dakin, Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel, (202) 377–6445, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: Pursuant to 12 U.S.C. 1728(a), the Board as operating head of the FSLIC has issued regulations at 12 CFR Part 564 (1987) (the "Settlement of Insurance Regulations") setting forth the insurance coverage the FSLIC provides to institutions the accounts of which it insures ("insured institutions"). The settlement of insurance regulations contain specific requirements that must be satisfied in order for various types of accounts to qualify for separate insurance coverage. One such category is irrevocable trust accounts. Pursuant to 12 CFR 564.10 (1987), "all trust estates for the same beneficiary invested in accounts established pursuant to valid trust arrangements created by the same settlor (grantor)" are insured up to $100,000 in the aggregate, separately from other accounts of the trustee, the beneficiary, or the settlor of the trust. 12 CFR 561.4 (1987) defines "trust estate" in relevant part as "the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statutes, but does not include any interest retained by the settlor."

As clarified in 12 CFR Part 564 Appendix Section G, in order to qualify for separate insurance, "the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interest to the beneficiary, is of no effect for insurance purposes. An account in which such funds are invested is considered to be an individual account." Section 564.2(a) of the settlement of insurance regulations provides that to the extent that rules of local law enter into insurance determinations, the law of the jurisdiction where the insured institution is located shall be applied. 12 CFR 564.2(a) (1987).

Between 1980 and 1983, a number of insurance companies requested opinions from the Board's Office of General Counsel ("OGC") that certain accounts at insured institutions were insurable under these trust account provisions. These accounts were to be created in connection with annuity contracts issued by these insurance companies and are commonly referred to as "annuity accounts." While the various programs described in the letters requesting OGC opinions differed in certain particulars, they all were to be established pursuant to statutes in effect in a number of states governing accounts intended to fund life insurance contracts or annuity contracts. These statutes require insurance companies to establish a separate account, which may not be reached by creditors of the insurance company, for the purpose of funding the obligations arising from such contracts and are commonly referred to as "separate account statutes." They further provide that amounts allocated to a separate account are owned by the insurance company which establishes the account. These statutes typically provide that the insurance company establishing such contracts may neither act as, nor hold itself out as acting as, trustee with regard to the funds in these accounts.

These annuity account programs were also closely tied to certain rulings by the Internal Revenue Service ("IRS") regarding the tax status of such accounts. In 1980, the IRS reversed

certain earlier letter rulings that had treated the insurance companies as the owners of such accounts for tax purposes, and provided that the annuity holders would be considered owners of such funds and thus required to include earnings thereon in their gross income. The IRS indicated, however, that this revenue ruling would not be applied retroactively to funds placed in such accounts in the period between issuance of the earlier opinions and the revocation of such opinions.

In response to the insurance companies' requests, the OGC opined, in a number of letters issued between 1980 and 1983, that, regardless of provisions of the separate account statutes, the annuity accounts proposed to be established at insured institutions in connection with these annuity contracts would qualify for separate trust insurance coverage under 12 CFR 564.10 (1987). In reaching this conclusion, the OGC noted that courts were prone to treat similar arrangements as trusts, particularly when the existence of a trust was necessary to qualify for a benefit under a federal statute such as the Internal Revenue Code. By analogy, the OGC determined that courts might be likely to determine that the annuity contracts should be treated as trusts for purposes of FSLIC insurance coverage despite the express state law provisions to the contrary.

In reliance upon the 1980–1983 opinions of the OGC, a large number of accounts representing investments on behalf of a large number of annuity contract holders were established at FSLIC-insured institutions. However, between 1983 and 1986, the OGC had occasion to review its earlier treatment of annuity accounts under the settlement of insurance regulations in light of the explicit provision in the regulations requiring valid trust arrangements for irrevocable trust coverage and the equally explicit provision of the separate account statutes that insurance companies establishing such accounts owned such accounts and could not act as trustees with regard to such accounts. During this period, the OGC issued no further opinions indicating that accounts that did not otherwise meet the requirements of §§ 561.4 and 564.10 of the regulations would nevertheless be treated as irrevocable trust accounts for purposes of determining FSLIC insurance coverage.

In August 1986 the Board issued a ruling explicitly superseding the earlier opinions of its Office of General Counsel on annuity accounts. This ruling stated that annuity accounts established pursuant to separate account statutes do not meet the requirements of the settlement of insurance regulations for separate irrevocable trust account coverage because they do not qualify as valid trust arrangements in that the separate account statutes explicitly provide that funds in such accounts remain the property of the insurance company, not the annuity contract holder, and that the insurance company has no power to act as trustee for such accounts. 51 FR 29458, 29459 (August 18, 1986), codified at 12 CFR 570.13(b) (1987). The Board provided, however, that application of this interpretation of the settlement of insurance regulations would be delayed until August 18, 1989. This delay in effective date was intended to permit the restructuring of the annuity accounts in accordance with the requirements of the settlement of insurance regulations. The Board suggested that such accounts might be collateralized or restructured to fall within the settlement of insurance provisions governing accounts held by agents on behalf of principals, 12 CFR 564.3(b) (1987). *See* 51 FR 29460 (1986).

Since August 1986, the Board has examined in greater detail the annuity accounts invested in FSLIC-insured institutions in reliance upon the 1980–1983 opinions of the Board's Office of General Counsel. The Board has reviewed the description of the annuity programs provided to OGC during that period, has noted that the programs were in fact established in the manner described, and has considered the substantial long-term investments made in reliance upon these opinions. It has also looked more closely at the IRS requirements for such accounts, applicable state laws, and the practical implications of requiring collateralization of these funds.

It has been and remains the Board's long-standing position that advice or opinions issued by its staff on insurance matters are advisory only. *See* 52 FR 8611, 8612 (1987); 50 FR 19185, 19194 (1985); 32 FR 18122, 18122 (1967). It has also been the Board's consistent position, however, that the FSLIC may, in its discretion, ratify such advice in considering the insurance claims of individual accountholders whose insurance coverage was the subject of an opinion. Because the subsequent claim may disclose facts and legal issues of which staff was not fully aware at the time of the advisory opinion, the FSLIC is not required to ratify such advice, however.

Upon review, the Board believes that the restructuring of annuity accounts contemplated in its August 1986 ruling is not feasible for many accountholders and insured institutions, given the constraints of IRS rulings and state law. The Board has therefore determined to except certain annuity accounts ("excepted accounts") from the policy set forth at 12 CFR 570.13 (1988) for the duration of the annuity contracts underlying those accounts and, as operating head of the FSLIC, to ratify the advice given to the accountholding insurance companies in considering any FSLIC insurance claims that may arise on accounts opened in reliance on such advice. Excepted accounts are limited to those opened on or before August 18, 1986, in reliance upon opinions of the Office of General Counsel issued to that accountholder or its representative before that date. Therefore, the FSLIC will make insurance determinations on funds held in annuity accounts at FSLIC-insured institutions by accountholders who requested, received, and relied upon OGC opinions on the insurance coverage afforded annuity accounts before 1986 in accordance with the interpretations set forth in those opinions.

As part of its revision of the Settlement of Insurance regulations, the Board is considering amending those regulations to deal specifically with annuity accounts. As set forth in the August 1986 ruling the Board does not believe that such annuity accounts are properly treated under the current irrevocable trust provisions of 12 CFR 564.10 because they do not constitute valid irrevocable trusts under the laws of states that have established separate account statutes. The Board currently anticipates that the revised settlement of insurance regulations, containing provisions specifically dealing with annuity accounts, will be published for notice and comment well before the expiration of the grandfathering provision of 12 CFR 570.13. Such revisions will govern annuity accounts not opened in reliance upon advice given to accountholders or their representatives in the period between 1980 and 1986.

Because this is an interpretive rule, it is exempt from the notice, comment, and delay-of-effective date requirements of 5 U.S.C. 553, 12 CFR 508.11, and 508.14 (1987).

List of Subjects in 12 CFR Part 570

Savings and loan associations.

Accordingly, the Board hereby amends Part 570, Subchapter D, Chapter V, Title 12, *Code of Federal Regulations*, as set forth below

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 570—BOARD RULINGS

1. The authority citation for 12 CFR Part 570 continues to read as follows:

Authority: Secs. 552, 559, 80 Stat. 383, 388, as amended (5 U.S.C. 552, 559); sec. 11, 47 Stat. 733, as amended (12 U.S.C. 1431(e)(2)(c)); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401–403, 405, 407, 48 Stat. 1255–1257, 1259–1260, as amended (12 U.S.C. 1724–1726, 1728, 1730); sec. 414, as added by sec. 522, 94 Stat. 165, as amended (12 U.S.C. 1730g); Reorg. Plan No. 3 of 1947, 3 CFR, 1943–48 Comp., p. 1071.

2. Amend § 570.13 by revising paragraph (c) to read as follows:

§ 570.13 Insurance of annuity accounts.

* * * * *

(c) *Delay of effective date.* Application of the interpretation of the Corporation's insurance regulations set forth in this Ruling shall be delayed, in the case of annuity accounts opened before August 18, 1986 in reliance upon opinions of the Board's Office of General Counsel, until the expiration of the annuity contracts underlying those accounts.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Assistant Secretary.

[FR Doc. 88–16594 Filed 7–21–88, 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 25654; Amdt. No. 1373]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

For Purchase

Individual SIAP copies may be obtained from:

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

By Subscription

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

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

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

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

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same

reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on July 8, 1988.

Robert L. Goodrich,

Director of Flight Standards.

Adoption of the Amendment

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

PART 97—[AMENDED]

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

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

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

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

* * * *Effective September 22, 1988*

Butler, PA—Butler County, ILS RWY 8, Amdt. 4

* * * *Effective August 25, 1988*

Santa Monica, CA—Santa Monica Muni, NDB–B, Orig.
Indianapolis, IN—Indianapolis Terry, VOR RWY 36, Amdt. 7
Indianapolis, IN—Indianapolis Terry, NDB RWY 36, Amdt. 3
Indianapolis, IN—Indianapolis Terry, RNAV RWY 18, Amdt. 5
Hammond, LA—Hammond Muni, VOR RWY 18, Amdt. 1
Hammond, LA—Hammond Muni, VOR RWY 31, Amdt. 2
Hammond, LA—Hammond Muni, NDB RWY 18, Amdt. 1
Hammond, LA—Hammond Muni, ILS RWY 18, Amdt. 1
New Orleans, LA—Lakefront, ILS RWY 18R, Amdt. 10
Baltimore, MD—Martin State, VOR RWY 14, Amdt. 5, *Cancelled*
Beverly, MA—Beverly Muni, LOC RWY 16, Amdt. 4
Pittsfield, MA—Pittsfield Muni, LOC RWY 26, Amdt. 3
Pittsfield, MA—Pittsfield Muni, NDB RWY 26, Amdt. 2
Boonville, MO—Jesse Viertel Memorial, VOR–A, Amdt. 2
Boonville, MO—Jesse Viertel Memorial, NDB RWY 18, Amdt. 6
Columbia, MO—Columbia Regional, VOR RWY 20, Orig.
Columbia, MO—Columbia Regional, VOR/DME RWY 20, Orig.
Columbia, MO—Columbia Regional, LOC BC RWY 20, Amdt. 9
Columbia, MO—Columbia Regional, NDB RWY 2, Amdt. 7
Columbia, MO—Columbia Regional, ILS RWY 2, Amdt. 11
Columbia, MO—Columbia Regional, RNAV RWY 20, Amdt. 3, *Cancelled*
Columbia, MO—Columbia Regional, VOR RWY 13, Amdt. 3, *Cancelled*
Columbia, MO—Columbia Regional, VOR RWY 13, Orig.
Columbia, MO—Columbia Regional, VOR RWY 20, Amdt. 9, *Cancelled*
Columbia, MO—E W Cotton Woods Memorial, VOR–A, Amdt. 4, *Cancelled*
Columbia, MO—E W Cotton Woods Memorial, VOR–B, Amdt. 2
Fulton, MO—Fulton Muni, VOR–A, Amdt. 2
Fulton, MO—Fulton Muni, NDB RWY 5, Amdt. 1
Fulton, MO—Fulton Muni, NDB RWY 23, Amdt. 1
Fulton, MO—Fulton Muni, RNAV RWY 5, Amdt. 1
Fulton, MO—Fulton Muni, RNAV RWY 23, Orig., *Cancelled*
Jefferson City, MO—Jefferson City Meml, LOC BC RWY 12, Amdt. 2
Jefferson City, MO—Jefferson City Meml, NDB RWY 30, Amdt. 7
Sedalia, MO—Sedalia Memorial, NDB RWY 18, Amdt. 7
Sedalia, MO—Sedalia Memorial, NDB RWY 36, Amdt. 7
Astoria, OR—Port of Astoria, VOR RWY 8, Amdt. 11
Sioux Falls, SD—Joe Foss Field, VOR or TACAN RWY 15, Amdt. 17
Sioux Falls, SD—Joe Foss Field, VOR/DME or TACAN RWY 33, Amdt. 8
Sioux Falls, SD—Joe Foss Field, ILS RWY 3, Amdt. 25
Sioux Falls, SD—Joe Foss Field, ILS RWY 21, Amdt. 7
Sioux Falls, SD—Joe Foss Field, RADAR–1, Amdt. 7
Andrews, TX—Andrews County, NDB RWY 15, Amdt. 1
Midland, TX—Midland International, VOR or TACAN RWY 16R, Amdt. 22
Midland, TX—Midland International, VOR/DME or TACAN RWY 34L, Amdt. 8
Midland, TX—Midland International, LOC BC RWY 28, Amdt. 12
Midland, TX—Midland International, NDB RWY 10, Amdt. 10
Midland, TX—Midland International, ILS RWY 10, Amdt. 13
Midland, TX—Midland International, RADAR–1, Amdt. 4
Midland, TX—Midland International, RNAV RWY 16R, Amdt. 1
Midland, TX—Midland International, RNAV RWY 34L, Amdt. 1
Gillette, WY—Gillette-Campbell County, VOR RWY 16, Amdt. 6
Gillette, WY—Gillette-Campbell County, VOR/DME RWY 34, Orig.
Gillette, WY—Gillette-Campbell County, NDB RWY 34, Orig.
Gillette, WY—Gillette-Campbell County, ILS RWY 34, Amdt. 2
Sheridan, WY—Sheridan County, VOR RWY 13, Amdt. 5
Sheridan, WY—Sheridan County, VOR/DME 31, Amdt. 5
Sheridan, WY—Sheridan County, NDB RWY 31, Amdt. 1
Sheridan, WY—Sheridan County, ILS RWY 31, Amdt. 1

* * * *Effective June 30, 1988*

Thomson, GA—Thomson-McDuffie County, NDB RWY 28, Amdt. 7
Caldwell, ID—Caldwell Industrial, NDB RWY 30, Amdt. 3
Norfolk, NE—Karl Stefan Memorial, ILS RWY 1, Amdt. 3
Lubbock, TX—Lubbock Intl, LOC BC RWY 35L, Amdt. 14
Milwaukee, WI—Lawrence J. Timmerman, LOC RWY 15L, Amdt. 3
Pohnpei Island, Federated States of Micronesia—Pohnpei Intl, NDB/DME RWY 9, Amdt. 4

§ 97.27 [Amended]

The FAA published an Amendment in Docket No. 25592, Amdt. No. 1372 to Part 97 of the Federal Aviation Regulations (VOL 53 FR No. 83 Page 15374; dated Friday, April 29, 1988) under § 97.27 effective June 30, 1988, which is hereby amended as follows:

Winnsboro, SC—Fairfield County, NDB RWY 4, Amdt. 3 EFF 30 June 88. Effective date changed to 20 OCT 88.

§ 97.23 [Amended]

The FAA published an Amendment in Docket No. 25635, Amdt. No. 1376 to Part 97 of the Federal Aviation Regulations (VOL 53 FR No. 119 Page 23227; dated Tuesday, June 21, 1988) under § 97.23 effective 25 AUG 88, which is hereby amended as follows:

Marianna, FL—Marianna Muni, VOR/DME–B, Amdt. 2, EFF 25 AUG 88 and NDB–C, Amdt. 1, EFF 25 AUG 88 are hereby rescinded. Previous amendments remain in effect.

[FR Doc. 88–16503 Filed 7–21–88; 8:45 am]

BILLING CODE 4910–13–M

Office of the Secretary

14 CFR Parts 234 and 255

[Docket No. 44827; Amdt. Nos. 234–5 and 255–6]

RIN 2105–AB28

Airline Service Quality Performance

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department is making final its interim rule on airline service quality performance, issued December 22, 1987 (52 FR 48395), that allowed computerized reservations system (CRS) vendors 10 days, instead of 5 days, to include in their CRS displays the flight delay and cancellation information submitted by participating air carriers. The interim rule also required participating carriers to assign a letter code to flights scheduled to operate three times or less during a month in their reports to CRS vendors.

DATE: This rule is effective July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Gwyneth Radloff or Sam Whitehorn, at 400 7th St., SW., Washington, DC 20590, (202) 366–9305; Shelton Jackson, at the above address or by phone at (202) 366–5397; or Robin Caldwell, at the above address or by phone at (202) 366–9059.

SUPPLEMENTARY INFORMATION: On September 9, 1987, the Department of Transportation (DOT or Department) published a final rule that required 14 air carriers to submit certain flight performance data to the Department each month for public dissemination, and to CRS vendors for incorporation into their primary schedule and availability displays. The carriers must provide this information to vendors in the form of a single-digit on-time performance code summarizing each flight's monthly performance as reported in the data submitted to DOT by the fifteenth day of the following month. The final rule required CRS vendors to include that information on their primary schedule and availability displays within 5 days after receiving it.

On October 2, 1987, the Air Transport Association (ATA) requested a permanent waiver of the 5-day display requirement (14 CFR 225.4(e)(1)) in favor of a 10-day period. It stated that the most efficient mechanism for transmitting the on-time performance codes is for the carriers to insert them as an additional data element in the tapes they submit to the vendors to update their CRS schedules. However, the rule's monthly deadlines for submitting and displaying the summary codes precluded their easy integration into the existing process for updating the CRS schedule displays. ATA claimed that CRS vendors generally arrange their loading dates during low usage periods for their computer systems, which usually occur on weekends; these loading dates are arranged a year or more in advance. Because of the varying lead times needed by carriers and the use of weekends, data submitted, for example, on the 15th of any month, particularly if it falls on a Thursday or Friday, might not be loaded by a vendor until the following weekend (the 24th or 25th), more than five days later.

On December 22, 1987, the Department issued an interim final rule that allowed CRS vendors 10 days, instead of 5, to load the performance data into their CRS displays. The 10 day period gives vendors the flexibility they need to mesh the requirements of the rule with existing industry practice, without incurring the unnecessary costs of creating an independent reporting system for this data. The interim rule also required that carriers assign the letter "U" as the code for any flight scheduled to operate three times or less during a month in their report to CRS vendors. The Department determined that the delay rate of a flight with a small number of operations in one month may be somewhat misleading to consumers, particularly where a carrier adds a flight with only a few operations during a holiday period. A rating based on only a minimal number of operations of that particular flight may be an unreliable basis for determining its on-time performance. The use of a letter code, U, instead of number codes for these flights was deemed to be consistent with the treatment of new flights, which are given the letter code "N". However, carriers must continue to submit on-time performance data on these flights to the Department. Finally, the rule made a minor technical change to reflect the involvement of third parties in the transmission of the data to the CRS vendors. The rule requested public comments on these actions; however, no comments were received.

The Department adopts as final the interim rule without change. The rule does not affect the usefulness of the data to consumers, and any possible adverse impact of delaying the availability of the next month's data to consumers for an extra 5 days has been minimal. It also eliminates the need for carriers to create and maintain a costly separate updating system to accommodate our service quality performance rule.

The Department has determined that this rule is not major within the meaning of Executive Order 12291 or significant under the Department's regulatory policies and procedures. This amendment will make only minor changes that will ease implementation of the CRS display requirement. A regulatory evaluation was prepared in developing the initial rule and is available in the docket. Therefore, no further evaluation is necessary. I certify that this rule will not have a significant economic impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act. None of the affected certificated air carriers or CRS vendors are small businesses within the meaning of the Act. The Department also has concluded that this rule will not have a significant impact on the environment under the National Environmental Policy Act. The rule does not impose any additional paperwork reporting requirements.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule has no federalism implication that warrants the preparation of a Federalism Assessment.

Under section 553(d) of the Administrative Procedure Act, the Department finds good cause to make this rule effective immediately, because the rule relieves a restriction and is already in effect.

List of Subjects

14 CFR Part 234

Advertising, Air carriers, Consumer protection, Reporting requirements, Travel agents.

14 CFR Part 255

Advertising, Air carriers, Air transportation-foreign, Antitrust, Consumer protection, Essential air service, Travel agents.

Accordingly, the interim final rule amending 14 CFR Parts 234 and 255, published at 52 FR 48395 on December 22, 1987, is adopted as a final rule without change.

Issued in Washington, DC, on July 15, 1988.

Mimi Dawson,

Acting Secretary of Transportation.

[FR Doc. 88–16502 Filed 7–21–88; 8:45 am]

BILLING CODE 4910–62–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Conduct of Members and Employees of the Commission

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The rule revises the Commission's Code of Conduct for commission members and employees. Section 140.735–8(a) of the Commission's Code of Conduct, 17 CFR 140.735–8(a), generally prohibits Commission

members or employees from accepting any gift, meal, entertainment or other thing of monetary value from an organization or person with whom they transact official business. Section 140.735–8(b) of the Code of Conduct, 17 CFR 140.735–8(b), provides several exceptions to this general prohibition. The rule change permits Commission members and employees to accept food and refreshments at certain meetings and, under certain circumstances, at widely-attended events sponsored by what otherwise might be prohibited sources, provided that the General Counsel approves such acceptance in advance.

EFFECTIVE DATE: August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Susan M. Milligan, Attorney, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–7110.

SUPPLEMENTARY INFORMATION: On April 22, 1988, the Commission published for public comment a proposal to revise its Code of Conduct, 17 CFR 140.735–1 *et seq.* (1986), which generally establishes ethical standards for Commission members and employees. 53 FR 13288. The revisions were proposed to conform the Commission's Code of Conduct to an October 23, 1987 Office of Government Ethics memorandum interpreting Executive Order 11222 and 5 CFR 735.202 as precluding Commission members and employees from accepting food and refreshment at certain widely-attended gatherings absent an amendment to the Commission's Code of Conduct. The Commission received no comments in response to the notice of proposed rulemaking and has decided to adopt the rule as proposed.

The rule will permit Commission members and employees to accept food and refreshments at widely-attended events sponsored by what otherwise might be prohibited sources, provided that the General Counsel approves such acceptance in advance. The General Counsel's determination shall be made after consideration of the factors set forth in the rule. The Commission's action relates solely to agency organization, procedure, and practice.

Regulatory Flexibility Act; Paperwork Reduction Act

The Regulatory Flexibility Act, 7 U.S.C. 601 *et seq.*, requires agencies to consider the impact of proposed rules on small entities. It is not anticipated that these revisions to the Code of Conduct will impose any new burden on small entities. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule promulgated herein will not have a significant economic impact on a substantial number of small entities.

Because the rule adopted herein does not contain a collection of information requirement, or an "information collection request" within the meaning of 44 U.S.C. 3502(4), the Commission has determined that the provisions of the Paperwork Reduction Act do not apply.

List of Subjects in 17 CFR Part 140

Commodity futures, Conflict of interests, Ethics, Organizations and functions.

PART 140—[AMENDED]

Accordingly, the Commission, pursuant to the authority contained in sections 2(a)(11), 8a(5), and 9(d) of the Commodity Exchange Act, 7 U.S.C. 4a(j) and 12a(5), and Pub. L. 99–641, Executive Order 11222, 3 CFR 1964–65 Comp., as amended, and 5 CFR 735–104, amends its Code of Conduct, Subpart C of Part 140 of Chapter I of Title 17 of the Code of Federal Regulations as specified below:

1. The authority citation for Part 140, Subpart C, continues to read as follows:

Authority: Sec. 8a(5), 49 Stat. 1501, as amended (7 U.S.C. 12a(5): E.O. 11222, 3 CFR, 1964–1965 Comp.: 5 CFR 735.104.

§ 140.735–8 [Amended]

2. Section 140.735–8(b) is revised to read as follows:

* * * * *

(b) *Exceptions.* This paragraph does not apply:

(1) To things of nominal value;

(2) When the circumstances make it clear that it is obvious family or personal relationships rather than the business of the persons concerned which govern and are the motivating factors;

(3) When, on infrequent occasions, food and refreshments of nominal value are offered in the ordinary course of a luncheon or dinner meeting or other meeting; [14a]

(4) When unsolicited advertising or promotional materials, such as pens, pencils, note pads, calendars and other items of nominal value are offered;

(5) When local transportation is provided to the member or employee while he is on official business and alternative arrangements are impracticable;

(6) When the Commission, after due consideration, determines that an exception is warranted and appropriate in a particular situation;

(7) To customary loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans;

(8) If the General counsel approves in advance, to reasonable travel and subsistence expense reimbursement by potential employers provided the Commission member or employee is engaged in bona fide post-Commission employment negotiations and is not on official business at the time; or

(9) If the General Counsel approves in advance, to attendance and acceptance of food and refreshments served at widely-attended group events. In deciding whether Commission members and employees may attend and accept food and refreshments at such group events, the General Counsel will consider whether:

(i) It is in the Commission's interest that the Commission member or employee attend the event where food and refreshments are being served;

(ii) The sponsor of the event is an individual or entity that is regulated by the Commission, or an individual or entity that has some other business connection with the Commission or is directly involved in a matter pending before the Commission so that the timing or other circumstances surrounding the event would create an appearance of impropriety that outweighs the agency's interest in the Commission member's or employee's attendance;

(iii) The event will be of mutual interest to the government and industry such as a reception, seminar, conference, industry trade fair, or training session, whose informational value is not merely incidental to its entertainment value (In instances where the Commission has paid for a member's or employee's admission to a conference or seminar, the member or employee may participate in all events hosted by the conference organizers as part of the paid admission. However, attendance and acceptance of food and refreshments at receptions and other events hosted by parties other than the

[14a] For the purposes of paragraph (b)(3) of this section, the Office of Government Ethics of the Office of Personnel Management, has defined the term "meeting" to mean a luncheon, dinner, or other meeting attended by a large group at which the Commission member or employee is the guest speaker, or a meeting at which food or refreshment is brought in to facilitate the continuance of the work and is not itself the focus of the meeting. *See* October 23, 1987 Memorandum Re: Acceptance of Food and Refreshments by Executive Branch Employees from Donald E. Campbell, Acting Director, Office of Government Ethics at 4–5.

conference sponsor, but held during the course of the conference, must be approved in advance by the General Counsel in accordance with the requirements of this section);

(vi) The food and refreshments offered in conjunction with the event will be excessive;

(v) There are any other relevant factors that should be considered in reaching a determination.

* * * * *

Issued in Washington, DC, on July 19, 1988 by the Commission.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 88-16590 Filed 7-21-88; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928

Hazard Communication

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice regarding enforcement of the Hazard Communication Standard.

SUMMARY: On August 24, 1987, OSHA revised its Hazard Communication Standard (HCS) (52 FR 31852) to expand the scope of the industries covered by the rule from the manufacturing sector to all industries where employees are exposed to hazardous chemicals. The revised rule required the non-manufacturing sector of industry to be in full compliance with its provisions May 23, 1988. The U.S. Court Appeals for the Third Circuit, however, has stayed the rule with respect to the construction industry. This document provides additional notice to employers in all non-manufacturing industries other than construction that the rule is in effect. Beginning August 1, 1988, OSHA will check for compliance with the HCS in all programmed inspections in covered non-manufacturing industries.

EFFECTIVE DATES: The revised rule has been in effect for all manufacturing establishments and for all non-manufacturing establishments other than construction since June 24, 1988. Compliance with the rule will not be checked during programmed inspections in covered non-manufacturing establishments until August 1, 1988. Section 1926.59 of Title 29 of the Code of Federal Regulations is temporarily stayed, effective June 24, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3647, Washington, DC 20210; (202) 523-8151.

SUPPLEMENTARY INFORMATION: The HCS requires employers to establish hazard communication programs to transmit information on the hazards of chemicals to their employees by means of labels on containers, material safety data sheets, and training programs. The original rule, which was promulgated on November 25, 1983, covered employees exposed to hazardous chemicals in the manufacturing sector of industry. The August 24, 1987, modified rule expanded coverage to all employees exposed to hazardous chemicals, thus providing protection for those in non-manufacturing employments as well as manufacturing (codified at 29 CFR 1910.1200, 1915.99, 1917.28, 1918.90, and 1926.59).

The August 1987 rule was scheduled to become fully effective on May 23, 1988. On May 20, 1988, the U.S. Court of Appeals for the District of Columbia Circuit transferred several consolidated cases challenging the standard to the U.S. Court of Appeals for the Third Circuit, and in the interim, ordered an administrative stay of the revised standard "until the Third Circuit ruled on the emergency motion for stay" which had been filed by petitioners representing the construction industry.

On June 24, 1988, the Third Circuit issued an order granting the stay requested by construction industry representatives. On July 8, 1988, the Third Circuit clarified its earlier order stating: "The order entered on June 24, 1988, is clarified to make clear that the stay applies only with respect to construction employers in the non-manufacturing sector."

OSHA knows that some employers in the non-manufacturing sector are unaware of the Third Circuit's order and clarification and that others are unsure whether they must comply with the revised HCS at this time. This document provides additional notice to employers and employees in the non-manufacturing sector that the HCS is in effect for all industry sectors except construction. In addition, as a matter of enforcement policy, OSHA will not check covered non-manufacturers for compliance with the HCS during programmed inspections until August 1, 1988.

The twenty-five (25) states with OSHA-approved State plans and their own hazard communication rules are not bound by the Court's action. Those which have voluntarily honored the stay are expected to similarly begin enforcement in the non-manufacturing sector.

Authority and Signature

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, under authority of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657); and 5 U.S.C. 553 (b)(A), (d)(2).

List of Subjects in 29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928

Hazard communication, Occupational safety and health, Right-to-know, labeling, Material safety data sheets, Employee training.

Signed at Washington, DC, this 18th day of July 1988.

John A. Pendergrass,

Assistant Secretary for Occupational Safety and Health.

[FR Doc. 88-16469 Filed 7-21-88; 8:45 am]

BILLING CODE 4510-26-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR Part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of August 1988.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202–778–8820 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533 (b) and (d).)

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in cost or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for Part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) *Interest rates.*

For valuation dates occurring in the month—	The values of i_k are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_k
•	•		•			•			•		•		•			
August 1988	.09875	.095	.09	.085	.08	.07375	.07375	.07375	.07375	.07375	.0675	.0675	.0675	.0675	.0675	.06

Issued at Washington, DC, on this 5th day of July 1988.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 88–16509 Filed 7–21–88; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8–88–05]

Drawbridge Operation Regulations; Atchafalaya River, LA

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Kansas City Southern Railway Company, the Coast Guard is changing the regulation governing the operation of the swingspan railroad bridge over the Atchafalaya River, mile 133.1 above the mouth of the waterway (upstream from Atchafalaya Bay), at Simmesport, Louisiana, by permitting the draw to remain closed at all times; except that, the draw will be required to open on signal when at least three hours advance notice is given. This change is being made because of infrequent requests to open the draw. This action will relieve the railroad from having a bridgetender on duty at the bridge on a full time basis and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, Eighth Coast Guard District, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: On 28 April 1988, the Coast Guard published a proposed rule (53 FR 15235) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 3 May 1988. In each notice interested parties were given until 13 June 1988 to submit comments.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and Commander J. A. Unzicker, project attorney.

Discussion of Comments

Two letters of comment were received about the proposed rule change. The National Marine Fisheries Service and the Federal Emergency Management Agency offered no objection to the proposed rule change. A review of the bridgetender's log of openings for the past five years shows that the draw has been opened for the passage of vessels an average of 1.85 times per week. There was no pattern to the bridge openings to indicate that vessel traffic is significantly heavier or lighter during any particular month or season of the year, with the exception of low-water period in August and September, when virtually all vessels can pass under the bridge. Outside the low-water period, the draw opened for the passage of vessels an average of 2.2 times per week. Therefore, the final rule is unchanged from the proposed rule as published in (53 FR 15235) on 28 April 1988.

Three hours advance notice for opening of the draw can be made by placing a collect call at any time to the Kansas City Southern Railway Company Chief Dispatcher at Shreveport, Louisiana, telephone (318) 227–7028. To provide for leeway in the appointed vessel arrival time, a bridgetender will be at the bridge at least one-half hour before the appointed opening time, and the tender will remain at least one-half hour after the appointed time for a late arriving vessel.

Economic Assessment and Certification

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the number of vessels passing requiring opening of the bridge averages only 1.85 per week. Since the economic impact of this proposal is expected to be minimal,

the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

§ 117.422 [Redesignated from 117.423]

2. Section 117.423 (*Amite River*) is redesignated as § 117.422 and a new § 117.423 is added to read as follows:

§ 117.423 Atchafalaya River.

The draw of the Kansas City Southern Railway bridge, mile 133.1 (mile 5.0 on N.O.S. Chart) above the mouth of the waterway, at Simmesport, shall open on signal if at least three hours advance notice is given.

Dated: July 1, 1988.

W.F. Merlin,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 88–16497 Filed 7–21–88; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 165

[CCGD788 20]

Security Zone Regulations; Savannah River, Savannah, GA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone around the vessels USNS ALTAIR and USNS ALGOL while they are in transit in the Savannah River and moored at Garden City Terminal, Georgia Ports Authority, Savannah, GA. This security zone is needed to safeguard the vessels ALTAIR and ALGOL against possible destruction from sabotage or other subversive acts. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on or about 15 August 1988 and terminates on or about 17 August 1988. It becomes effective again on or about 20 August 1988 and terminates on 22 August 1988, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LT T.F. Mann, Readiness Planning Officer, Marine Safety Office, P.O. Box 8191, Savannah, GA 31412–8191, (912) 944–4371.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Following normal rulemaking procedures would have been impracticable. There was not sufficient time to publish proposed rules in advance of the event and delaying the event is contrary to national interest since immediate action is needed to prevent possible damage to the USNS ALTAIR and USNS ALGOL or their cargoes.

Drafting Information

The drafters of this regulation are LT T.F. Mann, Project Officer, Captain of the Port Savannah and LCDR S.T. Fuger, Project Attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation is projected to begin on 15 August 1988, and continue through 22 August 1988. The event is REFORGER–88, a military exercise involving the transit of the vessels USNS ALTAIR and USNS ALGOL in the Savannah River and loading at the Garden City Terminal, Georgia Ports Authority, Savannah, GA between 15 August and 22 August 1988. This security zone is necessary to protect the USNS ALTAIR and USNS ALGOL while they are participating in a military outload exercise at a commercial port facility. This action will minimize the hazards to the vessels USNS ALTAIR and USNS ALGOL, its personnel and cargo of possible damage from any person or persons. This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

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

Regulations

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

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

Authority: 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 33 CFR 160.5 and 165.33.

2. A new § 165.T33 is added to read as follows:

§ 165.T33 Security Zone: Savannah River, Savannah, GA.

(a) *Location.* The following area is a security zone: A perimeter of 100 feet in every direction from the vessels ALTAIR, D550722, and ALGOL, D545201, while they are transiting the Savannah River and moored at Garden City Terminal, Georgia Ports Authority, Savannah, GA.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Savannah, GA. Section 165.33 also contains other general requirements.

(c) *Effective Date.* This regulation becomes effective on or about 15 August 1988, upon the arrival of the vessel ALTAIR at the entrance to the Savannah River, Savannah, GA, it terminates or or about 17 August 1988 with the departure from the entrance to the Savannah River of the vessel ALTAIR. It again becomes effective on or about 20 August 1988, upon the arrival of the vessel ALGOL at the entrance to the Savannah River, Savannah, GA, it terminates on 22 August 1988, upon the departure from the entrance to the Savannah River of the vessel ALGOL, unless sooner terminated by the Captain of the Port Savannah. Changes to the effective dates will be by Captain of the Port order as promulgated by a Notice to Mariners.

Dated: July 6, 1988.

R.C. Wigger,

Commander, U.S. Coast Guard, Captain of the Port.

[FR Doc. 88–16413 Filed 7–21–88; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 334

Restricted Area in the Waters Contiguous to the Naval Air Station, Pensacola, FL

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is hereby establishing a restricted area in the waters contiguous to the Naval Air Station at Pensacola, Escambia County, Florida. The purpose of the restricted area is to provide additional safety and

security for personnel and facilities at the naval air station.

EFFECTIVE DATE: August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Lonnie Shepardson at (904) 791–1677 or Mr. Ralph T. Eppard at (202) 272–1783.

SUPPLEMENTARY INFORMATION: The Corps of Engineers published this rule as a proposed rule on February 9, 1988, with the comment period expiring on March 10, 1988. No objections to the establishment of this Restricted Area were received. We are publishing these rules as proposed except for paragraph (b)(1) which contained an ambiguous statement regarding non-military United States vessels. The subparagraph is clarified by stating that the prohibition applies to all craft except United States military vessels.

Economic Assessment and Certification

This rule is issued with respect to a military function of the Defense Department and provisions of Executive Order do not apply. The Department of the Army certifies that this proposal will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), Transportation, Danger zones.

In consideration of the foregoing, the Department of the Army is amending Part 334 of Title 33 to read as follows:

PART 334—DANGER ZONES AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3)

2. Section 334.778 is added as follows:

§ 334.778 Pensacola Bay and waters contiguous to the Naval Air Station, Pensacola, FL; restricted area.

(a) *The area:* Beginning at a point on the northerly shoreline of Grande (Big Lagoon at Point 1, Latitude 30°19'42"N., Longitude 87°21'06"W., proceed southeasterly to Point 2, Latitude 30°19'27"N., Longitude 87°21"03"W.; thence, northeasterly, paralleling the shoreline at a minimum distance of 500 feet offshore, to Point 3, Latitude 30°19'48"N., Longitude 87°19'35"W.; thence, maintaining a minimum distance of 500 feet offshore or along the northerly edge of the Gulf Intracoastal Waterway Channel (whichever is less), continue to Point 4, Latitude 30°20'00"N., Longitude 87°19'03"W.; thence, maintaining a minimum distance of 500 feet offshore for the remainder of the area to: PT 5, Latitude 30°20'31"N., Longitude 87°16'01"W; Thence to PT 6, Latitude 30°21'11"N., Longitude 87°15'29"W; Thence to PT 7, Latitude 30°22'26"N., Longitude 87°15'43"W; Thence to PT 8, Latitude 30°22'39"N., Longitude 87°16'08"W; Thence to PT 9, Latitude 30°22'17"N., Longitude 87°16'09"W; Thence to PT 10, Latitude 30°22'18"N., Longitude 87°16'35"W; Thence to PT 11, Latitude 30°22'09"N., Longitude 87°17'10"W; Thence to PT 12, Latitude 30°22'15"N., Longitude 87°17'19"W; Thence to PT 13, Latitude 30°22'07"N., Longitude 87°17'48"W; Thence to PT 14, Latitude 30°22'25"N., Longitude 87°17'53"W; Thence to PT 15, Latitude 30°22'13"N., Longitude 87°18'54"W; Thence to PT 16, Latitude 30°21'57"N., Longitude 87°19'22"W; Thence to PT 17, Latitude 30°21'57"N., Longitude 87°19'37"W; Thence to PT 18, Latitude 30°21'49"N., Longitude 87°19'49"W; (a point on the southerly shoreline of Bayou Grande).

b. *The regulations:* (1) All pleasure (sailing, motorized, and/or rowed), private and commercial fishing vessels, barges and all other craft except United States military vessels are restricted from transiting, anchoring, or drifting within the above-described area when required by the Commanding Officer of the Naval Air Station Pensacola (N.A.S.) to safeguard the installation, its personnel and property in times of an imminent security threat, as required by a national emergency situation, natural disaster, or as directed by higher authority.

(2) All pleasure (sailing, motorized, and/or rowed), private and commercial fishing, and all other vessels, barges, and other craft except those owned by the United States Government's defense or law enforcement agencies are prohibited from transiting, anchoring, or drifting within 500 feet of any quay, pier, wharf, or levee along the N.A.S. shoreline abutting Pensacola Bay nor may such vessels or person thereon approach within 500 feet or land on or beach such craft on the beaches extending along the eastern shore of the N.A.S., southerly to a point on the shore located at Latitude 30°20'57"N., Longitude 87°15'52"W., nor may any above-described craft/vessel approach within 500 feet of any United States public vessel anchored or moored adjacent thereto without specific permission of the Commanding Officer, N.A.S. Pensacola or his/her designee or the Commanding Officer of the anchored/moored public vessel(s).

(3) The existing "Navy Channel" adjacent to the north shore of Magazine Point, by which vessels enter and egress Bayous Davenport and Grande into Pensacola Bay shall remain open to all craft except in those extraordinary circumstances where the Commanding Officer, N.A.S. or his/her designee determines that risk to the installation, its personnel, or property is so great and so imminent that closing the channel to all but designated military craft is required for security reasons, or as directed by higher authority. This section will not preclude the closure of the channel as part of a security exercise; however, such closures of said channel will be limited in duration and scope to the maximum extent so as not to interfere with the ability of private vessels to use the channel for navigation in public waters adjacent thereto not otherwise limited by this regulation.

(4) The regulations in this section shall be enforced by the Commanding Officer of the Naval Air Station, Pensacola, Florida, and such agencies he/she may designate.

Date: June 27, 1988.

Approved:

Robert W. Page,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 88–16534 Filed 7–21–88; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

Management of Municipal Watersheds

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture hereby revises its regulation at 36 CFR 251.9 governing agreements for the management of municipal watersheds. The revised rule transfers the approval authority for special management of municipal watersheds from the Chief to Regional Foresters, integrates the management of municipal watersheds with regulations governing forest planning at 36 CFR Part 219, and requires special use authorizations when land use restrictions are imposed for management of municipal watersheds. This action is necessary to conform with legislation enacted since the rule was last promulgated.

EFFECTIVE DATE: This rule is effective August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Rhey Solomon, Watershed and Air Management Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090, (703) 235–8163.

SUPPLEMENTARY INFORMATION: The existing regulation at 36 CFR 251.9 was issued September 11, 1942, to provide guidance for implementing the Domestic Water Supply Act of 1940 (16 U.S.C. 552a). The regulation provides for the Chief of the Forest Service to enter into formal agreements with municipalities for the protection of watersheds on National Forests that provide municipal water supplies. The existing regulation anticipated mutual action by the municipality and the Forest Service for protection of municipal water supplies. The regulation states requirements to be contained in agreements, including the kinds of uses to be restricted, the nature and extent of restrictions, and special protective measures which may be necessary. The regulation also requires that any payment to compensate the United States for losses of revenue resulting from restrictions be clearly defined in agreements.

Since 1942, two significant laws were enacted which directly affect management of municipal watersheds: The National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*).

The Federal Land Policy and Management Act repealed a part of section 1 of the Domestic Water Supply Act of 1940 (16 U.S.C. 552a), which authorized the President to set aside National Forest lands from all forms of mineral location and entry. The National Forest Management Act requires comprehensive land and resource management plans for units of the National Forest System. These plans provide the detailed on-the-ground direction to guide the integrated management of the resources of these lands. Therefore, management of municipal watersheds must be reflected in and governed by these plans, not in separate formal agreements, the concept for which predates passage of the National Forest Management Act.

In addition, rules at 36 CFR Part 219 were developed to guide Agency compliance with the planning requirements of the National Forest Management Act. These planning rules delegate approval of land and resource management plans to Regional Foresters. This creates a conflict between the forest plan approval authority delegated to the Regional Forester by 36 CFR 219.4, and the approval authority for municipal watershed agreements assigned to the Chief by 36 CFR 251.9. On September 8, 1987, the Forest Service published a proposed rule (52 FR 33839) to eliminate the requirement for the Chief's approval of municipal watershed agreements, thereby effectively delegating this authority to the Regional Forester, as part of forest plan approval. This delegation would remove one level of administrative approval and better integrate decisions for management of municipal watersheds with other land use decisions made as part of forest planning.

The proposed rule also clarified when special use authorizations are required to effect municipal watershed agreements. Many existing municipal watershed agreements are not accompanied by special use authorizations although the rule governing special uses—36 CFR Part 251 Subpart B—clearly requires such authorization. Therefore, the proposed rule made it clear that special use authorizations are required (1) for all municipal watersheds where the municipality desires to impose restrictions on the use of the land and (2) for construction and maintenance of any facilities on National Forest System lands.

Public Comments and Responses

Responses to the proposed rule were received from seven parties: six municipalities, and one individual. All were considered in the development of the final rule. The comments and Agency responses to them are summarized below.

Comment: Three respondents who currently have agreements with the Forest Service, asked whether, under the proposed rule, written municipal watershed agreements would still be allowed. The respondents were concerned that the existing agreements would be terminated.

Response: The proposed rule would allow written agreements. The proposed rule did not make reference to agreements; therefore, the respondents may have misunderstood the proposed rule. In consideration of the comments, paragraph (b) has been changed in the final rule to make clear that written agreements are still allowed when requested by the municipality and deemed appropriate by the Regional Forester. Existing formal agreements are still recognized and will continue in effect unless changed or terminated under provisions stipulated in these written agreements.

Comment: Two respondents stated that municipalities presently having formal agreements should not now be subject to special use permits and assessed a fee to continue these restrictions.

Response: Many municipalities have watershed agreements that predate special use rules at 36 CFR 251.50–64. Forest officers have not always recognized the need for accompanying special authorizations for activities allowed under watershed agreements. Special authorization will be needed for existing and future agreements when the municipality is allowed to restrict public access within the watershed or for use and occupancy of the watershed. However, in accordance with 36 CFR Part 251, we cannot continue to allow municipalities to obtain special uses without payment when a fee is appropriate. Rental fees associated with special authorizations are outlined in 36 CFR 251.57. All or part of these fees may be waived by the authorized officer when equitable and in the public interest. Criteria for fee waiver include uses in the public interest, uses by non-profit organizations, or uses in the furtherance of public health, safety, or welfare.

Comment: Paragraph (b) of the proposed rule provides that a special use permit may indicate the "resources that are to be provided by the municipality." This concept should be clarified as to meaning and purpose.

Response: The resources to be provided by a municipality, if any, refer to such items as: funding, personnel, and/or equipment to monitor raw water quality to the extent that this exceeds monitoring which the Forest Service determines to be necessary to meet legal requirements. Because such items will be determined on a case-by-case basis and involve a broad range of items, attempted clarification of the term may unnecessarily restrict its meaning. The language of the proposed rule is believed to be appropriate and is retained in the final rule.

Comment: While paragraph (a) of the proposed rule requires that a special use authorization be obtained when "special protection needs exceed the level of protection provided in the forest plan," paragraph (d) provided that any special use authorization "shall be consistent with the forest plan." This is a potential inconsistency that must be clarified.

Response: The proposed rule allows for protection needs more specific than those which are stated in the forest plan, provided that such protection is not in conflict with uses and standards stated in the plan. Consistency with the forest plan is not intended to mean "equal to" requirements in the forest plan. Specific protection needs that outline how activities will be carried out may not appear in the forest plan, but are specified more fully during implementation of forest plans. We agree that the wording is not clear. The

rule has been changed to clarify that protection needs, restrictions, or uses not specified in forest plans, agreements, or special use authorizations must be submitted to the Forest Service for consideration. If protection needs, restrictions, or uses are found to be inconsistent with the forest plan, the plan may be amended or revised or the protection needs, restrictions, or uses changed to bring about consistency.

Comment: Two municipalities stated that the proposed rule gives Forest Service planners the right to "special use permit" a watershed out of existence by demanding payment. Water surveyors in small communities cannot afford these payments.

Response: There is no intent to demand excessive payments for special protection or use of municipal watersheds. However, it is important to retain the requirements that when use of forest land and multiple resources are substantially restricted to benefit a local group of users, the United States may be compensated for granting such a privilege. As noted earlier, all or part of these fees may be waived by the authorized officer when equitable and in the public interest. Criteria for fee waiver include uses in the public interest, uses by non-profit organizations, or uses in the furtherance of public health, safety, or welfare (36 CFR 251.57). We disagree that the proposed rule would "special use permit" a watershed out of existence. Most municipalities could satisfy criteria for fee waiver and; therefore, this aspect of the rule is not changed.

Comment: One respondent commented that regulations governing special use applications are too cumbersome and costly, and the proposed rule should not be adopted.

Response: Special use authorizations are administrative instruments to document terms and conditions of uses permitted on National Forest lands. Environmental, social, and economic analysis are required for any activity allowed on National Forest land in compliance with the National Environmental Policy Act. This analysis would be performed on any request for use restrictions within a municipal watershed with or without requirements for the special use authorization. Even if the rule were eliminated, special use authorizations are required by law to affect use restrictions or occupancy for protection of municipal watersheds. Therefore, we do not believe that the rule, in and of itself, requires more administrative work than without the rule.

Comment: Two municipalities stated that the proposed rule should explicitly provide consistency with the filtration and disinfection requirements in the EPA's proposed National Primary Drinking Water regulations (52 FR 42178, November 3, 1987).

Response: The proposed drinking water rule allows substitution of watershed controls for filtration, provided that a set of criteria be met. One such criteria is a formal agreement with landowners for control of human activity within the contributing municipal watershed. The Forest Service supports the multiple barrier approach for protection of municipal water supplies as outlined in the EPA's proposed rule, and our proposed rule allows for these formal agreements between municipalities and the Forest Service. These agreements could, in part, help municipalities meet requirements of the proposed drinking water regulations. Explicit reference to the drinking water regulations is inappropriate because the drinking water regulations set standards for water and water treatment, not requirements for watershed management. Municipal watersheds would not be governed by this EPA rule. In response to the concerns for meeting the EPA requirements, the final rule explicitly refers to the options for formal agreements with municipalities.

Comment: The proposed rule would shift too much decisionmaking power to Forest Service people who are not committed to or versed in watershed protection.

Response: The proposed rule shifts approval authority from the Chief to the Regional Forester because authority to approve forest plans already resides with the Regional Forester. This delegation of authority will not change the type of people making recommendations or evaluating municipal watershed alternative management prescriptions. No changes in the proposed rule were deemed necessary to clarify decisionmaking authority.

Comment: The "multiple use prescription" requirement in the proposed rule does not consider the implications and potential for water quality degradation and economics of water production.

Response: In the proposed rule, multiple use is a broad term which does not mean that all uses will occur in all areas. Multiple use prescriptions include consideration of water quality and economics in forest planning and in all environmental analyses done by the Agency. Protection of water quality is a requirement of all Agency management activities. Therefore, no change to the proposed rule to refer to water quality or economics was deemed necessary since these requirements are met through other governing regulations. (40 CFR Part 1500, 36 CFR Part 219).

Comment: The proposed regulation will significantly alter management of many watersheds and afford less protection to water quality.

Response: Since this rule is primarily a procedural change, it should neither affect water quality nor alter existing municipal watershed management practices; i.e., activities that were carried out under the existing rule may be carried out under the new rule.

Comment: Two reviewers stated that the proposed rule seems to run counter to the Organic Act and Clean Water Act in requiring protection of water quality. The reviewers state that the polluter, rather than the municipality, should bear the costs of water quality protection.

Response: The rule is a procedural change that does not affect requirements of the Organic Act or the Clean Water Act. Water is being protected through the implementation of Best Management Practices on the ground to meet the requirements of the Clean Water Act. The cost of these practices is borne by the resource users and these practices become mitigation requirements in contracts and permits.

Regulatory Impact

This rule has been reviewed under E.O. 12291 and procedures of the Department of Agriculture. It has been determined that this is not a major rule. The regulation will have little or no effect on the economy since the changes are technical and administrative. This action will not have a significant economic impact on a substantial number of small entities because it is principally a procedural conforming regulation and does not substantially alter the existing regulation.

This rule removes an administrative level of approval and integrates the protection and management of municipal watersheds with existing planning mechanisms. This should result in more efficient and effective planning for protection of municipal watersheds.

Based on both past experience and environmental analysis, this rule will have no significant effect on the human environment, individually or cumulatively. The delegation of authority from the Chief to Regional Foresters, the requirements for the integration of municipal watersheds with forest planning, and the

clarification for the requirement of a special use authorization, in and of themselves, will not result in any additional environmental impact on the watersheds. Therefore, this action is categorically excluded from any requirement for documentation in an environmental assessment or environmental impact statement (40 CFR 1508.4).

List of Subjects in 36 CFR Part 251

Environmental protection, National forests, Water resources, Watersheds.

Therefore, for the reasons set forth in the preamble, Subpart A of Part 251 of Title 36 of the Code of Federal Regulations is amended as follows:

PART 251—LAND USES

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

Authority: 7 U.S.C. 1011; 16 U.S.C. 518, 551, 678a; Pub. L. 76-867, 54 Stat. 1197.

Subpart A—Miscellaneous Land Uses

2. Revise § 251.9 to read as follows:

§ 251.9 Management of Municipal Watersheds.

(a) The Forest Service shall manage National Forest watersheds that supply municipal water under multiple use prescriptions in forest plans (36 CFR Part 219). When a municipality desires protective actions or restrictions of use not specified in the forest plan, within agreements, and/or special use authorizations, the municipality must apply to the Forest Service for consideration of these needs.

(b) When deemed appropriate by the Regional Forester, requested restrictions and/or requirements shall be incorporated in the forest plan without written agreements. Written agreements with municipalities to assure protection of water supplies are appropriate when requested by the municipality and deemed necessary by the Regional Forester. A special use authorization may be needed to effect these agreements.

(c) In preparing any municipal watershed agreement for approval by the Regional Forester or issuing special use authorization to protect municipal water supplies, the authorized forest officer shall specify the types of uses, if any, to be restricted; the nature and extent of any restrictions; any special land management protective measures and/or any necesary standards and guidelines needed to protect water quality or quantity; and any resources that are to be provided by the municipality.

(d) A special use authorization (36 CFR 251.54) is required if the municipality is to use the subject lands, restrict public access, or control resource uses within the watershed. Special use authorizations issued pursuant to this section are subject to the same fee waivers, conditions, and procedures applicable to all other special uses as set forth in Subpart B of this part.

(e) Any municipal wateshed management agreements, special use authorizations, requirements, and/or restrictions shall be consistent with forest plans, or amendments and revisions thereto.

Date: July 13, 1988.

Richard E. Lyng,

Secretary.

[FR Doc. 88-16552 Filed 7-21-88; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[FRL-3418-4]

Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants; Mississippi and Tennessee; Delegation of Authority to State and Local Agencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: On August 11, 1987, the Metropolitan Health Department of Nashville/Davidson County, Tennessee requested delegation of one standard in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS); the standard was delegated to the agency on September 30, 1987. On January 6, 1988, the Division of Air Pollution Control for the State of Tennessee requested that their delegation of NSPS be updated; the delegation was updated on February 5, 1988. On January 29, 1988, the State of Mississippi requested delegation of authority for the implementation and enforcement of certain standards in 40 CFR Parts 60 and Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) that had been promulgated and revised as of September 23, 1987; those standards were delegated to Mississippi on March 4, 1988. On May 19, 1988, the Knox County, Tennessee Department of Air Pollution Control requested authority to implement and enforce all NSPS and NESHAP categories not previously delegated to the agency; those standards were delegated on June 1, 1988.

DATES: The effective dates of the delegations are: Nashville/Davidson County, Tennessee, September 30, 1987; Tennessee, February 5, 1988; Mississippi, March 4, 1988; Knox County, Tennessee, June 1, 1988.

ADDRESSES: Copies of the requests for delegation of authority and EPA's letters of delegation of authority may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV—Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Metropolitan Health Department of Nashville and Davidson County, Air Pollution Control Division, 311-23rd Avenue, North, Nashville, Tennessee 37203

Bureau of Pollution Control, Mississippi Department of Natural Resources, Post Office Box 10385, Jackson, Mississippi 39209

Divisioin of Air Pollution Control, Tennessee Department of Health and Environment, 4th Floor, Customs House, 701 Broadway Nashville, Tennessee 37219

Knox County Department of Air Pollution Control, City/County Building, Room 459, 400 West Main Street, Knoxville, Tennessee 37902

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

SUPPLEMENTARY INFORMATION: Sections 111 and 112 of the Clean Air Act authorize EPA to delegate authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS) and 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP).

On August 11, 1987, the Metropolitan Health Department of Nashville/Davidson County requested delegation of authority of NSPS Subpart Kb (Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels)). After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for this source category with all the conditions set forth in the delegation letters dated May 25, 1977 and February 20, 1986. Sources in Nashville/Davidson County subject to the requirements of Subpart Kb of 40 CFR Part 60 as of September 30, 1987, will be under the jurisdiction of

Metropolitan Health Department of Nashville/Davidson County.

On January 6, 1988, the State of Tennessee requested that its NSPS delegation be updated for one source category, Subpart S (Primary Aluminum Reduction Plants). After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for this source category with all the conditions set forth in the April 11, 1980, delegation letter. Sources within the jurisdiction of the State agency will be subject to the requirements of Subpart S of 40 CFR Part 60 as of February 5, 1988.

On January 29, 1988, the State of Mississippi requested delegation of all NSPS and NESHAP categories which had been promulgated and revised as of September 23, 1987. Those source categories were:

40 CFR Part 60

Subpart Da Electric Utility Steam Generating Units For Which Construction Is Commenced After September 18, 1978
Db Industrial-Commercial-Institutional Steam Generating Units
J Petroleum Refineries
K Storage Vessels for Petroleum Liquids For Which Construction, Reconstruction Or Modification Commenced After June 11, 1973, And Prior To May 19, 1978
Ka Storage Vessels For Petroleum Liquids For Which Construction, Reconstruction or Modification Commenced After May 18, 1978, And Prior To July 23, 1984
Kb Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) For Which Construction, Reconstruction Or Modification Commenced After July 23, 1984
BB Kraft Pulp Mills
DD Grain Elevators
EE Stationary Gas Turbines
BBB Rubber Tire Manufacturing Industry

40 CFR Part 61

Subpart C Beryllium
D Beryllium Rocket Motor Firing
E Mercury
F Vinyl Chloride
M Asbestos

After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for these source categories with all the conditions set forth in the delegation letter of November 20, 1981, and we delegated them to Mississippi on March 4, 1988.

On May 19, 1988, the Knox County Department of Air Pollution Control requested delegation of authority to implement and enforce the NSPS and NESHAP categories previously not delegated to the agency. Those source categories are as follows:

40 CFR Part 60

Subpart Db Industrial-Commercial-Institutional Steam Generating Units
Kb Volatile Organic Liquid Storage Vessels Constructed, Reconstructed Or Modified After July 23, 1984
BBB Rubber Tire Manufacturing Industry
TTT Surface Coating Of Plastic Parts For Business Machines

40 CFR Part 61

Subpart N Inorganic Arsenic Emissions From Glass Manufacturing Plants
O Inorganic Arsenic Emissions From Primary Copper Smelters
P Inorganic Arsenic Emissions From Arsenic Trioxide And Metallic Arsenic Production Facilities

After a thorough review of the request the Division Director of the Air Pesticides and Toxics Management Division determined that such a delegation was appropriate for these source categories with all the conditions set forth in the delegation letters of May 20, 1988 and December 13, 1985, and we delegated them to Knox County on June 1, 1988.

I certify, pursuant to 5 U.S.C. 605(b), that these delegations will not have a significant impact on a substantial number of small entities.

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

Authority: Secs. 111 and 112 of the Clean Air Act (42 U.S.C. 7411 and 7412).

Dated: July 12, 1988.

Greer C. Tidwell,

Regional Administrator.

[FR Doc. 88-16543 Filed 7-21-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Department Hearings and Appeals Procedures; Indian Probate Fees

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule in the Department's regulations governing hearings in Indian probate proceedings to remove a reference to the collection of fees for probating the estates of deceased Indians.

EFFECTIVE DATE: August 22, 1988.

FOR FURTHER INFORMATION CONTACT: Parlen L. McKenna, Chief Administrative Law Judge, Hearings, Division, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203; Telephone: (703) 235-3800.

SUPPLEMENTARY INFORMATION: The authority for collecting probate fees was made obsolete by the repeal of 25 U.S.C. 375b and 377 in the Act of September 26, 1980, Pub. L. 96-363, section 2(a), 94 Stat. 1207. References in the Department's regulations in 43 CFR Part 4, Subpart D, to collection of probate fees were removed by publication in the **Federal Register** on October 2, 1986, effective November 3, 1986. *See* 51 FR 35218. The reference to probate fees in 43 CFR 4.234 was inadvertently overlooked.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure.

For the reason set forth above, 43 CFR Part 7, Subpart D, is amended as follows:

PART 4—[AMENDED]

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

Authority: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b.

2. Section 4.234 is amended by deleting the reference to probate fees in the fifth sentence so that the sentence reads as follows:

§ 4.234 Witnesses, interpreters and fees.

* * * Costs of administration so allowed shall have a priority for payment greater than that for any creditor claims allowed. * * *

Dated: June 3, 1988.

Earl E. Gjelde,

Under Secretary.

[FR Doc. 88-16531 Filed 7-21-88; 8:45 am]

BILLING CODE 4310-79-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 35, 78, 97, 108, 167, and 196

[CGD 87-031a]

RIN 2115-AC 91

Posting Requirement for Placard of Lifesaving Signals and Breeches Buoy Instructions, Form CG-811

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations requiring merchant

vessels to post Form CG–811, entitled "Lifesaving Signals, Helicopter Recovery Procedures, and Breeches Buoy Instructions," in the pilothouse and several other locations throughout the vessel. This rule will amend the regulations by removing the requirement that Form CG–811 be posted in various locations throughout the vessel, and require only that it be readily available to the deck officer of the watch. This action reduces the burden on the public of posting and maintaining several copies of Form CG–811 and also reduces Coast Guard operating costs for printing, stocking, distributing and inspecting the document.

EFFECTIVE DATE: July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander William J. Morani, Jr., Project Manager, Office of Marine Safety, Security, and Environmental Protection, phone (202) 267–1055.

SUPPLEMENTARY INFORMATION: On August 24, 1987, the Coast Guard published in the **Federal Register** (52 FR 31786) an advance notice of proposed rulemaking concerning requirements regarding the providing of information and the maintenance and posting of various documents and placards. The goal was to identify and reduce the paperwork burdens placed on the public which are unduly burdensome or duplicative of information requirements placed by other agencies. A list of specific posting requirements was also included in this notice. Interested persons were invited to submit comments. Several comments were received and are currently being evaluated under CGD 87–031.

This rulemaking is under a separate docket number to immediately reduce the burden on the public while permitting the Coast Guard to continue analyzing and evaluating comments received under CGD 87–031 to further reduce the burden on the public.

The Coast Guard has also taken other separate rulemaking action to reduce the burden on the public. On November 6, 1987, the Coast Guard published in the **Federal Register** (52 FR 42649) a final rule which removed the regulations requiring merchant vessels to post, when provided by the Coast Guard, Form CG–3256, entitled "Atomic Attack Instructions for Merchant Vessels in Port," in five designated areas of the vessel. This action was taken because the information on the placard was either outdated or was provided in other publications required on merchant vessels. This eliminated the burden on the public of maintaining an unnecessary document and reduced Coast Guard operating costs for printing, stocking, distributing and inspecting the document.

One of the posting requirements listed in the August 24, 1987 advance notice of proposed rulemaking (ANPRM) was Form CG–811 entitled "Lifesaving Signals, Helicopter Recovery Procedures, and Breeches Buoy Instructions." One comment concerning Form CG–811 was received in response to the ANPRM. The comment stated that the use of breeches buoys and lifesaving signals has been overtaken by time and is unnecessary in light of current technology. The comment also stated that if Form CG–811 is no longer in print, and if the information is no longer necessary, then the requirement to have Form CG–811 should be deleted.

The Coast Guard has evaluated this comment and has determined that the information contained in Form CG–811 is necessary but only need be readily available to the deck officer of the watch rather than posted in the pilothouse and other locations. Form CG–811 is still in print. There are currently over 10,000 copies available at the Coast Guard Supply Center in Brooklyn, New York. Therefore, this rule amends the regulations which require that Form CG–811 be posted in the pilothouse, amends the SOLAS citation to reflect the current SOLAS convention (1974) to which this requirement pertains, removes the requirement that Form CG–811 be posted in locations other than the pilothouse, and amends two sections to provide continuity with other subchapters containing the same requirement.

During the evaluation of the comment, the Coast Guard made several findings. First, Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1974 requires that an illustrative table describing the signals used by lifesaving stations and maritime rescue units when communicating with ships or persons in distress and by ships or persons in distress when communicating with lifesaving stations and maritime rescue units be made readily available to the officer of the watch. Regulation 16 does not require the table to be posted. The regulations presently cite SOLAS 1960. The current convention, which should be cited, is SOLAS 1974. Regulation 16 of SOLAS 1974 is the same as the SOLAS 1960 requirement. The Coast Guard's position is that having Form CG–811 readily available rather than posted complies with Regulation 16, and will not reduce vessel safety.

Second, the Coast Guard sees no reason why lifesaving signals should be posted in locations such as the control room, engineroom, mess room, and recreation areas. Primary users of this information are deck officers of the watch. Therefore, this rulemaking eliminates the requirement that Form CG–811 be posted or available in areas other than the pilothouse.

Finally, eliminating the pilothouse posting requirement will permit information of immediate safety concern, e.g., manuevering characteristics, to stand out and be readily recognized.

In accordance with 5 U.S.C. 553 a Notice of Proposed Rulemaking was not published for this regulation and good cause exits for making it effective in less than 30 days from the date of publication. In this case, notice and public procedure are unnecessary and contrary to the public interest. The existing rule requires vessels to post a placard containing information that need only be readily available to the deck officer of the watch. The requirement to have Form CG–811 posted does not serve a useful purpose, and promulgation of this rulemaking relieves the public of an unnecessary burden. Therefore, the change should be effectuated as soon as possible.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

Drafting Information

The principal persons involved in the drafting of this rule are Lieutenant Commander William J. Morani, Jr., Project Manager, and Lieutenant Commander Don M. Wrye, Project Counsel, Office of Chief Counsel.

Regulatory Evaluations

This final rule is considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary under DOT Order 2100.5 of May 5, 1980. Modifying the regulation would relieve the industry of an unnecessary burden of posting Form CG–811 in various locations on vessels. The Coast Guard would also recognize a small but significant savings in both manpower and money because it will reduce the

numbers of Form CG–811s printed, stocked, distributed and inspected.

Regulatory Flexibility Act

Since the impact of this final rule is expected to be minimal, the Coast Guard certifies, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule imposes no new or additional information collection or recordkeeping requirements. Rather, the marine industry is relieved of an unnecessary burden of posting multiple copies of a document which needs to be only readily available to the deck officer of the watch.

Environmental Assessment

The Coast Guard has considered the environmental impact of the regulations and concluded that preparation of an environmental impact statement is not necessary. This regulatory project is not anticipated to have an adverse impact on the environment.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 78

Marine safety, Navigation (water), Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 97

Cargo vessels, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR Part 108

Fire prevention, Marine safety, Occupational safety and health, Oil exploration, Vessels.

46 CFR Part 167

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR Part 196

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, Parts 35, 78, 97, 108, 167, and 196 of Chapter I, Title 46, Code of Federal Regulations are amended as follows:

PART 35—[AMENDED]

1. The authority citation for Part 35 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307; 49 CFR 1.46.

§ 35.12–5 [Amended]

2. In Part 35, § 35.12–5 is amended by removing the words "posted in the pilothouse and" and by replacing the year "1960" with the year "1974" in the first sentence of paragraph (a). Paragraph (b) is removed and reserved.

PART 78—[AMENDED]

3. The authority citation for Part 78 is revised to read as follows:

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

§ 78.53–5 [Amended]

4. In Part 78, § 78.53–5 is amended by removing the words "posted in the pilothouse and" and by replacing the year "1960" with the year "1974" in the first sentence of paragraph (a). Paragraph (b) is removed and reserved.

PART 97—[AMENDED]

5. The authority citation for Part 97 is revised to read as follows:

Authority: 46 U.S.C. 3306, 6101, 8105; 49 CFR 1.46.

§ 97.43–5 [Amended]

6. In Part 97, § 97.43–5 is amended by removing the words "posted in the pilothouse and" and by replacing the year "1960" with the year "1974" in the first sentence of paragraph (a). Paragraph (b) is removed and reserved.

PART 108—[AMENDED]

7. The authority citation for Part 108 continues to read as follows:

Authority: 43 U.S.C. 1333(d); 46 U.S.C. 3306; 49 CFR 1.46.

8. In Part 108, § 108.659 is revised to read as follows:

§ 108.659 Breeches buoy and lifesaving signal instructions.

On each unit to which this subpart applies there must be readily available to the offshore installation manager, master, or person in charge a placard (Form CG–811) containing instructions for the use of breeches buoys and the lifesaving signals set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1974. These signals shall be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

PART 167—[AMENDED]

9. The authority citation for Part 167 continues to read as follows:

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

10. In Part 167, § 167.65–50 is revised to read as follows:

§ 167.65–50 Posting placards of lifesaving signals and breeches buoy instructions.

On all vessels to which this subpart applies there shall be readily available to the deck officer of the watch a placard (Form CG–811) containing instructions for the use of breeches buoys and the lifesaving signals set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1974. These signals shall be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

PART 196—[AMENDED]

11. The authority citation for Part 196 continues to read as follows:

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

§ 196.43–5 [Amended]

12. In Part 196, § 196.43–5 is amended by removing the words "posted in the pilothouse and" and by replacing the year "1960" with the year "1974" in the first sentence of paragraph (a). Paragraph (b) is removed and reserved.

Dated: May 31, 1988.

J.D. Sipes,

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

[FR Doc. 88–16494 Filed 7–21–88; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

49 CFR Parts 390, 391, 392, 393, 394, 395, 396, and 397

[FHWA Docket No. MC–114]

RIN 2125–AA34

Federal Motor Carrier Safety Regulations; General; Technical Amendments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Correction to final rule.

SUMMARY: This document includes two technical amendments which correct the final rule that appeared in the **Federal Register** on Thursday, May 19, 1988 (53 FR 18042). The first correction is necessary to include a phrase that was inadvertently omitted in the rule, but which is necessary to accomplish what the FHWA originally intended in order to make the rule compatible with 49 CFR 397.21. The second correction amends the definition of "reportable accident" (49 CFR 394.3) to make it consistent with the applicability section found at 49 CFR 390.3. This document also clarifies which form number should be filed by a motor carrier to obtain an identification number.

EFFECTIVE DATE: November 15, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas P. Kozlowski, Office of Motor Carrier Standards, (202) 366–2981, or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 366–1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: In the final rule published at 53 FR 18042 on May 19, 1988, the preamble clearly indicated on page 18050, in the first column, the FHWA's requirement for vehicles laden with hazardous materials requiring placarding to be identified with (1) the name or trade name of the private motor carrier, and (2) the city or community and State abbreviation in which the motor carrier maintains its principal place of business or in which the vehicles are customarily based. In the amendatory language of the final rule on page 18055, the phrase "or in which the vehicle is customarily based" was inadvertently omitted from the rule.

On page 18052 of the same document, § 390.3, General applicability, states that the rules in Subchapter B are applicable to "* * * commercial motor vehicles, which transport property or passengers in interstate commerce." Section 394.3(a) presently uses the term "motor vehicle" in its definition of a reportable accident. This term, "motor vehicle" is being changed to read "commercial motor vehicle" so that § 394.3 will be consistent with § 390.3.

In the Supplementary Information portion of the May 19 **Federal Register** document, at page 18050, it was stated that "Motor carriers that have not been assigned an identification number may obtain one by filing Form MCS–150, Motor Carrier Identification Report, with the FHWA. Form MCS–150 has not yet been approved by the Office of Management and Budget (OMB). Until that approval has been granted, the motor carrier may obtain an identification number by filing Form MCS–137, Description of Motor Carrier Operations, with the FHWA.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Parts 390 Through 397

Highway safety, Highways and roads, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements, Motor vehicle safety.

(Catalog of Federal Domestic Assistance Program No. 20.217, Motor Carrier Safety)

Anthony J. McMahon,

Chief Counsel, Federal Highway Administration.

Therefore, in view of the above, the FHWA is amending 49 CFR Parts 390 and 394 as follows:

PART 390—[AMENDED]

1. The authority citation for Part 390 continues to read as follows:

Authority: 49 U.S.C. App. 2503 and 2505; 49 U.S.C. 3102 and 3104; 49 CFR 1.48.

2. In § 390.21, paragraph (b)(2) is revised to read as follows:

§ 390.21 Marking of motor vehicles.

* * * * *

(b) * * *

(2) The city or community and State (name abbreviated), in which the carrier maintains its principal place of business or in which the vehicle is customarily based.

* * * * *

PART 394—[AMENDED]

3. The authority citation for Part 394 continues to read as follows:

Authority: 49 U.S.C. App. 2505; 49 U.S.C. 504 and 3102; 49 CFR 1.48.

4. In § 394.3, paragraph (a) introductory text is revised to read as follows:

§ 394.3 Definition of "reportable accident."

(a) Except as provided in paragraph (b) of this section, the term "reportable accident" means an occurrence involving a commercial motor vehicle engaged in the interstate, foreign, or intrastate operations of a motor carrier who is subject to the Department of Transportation Act resulting in—

* * * * *

Issued on: July 18, 1988.

Anthony J. McMahon,

Chief Counsel, Federal Highway Administration.

[FR Doc. 88–16500 Filed 7–21–88; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the James Spinymussel

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for the James spinymussel (*Pleurobema collina*). This species survives only in a few headwater streams of the James River in Virginia and West Virginia. This action is being taken because: (1) The range and numbers of this freshwater mussel have been drastically reduced to about 5–10% of historic levels, and (2) the few drainages that continue to support the species are subject to threats including invasion of essential habitats by the exotic Asiatic clam (*Corbicula fluminea*) and potential water quality degradation by agricultural and silvicultural runoff, effluent from sewage treatment plants, and chemical spills. This rule will implement Federal protection provided by the Endangered Species Act of 1973, as amended.

DATE: The effective date of this rule is August 22, 1988.

ADDRESSES: The complete file for this rule is available for inspection by appointment, during normal business hours at the Annapolis Field Office, U.S. Fish and Wildlife Service, 1825B Virginia Street, Annapolis, Maryland 21401.

FOR FURTHER INFORMATION CONTACT: Mr. G. Andrew Moser at the above address (301/269–6324).

SUPPLEMENTARY INFORMATION:

Background

The James spinymussel was first discovered in the Calfpasture River, Rockbridge County, Virginia, by T. A. Conrad in 1836 (Conrad 1846). The species was originally described by

Conrad (1837) as *Unio collinus*. It has been subsequently placed in different genera by various workers. Names that refer to this species are listed in the following abbreviated synonymy:

Unio collinus Conrad, 1936: Plate 36, Figure 2.

Margaron (*Unio*) *collinus* (Conrad).—Lea 1852:23.

Alasmidonta collina (Conrad).—Simpson 1900:669

Canthyria collina (Conrad).—Frierson 1927:1946; Stansbery 1971:14; Clarke and Neves 1984; Zeto and Schmidt 1984:147

Elliptio (*Canthyria*) *collina* (Conrad).—Morrison 1955:20.

Pleurobema collina (Conrad).—Boss and Clench 1967:45; Heard 1970:27; Burch 1975:12.

Pleurobema (*Lexingtonia*) *collina* (Conrad).—Johnson 1970:300.

Fusconaia (*Lexingtonia*) *collina* (Conrad).—Johnson and Clarke 1983:296.

The Service recognized the James spinymussel under the name *Fusconaia collina* in the Review of Invertebrate Wildlife for Listing as Endangered or Threatened Species (49 FR 21675; May 22, 1984). Clarke and Neves (1984) subsequently determined that the James spinymussel uses only its outer gills to brood glochidia and is therfore not a *Fusconaia*, which are currently understood to use all four gills to brood glochidia. Clarke and Neves (1984) suggested placement of the species in the genus *Canthyria*, because of the presence of spines on the shell and some characters of the soft anatomy. The Service believes that until further review and evaluation clarifies the taxonomic significance of these characters, the James spinymussel should be recognized under the more established name *Pleurobema collina*.

The Service's Review of Invertebrate Wildlife included this species under the common name "Virginia spiny mussel." The Service is following the list of common names by Turgeon *et al.* (in press) in now using the name James spinymussel.

The shells of juvenile James spinymussels usually bear one to three short but prominent spines on each valve. The shells of adults usually lack spines. The foot and mantle of the adult are conspicuously orange and the mantle is darkly pigmented in a narrow band around and within the edges of the branchial and anal openings.

Aside from the James spinymussel, only two other freshwater spined mussels are known to exist: *Elliptio* (*Canthyria*) *spinosa*, a large-shelled and long-spined species known only from the Altamaha River system in Georgia, and *Elliptio* (*Canthyria*) *steinstansana*, a species with intermediate shell size and spine length found only in the Tar River in North Carolina. The latter species was listed as endangered on June 27, 1985 (50 FR 26575). The James spinymussel has a smaller shell and shorter spines than these other two species.

The James spinymussel has been collected on sand and mixed sand and gravel substrates, generally in areas of slow to moderate current and relatively hard water. Like other freshwater mussels, it feeds by filtering food particles from the water, a characteristic that makes it particularly susceptible to detrimental effects of water-borne pollutants. *P. collina* also shares with other freshwater mussels a complex reproductive cycle in which the mussel larvae attach for a short time to a fish host. The life span, time of spawning, host fish species, and many other aspects of the life history of *P. collina* are still unknown.

Collection records indicate that the James spinymussel was once widely distributed in the James River drainage upstream of Richmond. All pre-1983 records for the species are from Virginia (Clarke and Neves 1984). They include: The James River, main stem, in Rockbridge, Botetourt, Fluvanna, Buckingham, Goochland, and Cumberland Counties; the Rivanna River in Fluvanna County; Mill Creek in Bath County; the Calfpasture River in Rockbridge County, and Johns Creek in Craig County. The James spinymussel was first reported from West Virginia in 1984 (Zeto and Schmidt 1984). This mussel is known to survive in only four creeks: Craig, Catawba, and Johns Creeks in Craig and Botetourt Counties, Virginia, and Potts Creek in Monroe County, West Virginia (Clarke and Neves 1984, M.C. Hove letter of comment).

Although it is probable that the decline of the James spinymussel began with municipal growth and industrialization of cities and towns in the James River watershed, much of the decline has occurred in the last 20 years. The species remained in much of its historic range through the mid-1960's, but has since disappeared from the majority of known sites. It now appears to be extirpated from 90–95% of its historic range, with survival documented only in four headwater creeks in the James River drainage. This restricted distribution makes the species vulnerable to threats including water quality perturbations, disease, and displacement by expanding populations of the exotic Asiatic clam (*Corbicula fluminea*).

In the **Federal Register** of May 22, 1984 (49 FR 21675), the James spinymussel was included in category 2 of the Service's Review of Invertebrate Wildlife. Category 2 comprises those taxa for which proposed listing is possibly appropriate but for which conclusive data on biological vulnerability are not available to support a proposed rule. Additional data, including a Service-funded status survey (Clarke and Neves 1984), provided the information needed to support a listing proposal. On September 1, 1987, the Service published in the **Federal Register** (52 FR 32939) a proposed rule to list the James spinymussel as an endangered species.

Pleurobema collina was placed on Virginia's state list of endangered species on October 1, 1987.

Summary of Comments and Recommendations

In the September 1, 1987, proposed rule (52 FR 32939) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the Roanoke Times and World News on September 11, 1987, which invited general public comment. Six comments were received and are discussed below.

Letters supporting the listing were received from the Virginia Department of Game and Inland Fisheries, the West Virginia Department of Natural Resources, the Nature Conservancy, and Dr. Arthur H. Clarke, a malacologist with Ecosearch, Inc. The Virginia Department of Game and Inland Fisheries letter indicated that they had designated the James spinymussel a State endangered species. This has been noted in the "Background" section of this rule.

Dr. Arthur Clarke's letter indicated that he would place this species in either the genus *Canthyria* or *Elliptio*, rather than *Pleurobema*. For the reasons given in the "Background" section, we plan to continue using the more established name, *Pleurobema*. Research currently underway at Virginia Polytechnic Institute and State University may provide the necessary information to settle this issue. Because of their frequent usage, we have added the generic names *Elliptio* and *Canthyria* as

synonyms in the table to be included in the list of Endangered and Threatened Wildlife (50 CFR 17.11).

A researcher at the Department of Fisheries and Wildlife Science at the Virginia Polytechnic Institute and State University provided additional information on the distribution of the James spinymussel, including the discovery of a small population in Catawba Creek in Botetourt County Virginia. Information on this new population has been incorporated in the "Background" section.

The County Planner and Zoning Administrator for Botetourt County, Virginia, provided comments indicating that minor modifications of the spinymussel's habitat may occur due to the slow, but inevitable, growth/development which the upper reaches of the James River drainage will experience.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the James spinymussel should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the James spinymussel (*Pleurobema collina*) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Results of recent surveys of the James River drainage (Clarke and Neves 1984, M. C. Hove letter of comment) have documented survival of the James spinymussel only in Craig, Catawba and Johns Creeks in Craig and Botetourt Counties, Virginia, and a short reach of Potts Creek in Monroe County, West Virginia. This represents a very significant reduction (90–95%) in known range, as historic records indicate that the species was once found throughout much of the James River drainage upstream of Richmond.

Habitat modification has been a major factor in the James spinymussel's abrupt decline. Adverse habitat changes including dam construction, industrial pollution, chemical spills, channelization, and sewage discharges have occurred at various locations within the species' historic range in the James River drainage. Current threats to habitat in the Craig/Johns Creek and Potts Creek watersheds include the following:

(1) Effluent discharges and accidental discharges of chlorine or raw sewage from sewage treatment plants;

(2) Erosion and siltation resulting from logging operations in the upper Craig Creek Watershed and other locations;

(3) Toxic chemical spills;

(4) Agricultural runoff including pesticides and fertilizers;

(5) Channelization.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Although collection was probably an insignificant factor in this species' decline, it is becoming a problem now that the species is rare. Because additional interest in the spinymussel is expected to be generated by the listing process, the Service is concerned that this problem may worsen in the future.

C. Disease or Predation

There is no evidence that disease or predation has been a problem for the James spinymussel. However, extensive mussel dieoffs, possibly caused by a yet unknown disease, have occurred recently in the rivers of southwest Virginia, in the Tar River in North Carolina, and in numerous other locations. The Tar River dieoff, discovered in May 1986, was particularly severe, killing an estimated 75% of all mussels in the affected beds (R. Neves personal communication). Should such an outbreak occur in the Craig Creek or Potts Creek drainages, it would pose a very serious threat to the James spinymussel because of the species' restricted range.

D. The Inadequacy of Existing Regulatory Mechanisms

Virginia State law (Section 29–113) requires a permit for the scientific collection of freshwater mussels. State law (Article 6, Chapter 3, Title 29.1 of the Code of Virginia) also declares it unlawful to take, transport, process, sell or offer for sale any threatened or endangered species. However, these State laws are difficult to enforce and do not protect the species' habitat from the potential impacts of Federal projects. Federal listing would provide protection for the species under the Endangered Species Act by requiring a Federal permit to take the species and requiring Federal agencies to consult with the Service when projects they fund, authorize, or carry out may affect the species.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Much of the James River drainage has become infested by the Asiatic clam (*Corbicula fluminea*), a species introduced accidentally from Asia. Competition from this non-native species may be a principal cause of the James spinymussel's decline. Population densities of *C. fluminea* in excess of 1000 individuals per square meter (about 93 per square foot) have been reported in the James River downstream of Richmond (Diaz 1974). Because of the Asiatic clam's high population densities, its feeding activity may significantly reduce the availability of phytoplankton needed by the spinymussel for food and may interfere with reproduction of the spinymussel by filtering its sperm from the water column (Clarke 1981). Clarke and Neves (1984) consider the temporal correlation between the disappearance of downstream populations of the James spinymussel and the appearance and proliferation of the Asiatic clam to be clear evidence that the spread of *Corbicula* is one of the chief causes of the spinymussel's decline.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list the James spinymussel as endangered. The mussel's small population and restricted distribution make it vulnerable to pollution events, disease, and competition from exotic species; its range has greatly narrowed within the immediate past; therefore, threatened status would not be appropriate. The reasons for not designating critical habitat for this species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the James spinymussel at this time. This rare mussel is very unusual, being one of only three known species of spined freshwater mussels. There is a small but significant demand by collectors for this species. Because of this, the Service believes a detailed description of the species' habitat, required as part of any critical habitat designation, could increase the species' vulnerability to illegal taking and

increase law enforcement problems. Therefore, it would not be prudent to designate critical habitat for this species. Doing so would draw attention to the habitats supporting the James spinymussel and risk depletion of an already limited population.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and local governments and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal activities that could impact the James spinymussel and its habitat include, but are not limited to, the following: Issuance of permits for mineral exploration, timber sales, recreational development, stream alterations, road and bridge construction and maintenance, and implementation of forest management plans. It has been the experience of the Service that the large majority of section 7 consultations are resolved so that the species is protected and the project can continue.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed wildlife species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been illegally taken. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Applicable regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Boss, K.J. and W.J. Clench. 1967. Notes on *Pleurobema collina* (Conrad) from the James River, Virginia. Occas. Pap. Mollusks (Mus. Comp. Zool., Harvard) 3(7):45–52.

Burch, J.B. 1975. Freshwater Unionacean Clams (Mollusca: Pelecypoda) of North America, revised edition. Malacological Publications, Hamburg, Michigan.

Clarke, A.H. 1981. *Corbicula fluminea* in Lake Erie. The Nautilus 95(2):83–84.

Clarke, A.H. 1986. Competitive Exclusion of *Canthyria* (Unionidae) by *Corbicula fluminea* (Miller). Malacology Data Net 1:3–10.

Clarke, A.H. and R.J. Neves. 1984. Status Survey of the James River Spiny Mussel, *Canthyria collina*, in the James River, Virginia. A report for Region 5 of the U.S. Fish and Wildlife Service. 32 pp. + appendix.

Conrad, T.A. 1837. Monography of the Family Unionidae. No. 8:65.

Conrad, T.A. 1846. Notices of Fresh Water Shells, etc., of Rockbridge Co., Virginia. Amer. J. Sci. (Series 2) 1:405–407.

Diaz, R.J. 1974. Asiatic Clam, *Corbicula manilensis* (Philippi) in the Tidal James River, Virginia. Chesapeake Sci. 15(2):118–120.

Frierson, L.S. 1927. A Classified and Annotated Check List of the North American Naiades. Baylor University Press, Waco, Texas.

Heard, W.H. 1970. 3. Eastern Freshwater mollusks (II) the South Atlantic and Gulf drainages. *In* A.H. Clarke (ed.), Papers on the Rare and Endangered Mollusks of North America. Malacologia 10(1):23–27.

Johnson, R.I. 1970. The systematics and zoogeography of the Unionidae (Mollusca: Bivalvia) of the southern Atlantic slope region. Bull. Mus. Comp. Zool. (Harvard) 140(6):263–450.

Johnson, R.I. and A.H. Clarke. 1983. A new spiny mussel, *Elliptio* (*Canthyria*) *steinstansana* (Bivalvia: Unionidae) from the Tar River, North Carolina. Occas. Pap. Mollusks (Mus. Comp. Zool., Harvard) 4(61):289–298.

Lea, I. 1852. Observations on the Genus *Unio*, Together with Descriptions of New Species in the Families Unionidae Colinacea and Melaniana. I. Lea, Philadelphia.

Morrison, J.P.E. 1955. Notes on the spiny freshwater mussels (*Canthyria*). Amer. Malacolog. Union Ann. Rept. 1955:19–20.

Simpson, C.T. 1900. Synopsis of the Naiades, or Pearly Fresh-water Mussels. Proc. U.S. Natl. Mus. 22:501–1044.

Stansbery, D.H. 1971. Rare and endangered freshwater mollusks in the eastern United States. Pp. 5–18 *in* S.E. Jorgensen and R.W. Sharp (eds.), Proc. Symp. Rare and Endangered Mollusks (Naiads) of the U.S. U.S. Fish and Wildlife Service, Twin Cities, Minnesota.

Turgeon, D.D., A.E. Bogan, E.V. Cohn, W.K. Emerson, W.G. Lyons, W.L. Pratt, C.F.E. Roper, A. Scheltema, F.G. Thompson, and J.D. Williams. In press. Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Mollusks. Amer. Fisheries Soc. Spec. Publ. No. 16. Bethesda, Maryland.

Zeto, M.A. and J.E. Schmidt. 1984. Freshwater Mussels (Bivalvia: Unionidae) of Monroe County, West Virginia. The Nautilus 98 (4):147–151.

Author

The primary author of this final rule is G. Andrew Moser, Annapolis Field Office, U.S. Fish and Wildlife Service, 1825B Virginia Street, Annapolis, Maryland 21401 (301/269–6324).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99–625, 100 Stat. 3500 (1986), unless otherwise noted.

2. Amend § 17.11(h) by adding the following, in alphabetical order under

CLAMS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

(h) * * *

* * * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Clams:							
Spinymussel, James (=Virginia spiny mussel).	*Pleurobema (=Fusconaia, =Elliptio, =Canthyria) collina.*	U.S.A. (VA, WV).	NA	E	316	NA	NA

* * * * *

Dated: June 27, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-16490 Filed 7-21-88; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 280, 630, and 642

[Docket No. 80597-8097]

Fishery Conservation and Management; Correction

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

ACTION: Final rule, technical amendment; correction.

SUMMARY: This document corrects the final rule; technical amendment which created a new Part 620 governing the domestic fisheries. The rule appeared in the **Federal Register** on June 29, 1988 (53 FR 24644).

EFFECTIVE DATE: June 28, 1988.

FOR FURTHER INFORMATION CONTACT: Donna D. Turgeon, Fishery Management Officer, 202-673-5315.

SUPPLEMENTARY INFORMATION: In rule document 88-14198 beginning on page 24644, in the issue of June 29, 1988, the following corrections are made:

1. On page 24645, column 1, line 1, the phrase, "and § 280.17 is redesignated § 280.3." is corrected to read "§§ 280.17 and 280.18 are redesignated §§ 280.3 and 280.4, respectively; and in newly redesignated § 280.4 introductory text, the reference §§ 280.2 to 280.18 is revised to read this part."

2. On page 24655, column 2, under instruction 39, the listing of section numbers should include "§ 642.2" before "§ 645.2.".

3. On page 24660, column 1, line 11, reference to "§ 630.21(a)(3), (4), and (5)" are removed.

List of Subjects in 50 CFR Chs. II and VI

Fisheries.

Note.—Additional corrections to this document are published in the Corrections Section of this issue of the **Federal Register**.

Dated: July 15, 1988.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 88-16463 Filed 7-21-88; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 630

[Docket No. 80110-8010]

Atlantic Swordfish Fishery

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

ACTION: Final rule; technical amendment.

SUMMARY: NOAA issues this final rule to implement a technical amendment to the regulations for the Fishery Management Plan for Atlantic Swordfish (FMP). This is a housekeeping rule which corrects and clarifies definitions, removes definitions of terms not used, and clarifies the requirements for vessel identification and some of the prohibitions. The intent is to clarify the regulations and conform them with current usage.

EFFECTIVE DATE: July 22, 1988.

FOR FURTHER INFORMATION CONTACT: W. Perry Allen (Regulatory Coordinator), 813-893-3722.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the FMP and its implementing regulations at 50 CFR Part 630.

This rule corrects and clarifies the wording of two definitions, deletes six definitions that are no longer used in the regulations, and modifies slightly two definitions to better correspond to their usage in the regulations. This rule also restates the requirements for vessel identification in terms of vessels required to obtain permits, rather than in terms of vessels in the fishery, and simplifies and clarifies the language regarding display of a vessel's official number. This rule provides specific prohibitions for failure to report information required in connection with a permit and failure to display a permit—both long-standing requirements of the regulations.

Other Matters

This final rule, technical amendment is issued under 50 CFR Part 630 and complies with Executive Order 12291. Because this rule only makes minor, non-substantive corrections, the Assistant Administrator for Fisheries, NOAA, finds that it is unnecessary under 5 U.S.C. 553(b)(B) to provide for prior public comment and that there is good cause under 5 U.S.C. 553(d) not to delay for 30 days its effective date.

Because this rule is being issued without prior comment, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act and none has been prepared. There is no change in the regulatory impacts previously reviewed and analyzed.

This rule is minor and technical in nature and therefore is not a major rule under Executive Order 12291. It does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 19, 1988.

James W. Brennan,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 630 is amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for Part 630 continues to read as follows:

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

2. In § 630.2, in the definition of *Handline gear*, the words "the boat" are removed and the words "a fishing vessel" are added in their place; in the definition of *Western North Atlantic swordfish stock*, the word "out" between "latitude" and "to" is revised to read "east" and the word "continuing" is removed; the definitions for *Carcass, Dressed weight, Gill net* or *drift entaglement net, Pelagic longline, Radio buoy, Rod and reel fisherman, Variable season closure (VSC)*, and *Whole fish* are removed; and new definitions for *Carcass or dressed, Rod and Reel*, and *Whole* are added in alphabetical order to read as follows:

§ 630.2 Definitions.

* * * * *

Carcass or *dressed* means a fish that has been gutted and the head and fins have been removed.

* * * * *

Rod and reel means a hand-held (including rod holder) fishing rod with a manually or electrically operated reel attached.

* * * * *

Whole, when referring to swordfish, means a fish that is not gutted and the head and fins are intact.

3. In § 630.6, paragraph (a) is revised to read as follows:

§ 630.6 Vessel identification.

(a) *Official number.* A vessel for which a permit is required by § 630.4 must display its official number—

(1) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from an enforcement vessel or aircraft;

(2) In block arabic numerals in contrasting color to the background;

(3) At least 18 inches in height for vessels over 65 feet in length and at least 10 inches in height for all other vessels; and

(4) Permanently affixed to or painted on the vessel.

* * * * *

4. In § 630.7, paragraph (f) is redesignated (h) and new paragraphs (f) and (g) are added, to read as follows:

§ 630.7 Prohibitions.

* * * * *

(f) Fail to display a permit, as required by § 630.4.

(g) Fail to report information required to be submitted or reported, as specified In § 630.4.

* * * * *

[FR Doc. 88–16597 Filed 7–21–88; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 53, No. 141
Friday, July 22, 1988

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 317

Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Proposed regulations with comments invited for consideration in final rulemaking.

SUMMARY: These regulations would establish procedures governing Senior Executive Service (SES) appointment and staffing actions, including (1) qualifications standards; (2) agency recruitment and selection procedures for career appointments; (3) the 1-year probationary period for career appointees; (4) reinstatement to the SES; (5) reassignments and transfers; and (6) details within, into, and out of SES positions. The regulations are intended to provide for uniformity of agency operations, to ensure compliance with merit staffing provisions, and to implement statutory requirements for regulation by OPM.

DATE: Comments will be considered if received no later than September 20, 1988.

ADDRESS: Send or deliver written comments to the Director, Office of Executive Personel, OEA, Office of Personnel Management, Room 6R48, 1900 E. Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Neal Harwood, (202) 632–4625.

SUPPLEMENTARY INFORMATION: Section 3397 of Title 5 of the United States Code states that the Office of Personnel Management (OPM) shall provide regulations to carry out the provisions of Chapter 33, Subchapter VIII (Appointment, Reassignment, Transfer, and Development in the Senior Executive Service). Sections 3392 and 3393 delegate to OPM the responsibility for prescribing the methods for developing qualifications standards and monitoring the Senior Executive Service (SES) merit staffing process.

These regulations would (1) implement the staffing provisions in title III of Pub. L. 98–615, November 8, 1984; (2) incorporate or modify existting SES instructions provided in Federal Personnel Manual (FPM) bulletins already issued to implement the Civil Service Reform Act of 1978 (Pub. L. 95–454) where it was found that regulations were needed to ensure consistent application of SES recruiting, appointing, and staffing provisions throughout the Government; and (3) revise interim regulations on reinstatement in the SES published on December 5, 1980 (45 FR 80467) under 5 CFR Part 317, Subpart G, to take into account comments on the regulations and the effect of Pub. L. 98–615.

The following major staffing provisions are incorporated in the regulations for the first time:

(1) Under § 317.401, agencies are required to develop the qualifications standard for a position in accordance with the procedures described in the regulations. Section 317.402 establishes the criteria agencies must follow in developing standards for career reserved positions. Section 317.403 permits agencies to use the same criteria for general positions.

(2) Under § 317.501(a), commissioned officers of the uniformed services on active duty in an agency are permitted to serve on the agency Executive Resources Board, in accordance with Pub. L. 98–615.

(3) Under § 317.501(b)(2), agencies are required to publish vacancy announcements in the biweekly OPM listing of SES vacancies to assure that notice of vacancies is made available to all groups of qualified individuals within the civil service and to the U.S. Employment Service. Agencies are also expected to do appropriate targeted recruiting on their own based on the type of position involved and the likely sources of qualified candidates, including women and minorities.

(4) Under § 317.501(c)(3), agency Executive Resources Boards are required to document the rating and ranking process used to screen applicants for career appointment to the SES to assure that there is sufficient information available to ascertain the adequacy of the merit staffing process. In accordance with 5 U.S.C. 3393, written recommendations will have to be provided by the Board to the appointing authority on the eligible candidates. So as to minimize paperwork, these recommendations may consist of the screening panel rating sheets on the individual candidates, rather than separate recommendations prepared by the Board; but the Board members must still certify in writing the candidates to the appointing authority.

(5) Under § 317.502(c), the three criteria for Qualifications Review Board (QRB) certification for SES career appointment are stated. In accordance with 5 U.S.C. 3393(c)(2), an individual may be certified based on meeting any one of the criteria. The criteria are (A) demonstrate executive experience, (B) successful completion of an OPM-approved candidate development program, and (C) possession of special or unique qualities that indicate a likelihood of executive success. QRB certification was originally valid for 5 years in all cases, but was later changed to 3 years for criterion B cases (FPM Letter 412–4, July 18, 1984). Under the proposed regulations, the 3-year limitation would be extended to cover criteria A and C cases. The previous 5-year limitation would continue to apply to crteria A and C cases if the individuals were certified before the effective date of the final regulations, but had not yet been appointed to the SES. They would still be required to undergo competitive recruitment and appointment, however, if selected for a position other than the one for which orignially certified. The 5-year limitation would also apply to criterion B cases where the individual was certified before July 18, 1984, or entered a candidate program before that date and was subsequently certified.

(6) Under § 317.502(d), OPM is given authority to determine the disposition of QRB cases between the time and agency head leaves office and the time a new agency head is confirmed and appointed. This authority is needed to assure that the new agency head will be able to make his or her own selections for key agency positions. OPM may return cases to agencies, hold them pending appointment of a new agency head, or submit them for QRB review depending on the circumstances, such as the organizational level of the position being filled, the degree to which the

incumbent would be involved in policy matters, and how long before a new agency head is likely to take office.

(7) Under § 317.503, the length of the SES probationary period is set at one full year (i.e., 365 days, or 366 days, in a leap year), in accordance with 5 U.S.C. 3393(d).

(8) Under § 317.901, SES members who are to be reassigned outside the commuting area will be entitled to a 60-day advance written notice, following consultation on the reasons for the reassignment, in accordance with Pub. L. 98–615. The notice period may be waived only with the written consent of the appointee. Agencies may give more advance notice in hardship cases. A 15-day advance written notice is required for reassignments within a commuting area and also may be waived only with the written consent of the appointee.

(9) Under § 317.901(c), the provisions in law concerning the 120-day moratorium on involuntary reassignment actions of career appointees following the appointment of a new agency head or immediate noncareer supervisor are clarified.

(a) "Agency head" is defined as the head of an executive department (e.g., Secretary of Treasury), or a military department (e.g., Secretary of the Army), or an independent establishment (e.g., Chairman of the Federal Trade Commission). The term does not mean the head of a component within one of those agencies (e.g., IRS in Treasury). If an agency head changes, the 120-day moratorium applies to all involuntary reassignments throughout the agency.

(b) "Noncareer appointee" is defined as any noncareer-type supervisor; e.g., a Presidential as well as an SES noncareer appointee. If the noncareer supervisor changes, the 120-day moratorium applies only to involuntary assignments where the individual is the *immediate* supervisor with authority to take action, in accordance with 5 U.S.C. 3395(e)(1)(B). Thus, for example, if a noncareer bureau head changes, subordinate career supervisors, or noncareer supervisors who have been in their positions more than 120 days, may still reassign career appointees on their own staffs even though the bureau head may not involuntarily reassign career appointees reporting directly to him. (This assumes the agency head has been in office at least 120 days and there is no agencywide moratorium on reassignments.) It should be noted that it is not the intent of the law to pyramid 120-day moratoriums. Thus, when the bureau head changes, the agency head still has the authority, if he exercises it, to reassign bureau employees during the moratorium affecting the noncareer bureau head if the agency head himself has served 120 days.

(10) Under § 317.903, the requirements for details of SES appointees, and details of non-SES appointees to SES positions, are specified. Details within an executive agency or military department are limited to 120-day increments, in accordance with 5 U.S.C. 3341. Only career SES appointees and career-type non-SES appointees may be detailed to SES career reserved positions. OPM's authority to set limits on the total length of SES details is stated. FPM Letter 300–32 of March 26, 1987, currently limits details of competitive service and General Schedule appointees to SES positions ot 240 days without prior approval from OPM. OPM would place in the FPM any appropriate limits on details of SES appointees to other SES positions or to non-SES positions, as well as to unclassified duties. Agencies should note that SES appointees are also covered by the Comptroller General decision concerning the use of nonreimbursable details (see FPM Letter 300–31 of August 27, 1985).

The following major changes have been made in the previously issued reinstatement regulations (subpart G):

(1) The title of § 317.702 has been changed for clarity to read "General reinstatement: SES career appointees." The section has been revised to make clear that removal from the SES under adverse action procedures precludes reinstatement eligibility to the SES, unless the removal was for a failure to accept a directed reassignment or to accompany a position in a transfer of function to another commuting area and the individual was not subject to a written mobility agreement. This change is in accordance with Pub. L. 98–615, which distinguishes such removals from other types of adverse action removals; i.e., for misconduct, neglect of duty, or malfeasance.

(2) Section 317.703 has been revised to provide that reinstatement of a Presidential appointee, whether voluntary or OPM directed, should be effected under that section. Some commenters had questioned (in reference to the current regulations) whether a *voluntary* reinstatement to the SES of a Presidential appointee should be taken under § 317.702, covering general reinstatement of a former SES career appointee, or § 317.703, covering guaranteed reinstatement of a Presidential appointee. Our experience in directing reinstatement under the interim regulations has shown that, in some instances, the Presidential appointee negotiated his or her own offer of reinstatement. OPM then followed with a formal order directing the reinstatement action. In order to eliminate additional paperwork, § 317.703 has been revised to include voluntary reinstatement by agencies.

(3) Section 317.703 has also been revised to make clear that an application for placement assistance may be submitted as soon as the Presidential appointee's resignation is requested or submitted; to clarify the standards applied by OPM in directing reinstatement; to specify actions needed in certain instances to help individuals retain their reinstatement rights; and to include a requirement that the agency notify OPM within 5 workdays of a reinstatement.

(4) The provision of Pub. L. 98–615 that has the primary impact on reinstatements is section 303(a), which eliminates the mandatory 1-year period for reinstatement in the SES for certain career appointees removed under 5 U.S.C. 3595 by reduction in force. Since the reinstatement requirement is no longer in effect except for those removed before October 1, 1984, it does not appear in the regulations.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it deals with the SES of the executive branch of the Federal Government.

List of Subjects in 5 CFR Part 317

Government employees.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is proposing to amend 5 CFR Part 317 by revising the authority citation for the part and removing the authority citation for Subpart G; adding Subpart D, § 317.401 through § 317.404; adding Subpart E, § 317.501 through § 317.503; revising Subpart G, § 317.701 through § 317.703; adding Subpart I, § 317.901 through § 317.904; and adding Subpart J, § 317.1001, to read as follows:

PART 317—APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

* * * * *

Authority: 5 U.S.C. 3392, 3393, 3395, 3397, 3593, and 3595.

Subpart D—Qualifications Standards

§ 317.401 General.

The head of each agency is responsible for establishing the qualifications standard for Senior Executive Service (SES) positions in accordance with the procedures described in this subpart.

§ 317.402 Career reserved positions.

(a) The qualifications standard must be in writing and identify the breadth and depth of the professional and executive/managerial knowledges, skills, and abilities required for successful performance in the position.

(b) The stanard must be specific enough to enable applicants to be rated and ranked according to their degree of qualifications when the position is being filled on a competitives basis.

(c) Each qualifications requirement in the standard must be job related. However, the standard may not emphasize agency-related experience to the extent that it precludes otherwise well-qualified candidates from outside the agency from appointment consideration.

(d) The standard may not include—

(l) A minimum length of experience requirement;

(2) A minimum education requirement beyond that authorized for similar positions in the competitive service; or

(3) Any criterion prohibited by law or regulation.

§ 317.403 General positions.

An agency may apply the criteria in § 317.402 when developing qualifications standards for general positions. If it does not, OPM must be consulted before the agency develops the standard.

§ 317.404 Retention of qualifications standards.

If a qualifications standard is changed, the old standard shall be retained for 2 years. If a position is cancelled, the current standard shall be retained for 2 years.

Subpart E—Career Appointments

§ 317.501 Recruitment and selection for initial SES career appointment.

(a) *Executive Resources Board (ERB).* The head of each agency shall appoint one or more ERB's from among employees of the agency or commissioned officers of the uniformed services serving on active duty in the agency. The ERB(s) shall, in accordance with requirements established by OPM, conduct the merit staffing process for career appointees.

(b) *Recruitment.* (1) As a minimum, the source of recruitment to fill a SES position by career appointment must include all groups of qualified individuals within the civil service (as defined by 5 U.S.C. 2101). It may also include qualified individuals outside the civil service.

(2) Announcements of SES vacancies to be filled by career appointment must be listed in OPM's publication of SES vacancies for such time as prescried by OPM.

(c) *Merit staffing requirements.* As a minimum, agencies must—

(1) Provide that competition be fair and open, that all candidates compete and be rated and ranked on the same basis, and that selection be based solely on qualifications and not on political or other non-job-related factors.

(2) Provide that the ERB consider the qualifications of each candidate, other than those found ineligible because they do not meet the requirements of the vacancy announcement. Preliminary qualifications screening, rating, and ranking of candidates may be delegated by the ERB.

(3) Provide that the rating and ranking procedures sufficiently differentiate among candidates on the basis of the knowledges, abilities, and other job-related factors in the qualifications standard for the position, so as to enable the appointing authority to adequately determine those most qualified. For this purpose, candidates may be grouped into broad categories, such as best qualified, qualified, and not qualified. Numerical rating and ranking and ranking are not required.

(4) Provide that the record be adequately documented to show the basis of qualifications, rating, and ranking determinations.

(5) Provide that the ERB make written recommendations to the appointing authority on the eligible candidates. Rating sheets may be used to facilitate consideration of large numbers of candidates.

(6) Provide that the appointing authority certify in writing that the candidate selected meets the qualifications requirements of the position and appropriate merit staffing procedures were followed.

(d) *Retention of documentation.* Agencies must keep such documentation as OPM prescribes for 2 years to permit reconstruction of merit staffing actions.

(e) *Applicant inquiries and appeals.* Individuals are entitled to obtain information from an agency regarding the process used to recruit and select candidates for career appointment to SES positions. Upon request, applicants must be told whether they were considered qualified for the position and whether they were referred for appointment consideration. Also, they may have access to questionnaires or other written material regarding their own qualifications, except for material that would identify a confidential source. There is no right of appeal by applicants to OPM on SES staffing actions taken by ERBs, Qualifications Review Boards, or appointing authorities.

§ 317.502 Qualifications Review Board certification.

(a) A Qualifications Review Board (QRB) convened by OPM must certify the executive/managerial qualifications of a candidate before a cereer appointment may be made to an SES position. More than one-half of the members of a QRB must be SES career appointees.

(b) Agency requests for certification of a candidates by a QRB must contain such information as prescribed by OPM, including evidence that merit staffing procedures were followed and that the appointing authority has certified the candidate's qualifications for the position. Requests must be received by OPM no later than 9 months from the closing date of the vacancy

announcement or, in cases where SES qualifications resulted from successful completion of an OPM-approved candidate development program, 9 months from the date of such completion.

(c) QRB certification must be based on demonstrated executive experience; successful completion of an OPM-approved candidate development program; or possession of special or unique qualities that indicate a likelihood of executive success. A QRB certification is valid for 3 years from the date of certification.

(d) OPM may determine the disposition of agency QRB requests if the agency head leaves office before QRB action.

§ 317.503 Probationary period.

(a) An individual's initial appointment as an SES career appointee becomes final only after the individual has served a 1-year probationary period as a career appointee.

(b) The probationary period begins on the effective date of the personnel action initially appointing the individual to the SES as a career appointee and ends one calendar year later. Service as a probationer that is interrupted is creditable toward completion of the probationary period as prescribed by OPM.

(c) Removal of a career appointee during the probationary period is covered by Subpart D of Part 359 of this chapter.

(d) A career appointee who resigns or is removed from the SES before completion of the probationary period cannot receive another SES career appointment unless selected under SES merit staffing procedures. The individual, however, need not be recertified by a QRB within 3 years of the previous QRB certification.

* * * * *

Subpart G—SES Career Appointment by Reinstatement

§ 317.701 Agency authority.

As provided for in §§ 317.702 and 317.703, an agency may reinstate a former SES career appointee without regard to the merit staffing requirements established by OPM under 5 U.S.C. 3393(b).

§ 317.702 General reinstatement: SES career appointees.

(a) *Eligibility for general reinstatement.* A former SES career appointee who meets the following conditions is eligible for reinstatement under this section:

(1) The individual completed an SES probationary period under a previous SES career appointment or was exempted from that requirement; and

(2) The individual's separation from his or her last SES career appointment was not a removal under Subpart E of Part 359 of this chapter for less than fully successful executive performance; or by order of the Special Counsel pursuant to 5 U.S.C. 1206; or under 5 U.S.C. 7532 (National Security); or under Subpart F of Part 752 of this chapter for misconduct, neglect of duty, or malfeasance; or a resignation after receipt of a notice proposing or directly removal under any of the above conditions. Failure to accept a directed reassignment to another commuting area, or to accompany a position in a transfer of function to another commuting area, does not preclude reinstatement to the SES unless the appointment to the original position included acceptance of a written nationwide mobility agreement or policy.

(b) *Applying for reinstatement; time limit.* Application for reinstatement under this section shall be made directly to the agency in which SES employment is sought. There is no time limit for reinstatement under this section.

(c) *Qualifications.* The individual must meet the qualification requirements of the position to which reinstated. The agency makes this determination.

(d) *Tenure upon reinstatement.* An individual who is reinstated under § 317.702 becomes an SES career appointee.

§ 317.703 Guaranteed reinstatement: Presidential appointees.

(a) *Eligibility for reinstatement.* A former SES career appointee who was appointed by the President to a civil service position outside the SES without a break in service, and who left the Presidential appointment for reasons other than misconduct, neglect of duty, or malfeasance, is entitled by law to be reinstated to the SES.

(b) *Applying for reinstatement; time limit.* Except as provided in paragraph (d) of this section, an application in writing for reinstatement under this section must be made to OPM within 90 days after separation from the Presidential appointment. An application may be submitted as soon as the Presidential appointee's resignation is requested or submitted.

(c) *Directing reinstatement.* (1) To the extent practicable, OPM will direct reinstatement within 45 days of the date of receipt by OPM of the application for reinstatement or the date of separation from the Presidential appointment, whichever is later.

(2) OPM will use the following order of precedence in directing reinstatement of a former Presidential appointee:

(i) The agency in which the individual last served as an SES career appointee before accepting the Presidential appointment;

(ii) The successor agency to the one in which the individual last served as an SES career appointee;

(iii) The agency or agencies in which the individual served as a Presidential appointee; or

(iv) Any other agency in the Executive branch with positions under the SES.

(3) The agency being directed to take the reinstatement action will be responsible for assigning the individual to a position for which he or she meets the qualifications requirements.

(4) When directing the reinstatement of a Presidential appointee, OPM may, as appropriate, allocate an additional SES space authority to the agency.

(5) When a Presidential appointee tenders his or her resignation, voluntarily or upon request, the agency in which the Presidential appointment was held, upon approval by OPM, may place the former Presidential appointee as an interim measure on a limited term SES appointment, pending reinstatement, to preclude a break in service after the Presidential appointment has terminated.

(6)(i) To preserve reinstatement rights under this section, an individual who has been serving in a Presidential appointment, if nominated by the President for another appointment in the same or a new agency, must be reinstated by the agency to an appropriate position as an SES career appointee before Senate confirmation, unless service as a Presidential appointee would be continuous.

(ii) If Senate confirmation is not required, reinstatement to the SES in the same or a new agency must occur before the effective date of the Presidential appointment, unless service as a Presidential appointee would be continuous.

(d) *Reinstatement following direct negotiations with an agency.* (1) A Presidential appointee who qualifies under paragraph (a) of this section may initiate direct negotiations with an agency regarding reinstatement under this section.

(2) An agency may voluntarily reinstate a former Presidential appointee without an order from OPM directing such action.

(3) The agency will be responsible for assigning the individual to a position for

which he or she meets the qualification requirements.

(4) Direct negotiations with an agency will not extend the time limit stated in paragraph (b) of this section for making application to OPM.

(5) OPM may, when appropriate and upon request by the agency, allocate an additional SES space authority to an agency that voluntarily reinstates a former Presidential appointee under this paragraph.

(6) An individual who is reinstated under this paragraph because of direct negotiations with an agency is not entitled to further assistance by OPM.

(e) *Tenure upon reinstatement.* (1) An individual reinstated under § 317.703 becomes an SES career appointee.

(2) An individual reinstated under § 317.703 who was serving an SES probationary period at the time of his or her Presidential appointment is required to complete the 1-year SES probationary period upon reinstatement.

(f) *Compliance.* (1) An agency must comply with an order to reinstate issued by OPM under this section as promptly as possible, but not more than 30 calendar days from the date of the order.

(2) The agency will notify OPM of a reinstatement action taken under this section within 5 workdays of the effective date of the reinstatement.

(3) An individual who declines a reinstatement ordered by OPM is not entitled to further placement assistance by OPM under this section.

* * * * *

Subpart I—Reassignments, Transfers, and Details

§ 317.901 Reassignments.

(a) In this section, "reassignment" means a permanent assignment to another SES position within the employing executive agency or military department. (See 5 U.S.C. 105 for a definition of "executive agency" and 5 U.S.C. 102 for a definition of "military department.")

(b) A career appointee may be reassigned to any SES position for which qualified in accordance with the following conditions:

(1) *Reassignment within a commuting area.* For reassignments within a commuting area, the appointee must receive a written notice at least 15 days before the effective date of the reassignment. This notice requirement may be waived only when the appointee consents in writing.

(2) *Reassignment outside of a commuting area.* For reassignments outside of a commuting area, (i) the agency must consult with the appointee on the reasons for, and the appointee's preferences with respect to, the proposed reassignment; and (ii) following such consultation, the agency must provide the appointee a written notice, including the reasons for the reassignment, at least 60 days before the effective date of the reassignment. This notice requirement may be waived only when the appointee consents in writing.

(c) A career appointee may not be involuntarily reassigned within 120 days after the appointment of the head of an agency, or within 120 days after the appointment of the career appointee's most immediate supervisor who is a noncareer appointee and who has the authority to take the action.

(1) In this paragraph—

(i) "Agency head" means the head of an executive or military department or the head of an independent establishment.

(ii) "Noncareer appointee" means an SES noncareer or limited appointee, an appointee in a position filled by Schedule C or noncareer executive assignment, or an appointee in an Executive Schedule or equivalent position that is not required to be filled competitively.

(2) These restrictions are not applicable to a reassignment resulting from an unsatisfactory performance rating under 5 U.S.C. 4314(b)(3) that was issued before the appointment of the person taking the reassignment action.

(3) Voluntary reassignments during the 120-day period are permitted, but the appointee must agree in writing before the reassignment.

§ 317.902 Transfers.

(a) *Definition.* In this section, "transfer" means a permanent assignment or appointment to another SES position in a different executive agency or military department.

(b) *Requirements.* Transfers are voluntary and cannot occur without the appointee's consent, except transfers connected with a transfer of functions to another agency.

§ 317.903 Details.

(a) *Definition.* In this section, "detail" means the temporary assignment of an SES Member to another position (within or outside of the SES) or the temporary assignment of a non-SES member to an SES position, with the expectation that the employee will return to the official position of record upon expiration of the detail. For purposes of pay and benefits, the employee continues to encumber the position from which detailed. The provisions of this section cover details within or outside of the employing agency.

(b) *Time Limits.* Details within an executive agency or military department must be made in no more than 120-day increments. OPM may set limits on the total length of details and the length of details that may be made without competition.

(c) *SES career reserved positions.* Only a career SES appointee or a career-type non-SES appointee may be detailed to a career reserved position.

(d) *SES general positions.* Any SES appointee or non-SES appointee may be detailed to a general position.

§ 317.904 Change in type of SES appointment.

An agency may not require a career SES appointee to accept a noncareer or limited SES appointment as a condition of appointment to another SES position. If a career appointee elects to accept a noncareer or limited appointment, the voluntary nature of the action must be documented in writing before the effective date of the new appointment. A copy of such documentation must be retained permanently in the appointee's Official Personnel Folder.

Subpart J—Corrective Action

§ 317.1001 OPM authority for corrective action.

If OPM finds that an agency has taken an action contrary to law or regulation under this part, it may require the agency to take whatever corrective action OPM deems necessary.

[FR Doc. 88-16553 Filed 7-21-88; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1040

[Docket No. AO-225-A39; DA-88-047]

Milk in the Southern Michigan Marketing Area; Extension of Time for Filing Briefs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing briefs.

SUMMARY: This notice extends the time for filing briefs on the record of the hearing held May 24, 1988, at Romulus, Michigan, concerning proposals one through four to amend the Southern Michigan marketing order. Counsel for Kraft, Inc., requested more time to review the hearing record and to prepare a brief.

DATE: Briefs are now due on or before July 29, 1988.

ADDRESS: Briefs (4 copies) should be filed with the Hearing Clerk, Room 1079, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. 96456, Washington, DC 20090–6456 (202) 447–4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:.

Notice of Hearing: Issued April 29, 1988; published May 4, 1988 (53 FR 15851).

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held May 24, 1988, at Romulus, Michigan, on proposals one through four with respect to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area pursuant to notice of hearing issued April 29, 1988 (53 FR 15851, May 4, 1988) is hereby further extended to July 29, 1988.

This notice is issued 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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

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

J. Patrick Boyle,

Administrator.

[FR Doc. 88–16527 Filed 7–21–88; 8:45 am]

BILLING CODE 3410–02–M

Packers and Stockyards Administration

9 CFR Part 201

Scale Accuracy and Accurate Weights

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to revise a regulation concerning scale accuracy and accurate weights to update an incorporation by reference of a National Bureau of Standards Handbook to refer to the latest edition thereof. The proposal will not require replacement of scales which comply with the previous requirements.

DATE: Comments must be submitted on or before September 20, 1988.

ADDRESS: Comments may be mailed to the Administrator, Packers and Stockyards Administration, Room 3039, South Building, U.S. Department of Agriculture, Washington, DC 20250. Comments received may be inspected during normal business hours in the Office of the Administrator.

FOR FURTHER INFORMATION CONTACT: Harold W. Davis, Director, Livestock Marketing Division, (202) 447–6951.

SUPPLEMENTARY INFORMATION: Section 201.71(a) of the regulations requires that all subject scales shall be installed, maintained, and operated to insure accurate weights. This part of the regulation also incorporates by reference portions of the 1983 edition of National Bureau of Standards Handbook 44, "Specifications, Tolerances and other Technical Requirements for Weighing and Measuring Devices." Handbook 44 is a product of the National Conference on Weights and Measures and is subject to change annually. It is adopted automatically by a majority of States and forms the basis for scale requirements for all State weights and measures jurisdictions in the United States. The 1988 edition of Handbook 44 contains provisions which are not included in the 1983 edition. These new provisions are being applied by State and local weights and measures jurisdictions. The proposed amendment to regulation § 201.71(a) to incorporate by reference the 1988 edition of Handbook 44 would make the requirements of the Packers and Stockyards Administration uniform with those applied by State and local weights and measures jurisdictions. Paragraphs (b), (c) and (d) of the regulation will not be changed.

The major differences between the 1983 edition of Handbook 44 and the 1988 edition result from the adoption by the National Conference on Weights and Measures of a new scale code which became effective and enforceable on January 1, 1986. The new scale code is applicable to scales manufactured after January 1, 1986 for most classes of scales but is applicable in part to all livestock and motor vehicle scales. The new scale code requires that new devices be marked with accuracy classes and institutes a different concept in tolerance application. Under the new scale code, tolerances are based on incremental values depending on the number of scale divisions comprised in a specific test load. For livestock and motor vehicle scales the basic tolerance is 1 scale division error for each 500 divisions of test load. This is equivalent to the old basic tolerance of 0.2% of test load but is applied in an incremental fashion rather than in a linear fashion as with the old relative value tolerance. This results in a slightly more liberal tolerance at the lower end of each 500 division segment on some mechanical scales. Device manufacturers and scale service agencies are held accountable for compliance with the accuracy class marking requirement which they must meet in order for their devices to be accepted by the State weights and measures jurisdictions.

Executive Order

It has been determined that the proposal to amend this regulation relating to scale accuracy and accurate weights is not a "major" rule as defined by section 1(b) of E.O. 12291.

The proposed rule will not have an annual effect on the economy of $100 million or more, will not result in major increases in cost or prices for consumers, individual industries, Government agencies or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, regulatory impact analyses are not required.

Regulatory Flexibility Act

B.H. (Bill) Jones, Administrator, Packers and Stockyards Administration, has determined that this proposal will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1980 (44 U.S.C. 250)

This proposal does not impose any paperwork requirement.

List of Subjects in 9 CFR Part 201

Scales, Accurate weights.

Done at Washington, DC, this 19th day of July 1988.

B.H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

1. The authority citation for Part 201 continues to read as follows:

Authority: Secs. 202, 407, 407(a), 42 Stat. 168, 169 as amended, 7 U.S.C. 222, 228, 228(a).

2. It is proposed that 9 CFR 201.71(a) be revised to read as set forth below:

§ 201.71 Scales; accurate weights, repairs, adjustments or replacements after inspection.

(a) All scales used by stockyard owners, market agencies, dealers, packers, and live poultry dealers to weigh livestock, livestock carcasses, or live poultry for the purpose of purchase, sale, acquisition, or settlement shall be installed, maintained, and operated to insure accurate weights. Such scales shall meet applicable requirements contained in the General Code, Scale Code, and Weights Code of the 1988 edition of National Bureau of Standards Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices", which is hereby incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register on _____. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register.** Handbook 44 is subject to change annually. This handbook is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW., Washington, DC 20408.

* * * * *

[FR Doc. 88-16600 Filed 7-21-88; 8:45 am]
BILLING CODE 3410-KD-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-47]

Quality Technology Co.; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM-50-47) filed by Mr. Owen L. Thero, President of Quality Technology Company. The petition is being denied because (1) the existing regulations provided adequate assurance that safety related concerns are being reported; (2) the proposed additional regulation would not substantially increase the overall protection of the public health and safety; and, (3) the need for the proposed rule is not otherwise demonstrated by the information provided.

The petitioner requested that NRC require all utilities involved in a nuclear program to (1) report *all* identified concerns relating to wrongdoing activities to the Office of Investigation and (2) maintain a nationwide employee concern program. Wrongdoing activities are not specifically defined by the petitioner but are assumed to be criminal-type activities. Examples might include use of drugs or alcohol on the job and the falsification of documents or records. The NRC has carefully considered the issues raised in the petition, and has taken them into account in reaching a decision on the areas which fall within its jurisdiction.

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

FOR FURTHER INFORMATION CONTACT: Joseph J. Mate, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington DC 20555, Telephone (301)-492-3795.

SUPPLEMENTARY INFORMATION:

The Petition

In a letter dated October 27, 1986, Mr. Owen L. Thero, President of Quality Technology Company (QTC) filed with the NRC a petition for rulemaking. The petitioner requested that NRC expand the scope of its regulations so that all utilities involved in a nuclear program (1) report *all* identified concerns relating to wrongdoing activities to the Office of Investigation, much along the same lines as is required to report nuclear safety-related issues, and (2) maintain a nationwide employee concern program incorporating the applicable facets of the Employee Response Team recently conducted at the Tennessee Valley Authority Watts Bar Facility.

Basis for Request

The petitioner (QTC) bases the petition on their experience gained from involvement in employee concern programs at several utilities, most recently the TVA Watts Bar Facility. This involvement included the collection, collation and investigation of safety concerns. As a result of this experience, the petitioner states it had been in the unique position to observe the program's effectiveness from both the perspective of management and the perspective of the employee. The petitioner contends that because of this unique vantage point and experience, they have observed that employees engaged in the construction or operation of a nuclear facility have the most accurate and insightful information about safety related issues. The petitioner claims that several thousands nuclear safety-related concerns and several hundred wrongdoing activities have been identified through the efforts of the employee concern programs conducted by QTC at Watts Bar and other facilities that otherwise would not have surfaced.

QTC believes that without resolution of employee identified safety-related concerns, the potential exists for costly hardware failures or potential danger to the employees of nuclear facilities or the general public.

The petitioner further believes that the disposition of wrongdoing activities by the licensee is not clear and in their experience the licensee has not allowed QTC to investigate reported wrongdoing issues nor have the licensees willingly reported such activities to the NRC or to the Department of Justice. QTC also claims that licensees have no effective corrective action mechanism to investigate or resolve wrongdoing issues; therefore, a corrective action mechanism is needed.

The petitioner concludes that the sheer number of identified concerns along with the very high rate of substantiation (greater than 50%) more than justifies the need for a nationwide employee concern program to be authorized and defined by law.

Public Comments on the Petition

A notice of filing of the petition for rulemaking was published in the **Federal Register** on January 12, 1987, (52 FR 1200) and included the full text of the proposal. Interested persons were invited to submit written comments. The comment period was subsequently extended 60 days to provide sufficient time for public comments. In response to the invitation in the **Federal Register** soliciting comments on the petition for rulemaking, a total of 34 letters were received. These letters came from individuals, law firms, public interest groups, utilities, and other companies that manage nuclear plants. Five comments favored the petition and twenty-six comments were opposed to the petition. One comment requested an extension of the comment period to allow more time to respond. One comment favored the thrust of the proposal, but recommended that it be

held in abeyance pending Congressional action on some proposed Inspector General bills. The remaining comment by a Congressman favored the first part of the petition (i.e. report all identified concerns related to wrongdoing activities) but could not support the second part (establish an employee concern program) if there were not attendant requirements as to how the program would be operated in order to guarantee its integrity. For the purpose of summarizing, this split comment was considered as a favorable response. Hence, there were seven comments (21%) favoring the petition and twenty-six comments (79%) opposed. The seven comments favoring the petition came from two sources. Three comments were from individual citizens, three from public interest groups and, one from a Congressman. A summary of the significant comments in favor of the proposal are highlighted below.

A rule promulaged in response to the petition would:

—Provide a safee, confidential means for information to be volunteered by employees with no fear of reprisal.
—Be conducive to the identification of personnel who are using drugs or alcohol.
—Defne wrongdoing activities to include non-nuclear and non-utility business, e.g. drug sales and bookmaking.
—Require licensees and holders of construction permits to report allegations of management wrongdoing or evidence bearing on the character and/or suitability of management.

Twenty-six comments opposed to the petition included twenty-four from utilities or companies that run utilities, one from a company (SYNDECO) that is a subsidiary of Detroit Edison Co. and the remaining comment was from the Atomic Industrial Forum. A summary of the significant comments opposing the petition are highlighted below:

—The petition may be motivated by self interest on the part of the petitioner (not considered).
—Current regulations are adequate to ensure safety problems are reported.
—Utilities' experience with employee concern programs does not support the petitioner's claim that the rate of substantiation is greater than 50%.
—No evidence was presented to show that public safety would be significantly enhanced as a result of the proposed rule.
—Various utilities indicated they were not aware of any industry problems regarding licensee treatment of employee concerns.
—Several employee concern programs voluntarily set up by utilities currently exist.
—No factual need was provided for the proposed rule.
—Mandatory employee concern programs could reduce the effectiveness of industry's voluntary programs by reducing management flexibility and safety related matters could go unreported.
—Current utility experience does not justify the imposition of additional regulatory reporting requirements.

One of the public comments raised an issue that was not raised by the petitioner. The issue is: Provide a safe, confidential means for information to be provided by employees with no fear of reprisal. Employees who wish to provide information or who have concerns have two options available to them. They may discuss the particular concern with their supervisor or plant management. If they cannot obtan satisfactory resolution or if they do not desire to use this avenue, they can take the concern directly to the NRC. NRC has maintained a policy that allows licensee employees to being concerns to its attention. This can be done either verbally or in writing and can be done through the resident inspector, regional personnel, or NRC Headquarters personnel. This option may afford the individual confidentiality.

Staff Action on the Petition

The proposed petition was published in the **Federal Register** in January 1987. The comment period was extended (thru mid-May) in order to provide sufficient time for public comments. The resumption of action on the petition was delayed for approximately six months because of the NRC reorganization and the subsequent realignment of duties and responsibilities, and the prioritization of ongoing work. Action on the petition resumed in mid-November of 1987.

Reasons for Denial

The NRC has considered the petition, the public comments received, and the current regulatory structure. After consideration of the above, NRC has concluded that the petitioner's request should be denied. The discussion that follows addresses the various allegations contained in the petition and the NRC response to each of these allegations.

1. Allegation

Several thousand nuclear safety-related concerns and several hundred wrongdoing activities have been identified through the efforts of the employee concern programs that QTC has either conducted or been associated with at several nuclear facilities that otherwise would not have surfaced.

Response

The main purpose of an employee concern program is to provide a forum in which to resolve employee concerns about the safety of a nuclear plant. Several utilities have established such programs, on a voluntary basis, some at a considerable expenditure of resources to assure that all employee concerns are investigated and resolved. Many of these programs have continued into the operational phases of a plant's existence. There is no question that these programs can and will identify employee concerns. But no evidence was presented that these concerns would not have surfaced through some other mechanism such as: A good quality assurance program, the normal employer-employee working relationship; or by reporting to the NRC. Although a large number of specific concern files from Watts-Bar are in the possession of NRC, the information contained in these files is very cryptic and generally does not contain specific technical detail to support the assertions by the petitioner. Additionally, no specific documentation concerning the rate of substantiation at Watts-Bar or other units has been provided by the petitioner to support the assertions.

2. Allegation

Unresolved nuclear safety-related concerns could have surfaced through a series of costly hardware failures and/or potential endangerment of the employees and the general public if allowed to go into operation uncorrected.

Response

In response to this assertion, one of the commenters (an engineering firm) felt strongly that there are very few engineering decisions made that are totally conclusive. Instead, considerable expertise and judgment go into the determination of most requirements of this type. The commenter stated that management makes decisions based on analysis and opinons. Experience has shown that very few, if any, employee concerns actually require hardware changes and very few of the hardware changes materially improve safety. No documented evidence of any type has been provided by the petitioner to support this assertion.

3. Allegation

The disposition of wrongdoing activities by licensees is not clear. In our experience, the licensee has not allowed us to investigate wrongdoing issues reported. Neither have they been willing to report these activities to the NRC or to the Department of Justice. They have no effective corrective action mechanism to investigate or resolve wrongdoing issues. These issues fall into a "black hole."

Response

In contemplating the addition of new regulations, NRC must ask if the new regulations are required to provide adequate protection of the public health and safety. The next level of questioning is: Will the proposed rule result in enhanced health and safety or an improved plant operation? Finally, what is the cost of the new regulation versus the benefits to be derived? This applies to the licensee as well as NRC. The present regulations set up a rather extensive system of reporting requirements which licensees are required to follow. The regulatory system is designed to provide a framework to ensure that events which are significant to the safe operation of nuclear power plants are reported to NRC so that the appropriate corrective action can be taken. In cases where employee concerns have not been resolved to the employees satisfaction, there are means available for discussing their concerns with NRC. To date, non-safety-related concerns have essentially been the responsibility of licensee management. If licensee management demonstrates that they are unwilling or unable to handle such concerns, and NRC determines that these concerns are a problem at more than a few isolated plants, then NRC can consider taking a more direct action. Until then, licensee management should be given the opportunity to address the matter. The petitioner has not provided any factual evidence to show that a problem exists at any plant as alleged in the proposal.

4. Allegation

The sheer numbers of concerns identified along with the very high rate of substantiation (greater than 50%) more than justifies the need for a nationwide employee concern program to be authorized and defined by law.

Response

The petitioner's assertion appears to be based on experience gained primarily at TVA's Watts Bar Facility. Before considering the implementation of a mandatory program on all nuclear power plants in the United States, a definitive basis should be established to show that such a requirement is in fact needed. As noted in reason #1 on page 9, the petitioner has provided no evidence or specific documentation other than its stated experience at one facility to support its assertion. With respect to experience with substantiation rates, three of the commenters stated that their experience does not support a substantiation rate in excess of 50%. In fact, their experience reflects a substantiation rate which is significantly less than 50%. The information provided is not sufficient to establish that a problem exists in the "industry" and that a rulemaking is needed to solve the problem.

In addition to reviewing the assertions of the petitioner and comments from the public, the petition was also examined in light of the existing regulatory structure. Although there are no regulations currently in effect regarding specific reporting of identified concerns related to wrongdoing activities as raised by the petitioner, there are several regulations in effect concerning the reporting of safety-related matters. These regulations are briefly listed below:

—10 CFR Part 21 reporting of defects and noncompliance.
—10 CFR 50.55(e) requires holders of construction permits to notify NRC regarding deficiencies in design or construction which could adversely affect safety.
—10 CFR 50.7 prohibits licensees from discriminating against employees engaging in certain protected activities including providing information to the Commission regarding violations.
—10 CFR 50.72 requires the notification of NRC regarding various classes of emergency and non-emergency events.
—10 CFR 50.73 requires the notification of NRC of specific events reportable via the licensee event report program.
—Appendix B to 10 CFR Part 50, criteria 15 and 16 requires the licensees to document defects and take the appropriate corrective action including defects brought to the attention of the licensee by employees.
—10 CFR 70.52 requires the licensee to report on accidental criticality or loss or theft of special nuclear material.
—10 CFR 73.71 requires the licensee to report on unaccounted for shipments, suspected thefts, unlawful diversion, radiological sabotage or other events which significantly threaten safeguards.

In addition to the above regulations, the NRC is presently preparing a proposed rule concerning fitness for duty at nuclear power plants which is expected to be published for public comment in June or July 1988. The objective of the fitness for duty rule is to provide for the public health and safety by eliminating access to protected areas at nuclear power plants by personnel who are judged to be unfit for duty. Personnel considered unfit for duty are those who are under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause which in any way affects their ability to safely and competently perform their duties. Employee assistance programs would be available for rehabilitation.

The regulations cited above have been promulgated by NRC with the intention of identifying deficiencies and non-compliances that either reduce or have the potential to reduce the degree of protection afforded to public health and safety or the environment. It is not NRC's intention to receive all employee non-safety-related concerns. The management of the utilities have certain responsibilities relative to employee concerns and as long as the concerns do not affect safety, they should remain the responsibility of utility management. If the utility management is not responsive or if there is concern with retaliation, there are adequate alternative means to bring matters of health and safety concern to the NRC for resolution, as discussed in this notice.

It appears that good management practices by the utilities and the existing regulatory structure together provide a reasonable assurance that valid problems identified by employees will be investigated and corrected. In light of the above, no additional action is required at this time.

Because each of the issues raised in the petition have been susbstantially addressed and resolved, the NRC has denied the petition.

Dated at Rockville, Maryland, this 11th day of July 1988.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88–16586 Filed 7–21–88; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM88-20-000]

5-Year Take-or-pay Make-up Provisions in Natural Gas Producer-Pipeline Contracts

Issued July 14, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to eliminate the requirement in its regulations that a gas purchase contract between an independent natural gas producer and an interstate natural gas pipeline must allow the pipeline a minimum 5-year make-up period in which to take gas for which payment has already been made (18 CFR 154.103 (1987)). The requirement is no longer necessary because of efforts by pipelines and producers to resolve take-or-pay issues and to enter into market-responsive contracts for future gas supplies.

DATE: An original and 14 copies of the written comments must be received by the Commission by August 15, 1988.

ADDRESS: All filings should refer to Docket No. RM88-20-000 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: Thomas J. Lane, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION: This is a summary of the Notice of Proposed Rulemaking in Docket No. RM88-20-000 issued July 14, 1988. All persons interested in obtaining the full text of this document for inspection and copying may do so during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street, NE., Washington, DC 20426. In addition, the Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. The full text of this notice of proposed rulemaking is available on CIPS for 10 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

The Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act of 1980, that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Commission has determined that no environmental assessment or environmental impact statement is necessary in this rulemaking. Commission actions relating to the sale, exchange, or transaction of natural gas are categorically excluded from requiring environmental review.[1]

List of Subjects in 18 CFR Part 154

Alaska, Natural gas, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission proposes to amend Part 154, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

PART 154—RATE SCHEDULES AND TARIFFS

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 Part 142 (1978); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1970).

§ 154.103 [Removed]

2. In Part 154, § 154.103 is removed.

[FR Doc. 88-16580 Filed 7-21-88; 8:45 am]

BILLING CODE 6717-01-M

[1] 18 CFR 380.4(a)(27) as added by Order No. 486, 52 FR 47897 (Dec. 17, 1987). III FERC Stats. & Regs. ¶ 30,783 (1988).

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2584

Proposed Regulation Regarding Allocation of Fiduciary Responsibility, Federal Retirement Thrift Investment Board

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a proposed regulation under section 8477(e)(1)(E) fo the Federal Employees' Retirement System Act of 1986 (FERSA or the Act). That section provides that any fiduciary with respect to the Thrift Savings Fund [1] who, pursuant to procedures prescribed by the Secretary of Labor, allocates a fiduciary responsibility to another fiduciary shall not be liable for any act or omission of such fiduciary except in specified circumstances. Section 8477(e)(1)(E) specifically contemplates the issuance of regulations by the Department of Labor. The proposal describes the procedures which a fiduciary with respect to the Thrift Savings Fund must follow in order to allocate fiduciary responsibility to another fiduciary.

DATES: Written comments on the proposed regulation must be received by the Department of Labor on or before August 22, 1988. The proposed regulation, if adopted, would apply to transactions occurring on or after a date 30 days from the date the regulation is published in final form.

ADDRESSES: Written comments (preferably at least three copies) should be submitted to the Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, Room N-5671, U.S. Department of Labor, Washington, DC 20210, and marked "Attention: FERSA Allocation Regulation." All submissions will be available for public inspection in the Public Documents Room, Pension and Welfare Benefits Administration, Room N-5507, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Martin A. Staubus, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, DC 20210, telephone (202) 523-9596; or Debra Silver, Pension and Welfare

[1] The Thrift Savings Fund is established and defined at 5 U.S.C. 8437.

Benefits Administration, U.S. Department of Labor, Washington, DC 20210, telephone (202) 523–8671.

SUPPLEMENTARY INFORMATION: This document contains a proposed regulation under section 8477(e)(1)(E) of FERSA.[2] That section provides that any fiduciary with respect to the Thrift Savings Fund who, pursuant to procedures prescribed by the Secretary of Labor, allocates a fiduciary responsibility to another fiduciary shall not be liable for an act or omission of such fiduciary except in specified circumstances. Upon becoming effective, this regulation would prospectively supersede the interim regulations promulgated by the Executive Director of the Federal Retirement Thrift Investment Board which appear at Title 5, Code of Federal Regulations, Chapter IV, Section 1660.1–1660.5 (52 FR 38221, October 15, 1987). A discussion of section 8477(e)(1)(E) and a description of the proposed regulation follows:

Discussion

A. General Considerations

Subchapter III of FERSA provides for the creation of a retirement savings plan for federal employees to be known as the Thrift Savings Plan. As provided at section 8437 of FERSA, the plan is to be funded by the Thrift Savings Fund (Fund). The Fund consists of all employee and government contributions, increased by the total net earnings of the Fund or reduced by the total net losses of the Fund, and reduced by the total amount of payments made from the Fund.

Under the system of plan management prescribed at Subchapter VII of the Act, the authority and responsibility for the management and administration of the Fund is apportioned between the Federal Retirement Thrift Investment Board (the Board) and its Executive Director. Section 8472 of the Act charges the Board with board responsibility to establish policies for the investment and management of the Thrift Savings Fund and the administration of Subchapter III of FERSA. Section 8574 assigns the Executive Director the responsibility to implement the policies established by the Board and to invest and manage the Fund assets in accordance with those policies and the provisions of the Act.

Pursuant to section 8474 (b)(5) and (c)(1) of the Act, the Executive Director is also granted authority to prescribe such regulations as may be necessary for the administration of the Fund. However, these statutory provisions expressly prohibit the Executive Director from prescribing any regulations relating to fiduciary responsibilities with respect to the Fund. Instead, at section 8477 of the Act, that regulatory authority is assigned to the Secretary of Labor. At section 8477(e)(1)(E), the Secretary is directed to prescribe, in regulations, procedures by which fiduciary responsibilities may be allocated among fiduciaries, including investment managers. An exception to the limitation on the Executive Director's rulemaking authority, however, was included at section 114 of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Pub. L. 99–556). That section authorizes the Board to establish interim procedures concerning the allocation of fiduciary responsibilities. The Executive Director published such procedures in the **Federal Register** at 52 FR 38221 on October 15, 1987. Those procedures are to be effective only with respect to transactions which occur prior to the effective date of the final regulations prescribed by the Secretary of Labor under subparagraph (E) of section 8477(e)(1) of the Act; moreover, the authority to make allocations using the interim procedures must expire not later than December 31, 1988.

B. Interim Regulations

The interim regulations published by the Executive Director are divided into subparts A and B. Subpart A contains definitions of the key terms which appear in the interim regulations and general provisions concerning the powers, duties and responsibilities of fiduciaries with respect to the Thrift Savings Fund. Subpart B presents, in three sections, the procedures which are to govern the allocation of fiduciary responsibility on an interim basis. Section 1660.3 provides that a Fund fiduciary may allocate fiduciary responsibility to persons described in subparagraph (C) or (D) of FERSA section 8477(a)(3). Those subparagraphs refer, respectively, to "any person who has or exercises discretionary authority or discretionary control over the management or disposition of the assets of the Thrift Savings Fund" and "any person who, with respect to the Thrift Savings Fund, is described in section 3(21)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(21)(A))." Section 1660.4 sets forth the requirement that an allocation must be in writing, signed by the Executive Director, acknowledged by the receiving fiduciary, and must set forth the responsibilities being allocated. Finally, § 1660.5 provides that a fiduciary who has allocated responsibility to another pursuant to these procedures will not be liable for the acts or omissions of the receiving fiduciary except as provided in the Act.[3]

C. Proposed Procedural Regulation

Section 2584.8477(e)–2 of the proposal describes the fiduciary duties which may be allocated, and to whom. Section 2584.8477(e)–3 describes the procedures for allocating those duties. Section 2584.8477(e)–4 describes the procedures for revoking such allocations. Section 2584.8477(e)–5 describes the effect of an allocation made pursuant to these procedures. Section 2584.8477(e)–6 defines certain terms used in the proposed regulation, and § 2584.8477(e)–7 establishes the effective date for the regulation.

1. Permitted Allocations

The Act initially vests all fiduciary responsibility for the Thrift Savings Fund with either the members of the Board or the Executive Director. While the interim regulations provide generally that any fiduciary may allocate fiduciary responsibilities to any person or persons described in subparagraph (C) or (D) of section 8477(a)(3) of the Act, the proposed regulation seeks to identify more specifically those persons who may allocate fiduciary responsibility and those to whom such responsibility may be allocated. To this end, § 2584.8477(e)–2 of the proposal provides, first, a procedure by which the Board members may allocate among themselves those responsibilities which have been charged to them collectively as members of the Board. This permits the Board to adopt, if it chooses, an arrangement whereby a collective fiduciary responsibility may be assigned to and discharged by one or a subgroup of the members. Second, § 2584.8477(e)–2 provides a procedure by which the Executive Director may allocate certain fiduciary responsibilities in connection with the management and investment of the assets of the Thrift Savings Fund. with respect to assets held in the Fixed Income Investment Fund,[4] such

[2] Sections 8401 through 8479 of Title 5, United States Code (U.S.C.) were enacted by Congress at section 101(a) of FERSA. The Act itself provides no independent numbering system for these provisions, but directly assigns the chapter and section numbers under which those provisions are to be codified in Title 5 of the U.S.C. For purposes of clarity and convenience, therefore, this preamble references the provisions of FERSA by using the U.S.C. section numbers which Congress assigned to them in the Act. Thus, for example, the above reference to "section 8477(e)(1)(E) of FERSA" is to Title 5 U.S.C. 8477(e)(1)(E).

[3] Provisions governing the liability of a fiduciary in such circumstances appear at section 8477(e)(1)(E) of FERSA.

[4] Section 8438(b) provides that the Board is to establish three funds within the Thrift Savings Fund into which sums available for investment are to be

Continued

allocations may be made only to a qualified professional asset manager or managers (QPAMs).[5] The proposal incorporates by reference the definition of "qualified professional asset manager" which appears at section 8438(a)(7) of the Act. With respect to assets held in the Government Securities Investment Fund or the Common Stock Index Investment Fund, such allocation may be made only to an investment manager. The proposal incorporates the definition of "investment manager" which appears at section 3(38) of the Employee Retirement Income Security Act of 1974 (ERISA). No other allocations, whether by a Board member, the Executive Director, or any other person who has or may acquire fiduciary responsibility in connection with the Thrift Savings Fund, are authorized. Thus, an investment manager to whom fiduciary responsibility has been allocated may not in turn allocate any part of that responsibility to a second investment manager. However, allocation to the second investment manager can be achieved by action of the Executive Director, who, under the proposed regulation, has the power and authority to revoke an allocation and they reallocate that fiduciary responsibility to another fiduciary.

The proposed procedures do not provide for any allocation which would violate an express policy established by the Board or which would result in an invalid delegation according to the Act or any other law. The department notes in this regard that while nothing in these procedures restricts the ability of a Fund fiduciary to assign any task or function to another person, such Fund fiduciary will continue to bear fiduciary responsibility for the acts and omissions of such other person unless such responsibility has been allocated pursuant to these procedures. Thus, in these instances where the delegation by a Fund fiduciary of a particular task or function would violate an express Board policy or a provision of law, that Fund fiduciary may not allocate the fiduciary responsibility for such task or function to another so as to relieve himself of his related fiduciary liability.

2. Procedures for Allocation

Section 2584.8477(e)–3 of the proposal imposes specific procedural requirements to assure that, as to any allocation: (1) Both the allocating fiduciary and the receiving fiduciary are expressly and clearly informed of the fact of any allocation and the pertinent terms thereof; and (2) the participants and the beneficiaries of the thrift Savings Funds are informed of the identity of any person or persons to whom fiduciary responsibility has been allocated, and the nature of that responsibility. In general, the first requirement is simply a continuation of a requirement of the interim regulation. First, any allocation made by the Board must be authorized by majority vote of the Board. Second, all allocations, whether by the Board or the Executive Director, must identify in writing the responsibilities to be allocated and must be signed by both the allocating and the receiving fiduciaries. The signature of the receiving fiduciary must represent his acknowledgment that, in accepting the allocated responsibilities, he becomes a fiduciary with respect to the Fund as to those reponsibilities.

In contrast to the interim regulation, the proposed regulation also requires that all allocations must be communicated in a written form to the participants and beneficiaries of the Fund. This might be accomplished, for example, by including this information in the summary descriptions of investment options which must be furnished to participants and beneficiaries on a semi-annual basis pursuant to section 8439(c) of the Act.

3. Revocation and Terminiation of Allocations

To assure that the Board and the Executive Director may retain the necessary control over the management of the Fund which is consistent with their responsibilities under the Act, § 2584.8477(e)–4 of the proposal sets forth procedures for expeditious revocations and terminations of allocations. The interim regulations make no provision on this subject.

The proposed regulation requires that any allocation of fiduciary responsibility must be revocable at will by the allocating fiduciary. The proposal does not mandate a minimum notice period in order that a revocation may be effected quickly where circumstances reasonably require prompt action. In all cases, a revocation must set forth in writing the responsibilities which are the subject of the revocation and must be signed by the revoking fiduciary (in the case of the Board, by its Chairman).

The termination of an allocation by a person to whom responsibility has been allocated must follow similar procedures. In addition to setting forth the pertinent facts in writing, a termination must be acknowledged in writing by the fiduciary to whom the subject duties are being restored.

The proposed regulation assigns to the Executive Director the responsibility to communicate to the Fund participants and beneficiaries the occurrence of any revocation or termination. This communication must include information which identifies the fiduciaries who are to assume the responsibilities which were the subject of the revocation or termination.

4. Effect of Allocation

In general, § 2584.8477(e)–5 of the proposal states that where fiduciary responsibility has been allocated to another person pursuant to these procedures, the allocating fiduciary will be relieved of any fiduciary liability for any act of that person. However, similar to the interim regulations, the proposed regulation incorporates the provisions on fiduciary liability which are set forth at section 8477(e)(1)(E) of the Act. Thus, pursuant to the proposal, an allocating fiduciary will retain liability for an allocated responsibility where he or she has violated the prudence standard set forth at section 8477(b)[6] of the Act with respect to: (a) The allocation or the continuation of the allocation; or (b) the implementation of the procedures set forth in the final version of this regulation. The duty to monitor the performance of a person to whom fiduciary responsibility has been allocated, which is implicit in the duty to discontinue any allocation where prudence so dictates, is explicitly imposed by the proposal, and the allocating fiduciary must prudently monitor.

FERSA section 8477(e)(1)(E) also imposes liability on an allocating fiduciary where such fiduciary would otherwise be liable under FERSA section 8477(e)(1)(D). FERSA section 8477(e)(1)(D) imposes joint and several liability upon a fiduciary with respect to

---

invested. They are the Government Securities Investment Fund, the Fixed Income Investment Fund and the Common Stock Index Investment Fund.

[5] Section 8438(b)(1) of the Act requires that the selection of assets to be held by the Fixed Income Investment Fund (other than certificates of deposit and insurance contracts) be made by a qualified professional asset manager. The Department has therefore proposed that, with respect to this fund, all allocations of management and investment authority be made to QPAMs.

[6] Section 8477(b)(1) of the Act provides in relevant part: "(b)(1) To the extent not inconsistent with the provisions of this chapter and the policies prescribed by the Board, a fiduciary shall discharge his responsibilities with respect to the Thrift Savings Fund or applicable portion thereof solely in the interest of participants and beneficiaries and—

* * * (B) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent individual acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like objectives * * *."

the Fund who: (1) Participates knowingly in, or knowingly attempts to conceal, conduct which the fiduciary knows to be a breach of fiduciary duty by another Fund fiduciary; (2) by failing to comply with the prudence standard of FERSA section 8477(b) in the performance of his fiduciary duties, enables another Fund fiduciary to commit a breach; or (3) has knowledge of a breach by another Fund fiduciary and fails to make reasonable efforts to remedy that breach. Thus, pursuant to the proposal, an allocating fiduciary will retain the co-fiduciary liability described in section 8477(e)(1)(D) of the Act.

5. Effective Date

Pursuant to § 2584.8477(e)–7 of the proposal, the regulation would be effective thirty days after publication in final form. Fiduciary liability for transactions occurring after that date would be determined by reference to this regulation regardless of whether any associated allocation may have been made before or after this effective date. Liability for transactions occurring before the effective date of the proposed regulation would continue to be governed by the interim regulation which appears at title 5, CFR, Chapter IV, Sections 1660.1 through 1660.5.

Executive Order 12291 Statement

The proposed regulation in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The action will impose no additional costs on the Thrift Savings Fund.

Regulatory Flexibility Act Statement

The Department has determined that this regulation would have no significant economic impact on small entities. In conducting the analysis required under the Regulatory Flexibility Act, it was estimated that the implementation of the proposed regulation would pose no additional costs to the Thrift Savings Fund. The only burden attributable to this regulation is the burden of written communication of an allocation by the Board or Executive Director to plan participants and beneficiaries, which may be incorporated in other disclosure documents already required under current law. The regulation does not otherwise affect any small entities.

Paperwork Reduction Act Statement

Sections 2584.8477 (e)–3(a)(4), 3(b)(3) and 4(e) of the proposed regulation contain paperwork requirements. The regulation has been forwarded for approval by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511). This proposed regulation has been assigned control number 1210–AA30.

Statutory Authority

The proposed regulation set forth herein is issued pursuant to section 8477(e)(1)(E) (Pub. L. 99–335, 100 Stat. 585, 5 U.S.C. 8477(e)(1)(E)) of the Act and under Secretary of Labor's Order No. 1–87.

List of Subjects in 29 CFR Part 2584

Employee benefit plans, Fiduciary, Government employees, Retirement, Pensions.

In view of the foregoing the Department proposes to amend Chapter XXV of Title 29 as follows:

By adding in the appropriate place, the following new Part 2584 to Subchapter J:

SUBCHAPTER J—FIDUCIARY RESPONSIBILITY UNDER THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

PART 2584—RULES AND REGULATIONS FOR THE ALLOCATION OF FIDUCIARY RESPONSIBILITY

Sec.

Authority: 5 U.S.C. 8477(e)(1)(E) and Secretary's Order 1–87, 52 FR 13139 (April 21, 1987).

§ 2584.8477(e)–1 General.

5 U.S.C. 8477(e)(1)(E) provides that any fiduciary with respect to the Thrift Savings Fund of the Federal Employees Retirement System who allocates a fiduciary responsibility to another person pursuant to procedures prescribed by the Secretary of Labor shall not be liable for an act or omission of such person except in specified circumstances. This part sets forth the procedures which have been prescribed by the Secretary of Labor for the allocation of fiduciary responsibilities.

§ 2584.8477(e)–2 Allocation of fiduciary duties.

(a) The fiduciary duties of the Board as set forth at 5 U.S.C. 8472 may not be allocated to any person other than a member or members of the Board.

(b) The Executive Director may allocate authority and responsibility for the investment and management of the Fixed Income Investment Fund to a qualified professional asset manager(s).

(c) The Executive Director may allocate authority and responsibility for the investment and management of the Government Securities Investment Fund and the Common Stock Index Investment to an investment manager(s).

(d) Notwithstanding any other provision of this part, no allocation may be made which would constitute:

(1) A violation of an express policy of the Board; or

(2) An invalid delegation according to the Act or any other law.

(e) Except as provided in this part, no person who has or may acquire fiduciary responsibility in connection with the Thrift Savings Fund may allocate such responsibility to another person.

§ 2584.8477(e)–3 Procedures for allocation.

(a) Any allocation made by the Board must—

(1) Be authorized by a majority vote of the Board;

(2) Be made in writing, signed by the Chairman of the Board and acknowledged in writing by the receiving Board member or members;

(3) Set forth the duties and responsibilities allocated, either in the body of the document or by reference to another document existing at the time of the allocation; and

(4) Be communicated in an appropriate written form to the Executive Director, the participants and the beneficiaries of the Thrift Savings Fund.

(b) Any allocation made by the Executive Director must—

(1) Be made in writing, signed by the Executive Director and acknowledged in writing by the receiving fiduciary;

(2) Set forth the duties and responsibilities allocated, either in the body of the document or by reference to another document existing at the time of the allocation; and

(3) Be communicated in an appropriate written form to the participants and beneficiaries of the Thrift Savings Fund.

§ 2584.8477(e)-4 Revocation and termination of allocation.

(a) Any allocation made pursuant to this part must be revocable at will by the allocating fiduciary, subject only to notice which is reasonable under the circumstances.

(b) Any revocation by the allocating fiduciary or termination of an allocation by the fiduciary to whom duties have been allocated must set forth in writing the duties and responsibilities as to which the revocation or termination is effective, either in the body of the document or by reference to another document existing at the time of the revocation or termination.

(c) Any revocation of an allocation must—

(1) In the case of an allocation which was made by the Board, be signed by the Chairman of the Board, or

(2) In the case of an allocation which was made by the Executive Director, be signed by the Executive Director.

(d) Any termination of an allocation, to be effective, must—

(1) In the case of an allocation which was made by the Board, be signed by the terminating fiduciary and acknowledged in writing by the Chairman of the Board, or

(2) In the case of an alloction which was made by the Executive Director, be signed by the terminating fiduciary and acknowledged in writing by the Executive Director.

(e) Any revocation or termination of an allocation must be communicated by the Executive Director in an appropriate written form to the participants and beneficiaries of the Thrift Savings Fund in a manner which identifies the person(s) assuming the responsibilities which were the subject of the revocation or termination.

§ 2584.8477(e)-5 Effect of allocation.

Where fiduciary responsibility has been allocated to another person or persons pursuant to the procedures contained in this part, the allocating fiduciary shall not be liable for any act or omission of such person or persons unless:

(a) The allocating fiduciary has violated 5 U.S.C. 8477(b) with respect to—

(1) The allocation or the continuation of the allocation,

(2) The implementation of these procedures, or

(3) The duty to monitor the performance of such person or persons in a reasonable manner during the life of the allocation, or

(b) The allocating fiduciary would otherwise be liable in accordance with 5 U.S.C. 8477(e)(1)(D).

§ 2584.8477(e)-6 Definitions.

As used in this part:

(a) "Act" means the Federal Employees' Retirement System Act of 1986, 5 U.S.C. 8401 *et seq* (Supp. IV 1986);

(b) "Board" means the Federal Retirement Thrift Investment Board established pursuant to 5 U.S.C. 8472;

(c) "Common Stock Index Investment Fund" means the fund established under 5 U.S.C. 8438(b)(1)(C);

(d) "Executive Director" means the executive director of the Federal Retirement Thrift Investment Board as appointed pursuant to 5 U.S.C. 8474;

(e) "Fiduciary duty" and "fiduciary responsibility" mean any duty or responsibility which involves the exercise of discretionary authority or discretionary control over—

(1) The management or disposition of the assets of the Thrift Savings Fund, or

(2) The administration of the Thrift Savings Fund.

(f) "Fixed Income Investment Fund" means the fund established under 5 U.S.C. 8438(b)(1)(B);

(g) "Government Securities Investment Fund" means the fund established under 5 U.S.C. 8438(b)(1)(A);

(h) "Investment manager" means any fiduciary who—

(1) Has the power to manage, acquire or dispose of any asset of the plan,

(2) Is (A) registered as an investment adviser under the Investment Advisers Act of 1940, (B) a bank, as defined in that Act, or (C) an insurance company qualified to perform services described in subsection (1) under the laws of more than one state, and (3) has acknowledged in writing that he or she is a fiduciary with respect to the Thrift Savings Fund;

(i) "Qualified professional asset manager" has the meaning which is prescribed at 5 U.S.C. 8438(a)(7).

(j) "Thrift Savings Fund" means the fund established under 5 U.S.C. 8437.

§ 2584.8477(e)-7 Effective date.

This section is effective thirty days after publication in final form, and liability for any transaction which occurs on or after this date will be governed by this section only. In accordance with section 114(a) of Pub. L. 99-556, the interim regulations promulgated by the Board appearing at Title 5, CFR, Chapter VI, §§ 1660.1 through 1660.5, will no longer be effective as of [insert date 30 days after publication of final rule or January 1, 1989, whichever is earlier]. Liability for transactions which occurred during the effective period of the interim regulations will continue, however, to be governed by those regulations.

Signed at Washington, DC this 13th day of July, 1988.

David M. Walker,

Assistant Secretary of Labor, Pension and Welfare Benefits Administration.

[FR Doc. 88-16125 Filed 7-21-88; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 66 and 164

[CGD 88-011]

RIN 2115-AD04

Private Electronic Aids to Marine Navigation

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Coast Guard is considering amending its regulations to permit private radio aids to marine navigation. Present regulations prohibit all private radio aids, with the exception of radar beacons and shore based radar stations, and may unnecessarily restrict the mariner from making maximum use of available technology. The Coast Guard will also be examining the regulations pertaining to vessels that are required to carry an electronic position fixing device. The Coast Guard is requesting comments in these areas to assist it in drafting new regulations.

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

ADDRESS: Comments should be mailed to Commandant (G-LRA-2/21) (CGD 88-011), U.S. Coast Guard, Washington, DC, 20593-0001. Comments will be available for public inspection and copying between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays, at the Marine Safety Council (G-LRA-2/21), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant George H. Self, Jr., Project Manager, Office of Navigation Safety and Waterway Services (G-NRN-2), Room 1413, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593-0001, (202) 267-0287.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this advance notice of proposed rulemaking by submitting written views, data, or arguments. Persons submitting

comments should include their names and addresses, identify this notice as CGD 88-011, give specific sections of the notice to which their comments apply, and give reasons for the comments. If acknowledgment of receipt of a comment is desired, a stamped self-addressed postcard or envelope should be enclosed. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. All comments received will be considered in preparing a Notice of Proposed Rulemaking.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

Drafting Information

The principal persons involved in drafting this rulemaking are: Lieutenant George H. Self, Jr., Project Manager, and Lieutenant Commander Don M. Wrye, Project Attorney, Office of Chief Counsel.

Background

The Coast Guard is authorized to establish and maintain marine aids to navigation by 14 U.S.C. 81. Private parties may establish aids after obtaining authorization from the Coast Guard as stated in 14 U.S.C. 83. This authorization must comply with applicable regulations.

The regulations promulgated in 33 CFR 66.01 require that permission to establish a private aid be obtained from Commandant, U.S. Coast Guard. Although the Coast Guard has statutory authority to permit private electronic aids, 33 CFR 66.01-1(d) states that "With the exception of radar beacons (racons) and shore based radar stations, operation of electronic aids to navigation as private aids will not be authorized."

This restriction prevents the Coast Guard from authorizing private electronic aids. The intent of this self-imposed restriction was to prevent the proliferation of radio navigation systems prior to the Department of Transportation decision to provide Coastal Confluence Zone (CCZ) coverage.

As stated in the 1986 Federal Radionavigation Plan (FRP), it is the policy of the federal government to provide radionavigation systems to support national security, provide safety of travel and promote efficient transportation services. LORAN-C has evolved as the navigation system of choice for a mariner operating in the CCZ. OMEGA and TRANSIT are heavily relied on outside of LORAN-C coverage areas. The NAVSTAR Global Positioning System (GPS) will become operational in the 1990's and may become the new system of choice for the mariner.

These federally provided systems do not meet the marine navigation and positioning requirements of all users. In response to that, private electronic positioning systems have been marketed for several years. They are used for surveying, mapping, dredging, oil and mineral exploration, etc. The general characteristics of these systems are:

—High accuracy; better than 15 meters.
—Limited area and availability.
—Frequently require trained operators.
—Non-permanent installations.
—High cost user equipment.
—Frequently do not provide real time information to vessel navigator.

There is presently an effort originally sponsored by the Department of Transportation's Research and Special Programs Administration to have the Radio Technical Commission for Maritime Services (RTCM) issue a Differential GPS standard. This standard will encourage industry to market GPS receivers that can use GPS signal corrections to improve the accuracy of the position determined by the receiver. It would constitute providing a private aid to navigation if these corrections were provided by a non-federal entity.

New systems continue to be developed. Private entrepreneurs plan to implement radiodetermination satellite systems in the early 1990's. These systems can provide nearly global coverage and could be used for marine navigation.

The maritime industry will continue to need and want positioning and navigation systems beyond what the federal government can provide. The Coast Guard has received requests that its regulations be amended to allow private electronic aids so that industry's needs can be met.

If private marine radionavigation aids are allowed, some mariners may wish to use them in lieu of other federally required systems. Present regulations in 33 CFR 164.41 require certain vessels to have an electronic position fixing device on board. This device can be a LORAN-C receiver, or a satellite navigation receiver, or as stated in 33 CFR 164.41(a)(3), "A system that is found by the Commandant to meet the intent of statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. 'Federal Radionavigation Plan' * * *". The Coast Guard has yet to be asked to approve using something other than a LORAN-C receiver or a satellite navigation receiver under this regulation.

A radio aid operated outside the U.S. is typically outside its usable range in U.S. waters unless it is a satellite based system. The government provides the radionavigation signal when the government requires the mariner to have a radionavigation receiver on his ship. By providing the signal, the government ensures the availability, coverage, and accuracy of the system is adequate. In addition, the Coast Guard maintains transmitting station logs and reports to ensure accountability to the public for the operation of the system. Any private system used in place of a federally required system should also be held accountable.

Request for Data, Information, and Comments

1. Should the Coast Guard amend its regulations to allow for private electronic aids to marine navigation?

2. Should the Coast Guard allow private marine radio aids via a licensing program?

The Coast Guard would license, inspect and monitor all maritime electronic aids so that the federal government is aware of the operational status of all systems at all times.

This alternative will ensure that all applicants who desire to operate private electronic aids are capable of meeting a standard of performance the government deems necessary to ensure safe navigation. The Coast Guard is empowered by 14 U.S.C. 85 to prescribe and enforce rules and regulations relating to private aids to navigation.

This would parallel the Federal Aviation Administration (FAA) approach to private (the FAA calls them "Non-federal") air radionavigation aids. The FAA requires specific equipment be carried on certain aircraft for that aircraft to be allowed in federal air space. The federal government provides the radionavigation aid. The FAA and Federal Communications Commission (FCC) license the receivers. Non-federal radio aids are allowed but must be approved by the FAA and licensed by the FCC. The FAA conducts on site installation, operation, and maintenance inspections. Thus, by issuing a license, the Coast Guard would have a greater degree of control over private aids.

To perform this task would require the greatest amount of government resources. Establishing performance standards, conducting system evaluations, full time operational monitoring, and performance surveys would prove very costly in manpower and resources.

3. Should the Coast Guard allow private marine radionavigation aids and require system operators to certify that their systems meet yet to be established minimum performance standards when their system is used to satisfy the federal requirement for an electronic position fixing device? Who should issue these minimum performance standards?

Any new policy on private radio aids should seek to avoid a situation where unregulared systems hazard safe navigation. A situation where private radio aids are allowed and are then found to be the cause of several serious marine accidents is unacceptable. This desire to prevent marine disasters must be tempered with a clear intent to not over-regulate the marine industry.

Allowing private marine radionavigation aids with no regulation is inconsistent with existing policy and regulations. Private marine radio aids may have no negative impact on marine safety but since they have been prohibited up to now it is very difficult to predict exactly what will happen in the marketplace. Existing regulations require certain vessels to carry an electronic position fixing device. The government has ensured the availability, accuracy, and coverage of the signals used by these required devices. The government has also held itself accountable to the public for the integrity of these signals.

Regulations may be needed to require manufacturers to self-certify that the system they are providing meets stated measures of minimum performance. This could be done by requiring the manufacturer to place a label on each radionavigation receiver delivered. This label would state that the receiver, together with the other parts of that particular radio aid system, meets the intent of the statements of availability, coverage, and accuracy for U.S. coastal and harbor/harbor approach phase navigation contained in the FRP.

Additional regulations, if required, may be issued by the Coast Guard to require appropriate logs and records be maintained to ensure the provider is accountable for the proper operation of private marine radio aid. The FAA has already issued similar regulations for its "non-federal" aviation radio aids. The FCC would defer to the Coast Guard on what logs are required to ensure accountability in marine radionavigation. The Coast Guard would not normally review the logs unless they were needed during an investigation of a marine accident.

These recordkeeping regulations could be implemented by the Coast Guard drafting or adopting a Minimum Performance Standard for Private Marine Radionavigation Aids. The public is invited to comment on who should draft the standard and its contents.

This alternative would not require any additional Coast Guard resources for follow up and would make the manufacturers accountable for the proper operation of their systems.

4. Should the Coast Guard allow operation of private electronic aids with little or no control?

The general public has several government navigation systems available at no direct cost to the user. Any private company that charges a user fee will have to offer a superior or unique service (not available to the general public even at a price), or they will go out of business.

The FCC is responsible for frequency management to prevent private radionavigation aids from interfering with existing public and private broadcasting systems. The Coast Guard and the FCC work closely through various committees to ensure that frequency allocations are not made that would interfere with existing Coast Guard systems.

Neither statutory nor regulatory law imposes upon the Coast Guard the duty to *supervise* the maintenance and operation of private aids. Ensuring that systems perform as specified could be supplemented by encouraging the formation of a marine radionavigation provider/user group. This group could establish standards of performance for this new industry and provide feedback that could bring potential problems to the attention of concerned agencies.

This alternative is the least expensive of all the alternatives and requires no additional resources and manpower. This alternative doesn't address the issues of system availability, coverage, accuracy, and accountability raised in 33 CFR 164.41.

5. Should 33 CFR 164.41 be changed to provide guidelines on how a private marine radio aid can qualify to be used in place of a federally provided system that is required on certain vessels?

Impact

An amendment of these regulations should have no significant environmental impact or direct impact on energy use. An indirect impact is the possible fuel saved and operating time saved by vessels using the most direct route between waypoints.

Discussions with manufacturers of electronic navigation systems indicate there is a strong demand for specialized services that only electronic navigation aids can fulfill. Private electronic navigation systems are an untapped source of new jobs and revenue.

By charging user fees, private owners can recoup their investment. Users may benefit through more direct routing and increased safety. Since regulations prohibit the use of private aids to navigation, a definite impact on the economy cannot be determined. However, it is the Coast Guard's opinion that there is good potential for small businesses to get involved with the maintenance and operation of these systems.

Preliminary Regulatory Evaluation

The amendment under consideration, if adopted, is considered to be non-major under Executive Order 12291 and non-significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The notice and comment procedure will identify interest in private electronic aids and give notice of the Coast Guard's intentions regarding these systems. An additional purpose of this advance notice of proposed rulemaking is to develop economic data with which the Coast Guard can determine the economic impact of the amendments being considered.

Paperwork Reduction Act

There may be some additional paperwork burdens placed on the Coast Guard and members of the public if the amendments being considered are adopted. Should any new or additional paperwork burdens be identified during the rulemaking process, approval will be sought from the Office of Management and Budget.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this advance notice does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Dated: July 6, 1988.

R.T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 88-16495 Filed 7-21-88; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Cleveland REG 87-02]

Safety Zone; Old River and Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DOT.

ACTION: Proposed regulation; extension of comment period.

SUMMARY: The Captain of the Port, Cleveland, is further extending the comment period until December 1, 1988, to receive comments on this proposed regulation to create ten safety zones in the Old River and the Cuyahoga River. This action is being taken due to the progress being made by the ad hoc working group formed to examine the Cuyahoga River situation. The Captain of the Port has reason to believe that further progress will be made, and that an equitable solution will be reached obviating the need for further Federal regulation.

DATES: Written comments may be submitted on or before December 1, 1988.

ADDRESS: The mailing address for comments is the U.S. Coast Guard Marine Safety Office, 1055 E. 9th St., Cleveland, OH 44114. Comments may also be hand-delivered to this address. All comments received will be available for examination at the above address.

FOR FURTHER INFORMATION CONTACT: CDR Patrick A. Turlo, Captain of the Port, Cleveland (216) 522-4406.

SUPPLEMENTARY INFORMATION: The proposed rulemaking was published in the Federal Register on December 3, 1987 at page 45974 and was distributed to each of the affected entities.

The response to the proposed rulemaking indicated that the comment period should be extended and a public hearing scheduled. The public hearing and comment period extension were announced in the Federal Register on February 8, 1988 at page 3609. A public hearing was held on March 7, 1988, at which twenty-six commenters spoke. Several commenters expressed a desire to form a working group to examine the Cuyahoga River situation, and submit an alternative to the proposed regulations. The comment period was extended until June 8, 1988 in order to permit the comments of this working group to be entered into the record and considered as an alternative. The progress made by the working group has been such that the Captain of the Port is encouraged that a viable alternative to Federal regulation may be reached. All comments received will be considered before final action is taken on the proposed regulation.

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

Dated: July 11, 1988.

P.A. Turlo,

Commander, U.S. Coast Guard, Captain of the Port, Cleveland, Ohio.

[FR Doc. 88-16498 Filed 7-21-88; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 166

[CGD 88-041]

Port Access Routes; Approaches to Chesapeake Bay, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of study; correction.

SUMMARY: This notice corrects an error published in the Federal Register July 12, 1988, Volume 53, page 26283. The error is in the first column, paragraph a. under the Issues section. The paragraph should read as follows:

a. Should the Atlantic Ocean Channel, when dredged to 650 feet wide and 60 feet deep, be used by both inbound and outbound vessels?

FOR FURTHER INFORMATION CONTACT: Mr. John Walters, (804) 398-6230.

Dated: July 18, 1988.

R.T. Nelson,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 88-16496 Filed 7-21-88; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3418-7]

Approval and Promulgation of Air Qualtiy Implementation Plans; Connecticut; Alternative Reasonably Available Control Technology for Frismar, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a proposed State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision provides an alternative reasonably available control technology (RACT) determination for the control of volatile organic compound (VOC) emissions from one paper coating line at Frismar, Incorporated in Clinton, Connecticut. The intended effect of this action is to propose approval of the State's request to amend its SIP. This action is being taken in accordance with section 110 of the Clean Air Act.

DATE: Comments must be received on or before August 22, 1988. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, EPA Region I, Room 2311, JFK Federal Bldg., Boston, MA 02203. Copies of Connecticut's submittal and EPA's Technical Support Document prepared for this revision are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Bldg., Boston, MA 02203 and the Air Compliance Unit, Department of Environmental Protection, State Office Bldg., 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: David B. Conroy, (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On April 2, 1987, the Connecticut Department of Environmental Protection (DEP) submitted a proposed SIP revision to EPA. This revision consists of proposed State Order No.8001 for Frismar, Incorporated (Frismar). This State Order was proposed pursuant to provisions found in subdivision 22a-174-20(cc)(3) of Connecticut's Regulations which allows the DEP to impose alternative limitations on a source that has demonstrated it cannot meet the RACT limitations in the SIP for technological and economic reasons.

EPA approved the provisions in subdivision 22a-174-20-(cc)(3) for making alternative RACT determinations on June 7, 1982 (47 FR 24552) as part of Connecticut's Ozone Attainment Plan. As part of that SIP revision, Connecticut submitted a letter dated January 11, 1982 in which the State committed to submit all alternative RACT determinations to EPA as SIP revisions.

Frismar is a paper coating facility utilizing two coating lines. The facility is subject to subsection 22a-174-20(q), "Paper coating," of Connecticut's regulations which requires each coating line to meet an emission limitation of 2.9 pounds VOC/gallon of coating (minus water). Under Connecticut's regulations, a source subject to subsection 22a-174-20(q) must comply with the emission limitation contained in that regulation no later than July 1, 1985. Frismar has installed an inert atmosphere solvent recovery system on one of its coating lines (coater #2). It other coating line

(coater #1) presently has no control equipment.

As alternative RACT for one of Frismar's coating lines (coater #1), the State Order requires Frismar to adhere to an emission rate of 5.32 pounds VOC/gallon of coating (minus water) for all first-pass coatings and an emission rate of 6.42 pounds VOC/gallon of coating (minus water) for all second-pass coatings. Additionally, to further limit the use of the higher VOC-containing second-pass coatings, the State Order requires Frismar to adhere to a limitation of 20 pounds VOC/ream (3000 square feet) of material coated when utilizing second-pass coatings. Frismar is required to adhere to the SIP emission rate (as set forth in subsection 22a–174–20(q)) of 2.9 pounds VOC/gallon of coating (minus water) on its other coating line (coater #2) Coaters #1 and #2 are required to maintain compliance with their applicable emission rates on an instantaneous basis. Further, the State Order requires Frismar to achieve and maintain a minimum overall reduction level of ninety-three percent (93%) from the inert atmosphere solvent recovery system installed on coater #2.

Additionally, the State Order requires Frismar to maintain daily and monthly caps of 918 pounds and 2.833 tons, respectively, for coater # 1 and daily and monthly caps of 286.47 pounds and 2.87 tons, respectively, for coater # 2. The monthly cap on coater # 1 is required to be maintained on an average basis over every two consecutive month period. The daily and monthly caps insure that the VOC emissions from this facility will not interfere with reasonable further progress (RFP) towards attaining the National Ambient Air Quality Standard (NAAQS) for ozone in Connecticut.

To justify the above limitations as an alternative RACT determination, Frismar has submitted an extensive amount of technical and economic information to the DEP showing that it cannot reasonably attain daily compliance with the emission limitations contained in Connecticut's federally-approved SIP for coater # 1. EPA's evaluation of this information confirms that add-on control equipment is economically infeasible for coater # 1. (A copy of EPA's analysis is contained in the Technical Support Document prepared for this revision and is available from the EPA Regional Office listed in the **ADDRESSES** section of this notice.)

Furthermore, Frismar has researched the feasibility of reformulating its coatings used on coater # 1 to complying levels. Through these efforts, Frismar was able to realize a 28% increase in the content of coating solids in the coating used on coater # 1. Since the stencil manfacturing operation that Frismar uses involves saturation as much as coating, however, the use of any higher solids-containing coatings is not possible since the tissue paper is simply unable to absorb such coatings. The result of using any higher solids coatings is "'skipping" which renders the product useless for subsequent sale and use.

EPA has reviewed the requirements of proposed State Order No. 8001 and has determined that they constitute alternative RACT for Frismar. Further justification and rationale for approving this revision are contained in the Technical Support Document prepared by EPA for this revision. Copies of that document may be obtained from the EPA Regional Office listed in the **ADDRESSES** Section of this notice.

EPA is proposing to approve the DEP's proposed State Order as a revision to the Connecticut SIP, and is soliciting public comments. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional Office listed in the **ADDRESSES** section of this notice. This revision is being proposed under a procedure called paralled-processing, whereby EPA proposes rulemaking action concurrently with the State's procedures for amending its regulations. If the proposed revision is substantially changed, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made to the proposed revision, EPA will publish a final rulemaking notice. The final rulemaking action by EPA will occur only after a fully effective State Order has been issued by the Connecticut DEP and submitted to EPA as a formal revision for incorporation into the SIP.

Proposed Action

EPA is proposing to approve Connecticut's proposed State Order No. 8001 as a revision to the Connecticut SIP. The provisions of Connecticut's proposed State Order No. 8001 impose alternative RACT on Frismar, Incorporated pursuant to subdivision 22a-174-20(cc)(3) of Connecticut's Regulations. EPA is proposing to approve this revision based on justification received from Frismar showing that it is economically infeasible for Frismar to install add-on control equipment on coater # 1. The provisions contained in the State Order for this coater restrict the overall use of this coater. This requires Frismar to utilize its controlled coater (i.e., coater # 2) for a large majority of its production. This proposed approval covers only this limited case and should not be construed as a national precedent for other paper coating facilities.

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

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

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and 110(a)(3) of the Clear Air Act, as amended, and EPA regulations in 40 CFR 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Date: September 3, 1987.

Editoral Note: This document was received at the Office of the Federal Register on July 19, 1988.

Michael R. Deland,

Regional Administrator, Region 1.

[FR Doc. 88–16545 Filed 7–21–88; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 52

[FRL–3418–8]

Aproval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing approval of revisions to the Illinois State Implementation Plan (SIP) for Ozone. The revisions pertain to the control of volatile organic compound (VOC) emissions from tank truck leaks, external floating roofs and the coating or miscellaneous metal parts. Additionally, Illinois has clarified its definition pertaining to 3-year averaged emissions. USEPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act).

DATE: Comments on this revision and on the proposed USEPA action must be received by August 22, 1988.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Randolph O. Cano, at (312) 886–6036, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604.

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Randolp O. Cano, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION: Under section 107 of the Act, USEPA has designated certain areas in each State as not attaining the National Ambient Air Quality Standards (NAAQS) for ozone. For Illinois see 43 FR 8962 (March 3, 1978), 43 FR 45993 (October 5, 1978), and 40 CFR 81.314. For these areas, Part D of the Act requires that the State revise its SIP to provide for attaining the ozone NAAQS by December 31, 1982, or in certain cases, by December 31, 1987. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), 44 FR 67182 (November 23, 1979), and 46 FR 7182 (January 22, 1981).

On July 11, 1985 (50 FR 28224), USEPA proposed to disapprove certain regulations developed to satisfy the reasonably available control technology (RACT) requirements for Illinois sources of VOC which are covered by USEPA's second set of Control Techniques Guidelines (CTGs). On June 25, 1987, the State of Illinois submitted revised regulations to satisfy these requirements for three source categories: Surface coating of miscellaneous metal parts and products, petroleum liquid storage in external floating roof tanks, and leak prevention from gasoline tank trucks and vapor collection systems. It also clarified its definition concerning 3-year averaging. USEPA will rulemake in the remaining CTG source categories in future **Federal Register** notices.

What follows is a discussion of the revised regulations for each of these three source categories including the relevant backgound, a description of the revised regulations, and USEPA's evaluation of each provision. Finally, USEPA announces its proposed approval of these three rules and solicits public comments on the proposed SIP revision and USEPA's proposed approval. It should be noted that he geographic applicability of these regulations is statewide except as noted below.

A. Review of Illinois' Revision to its Miscellaneous Metal Parts and Products Rule

Background

On July 11, 1985, USEPA proposed disapproval of the exemption for the coating of marine propulsion equipment and the exteriors of airplanes in Illinois' definition of "Miscellaneous Metal Parts and Products" which is contained in Rule 201: *Definitions.* The basis of USEPA's disapproval was that the Group II CTG's are intended to apply to the coating of marine propulsion equipment and the exteriors of airplanes, if parts for the airplane exteriors are coated as a separate manufacturing operation. It should be noted that USEPA proposed to approve the underlying miscellaneous metal parts and products rule as Rule 205(n)(1)(J) in the July 11, 1985, proposed rulemaking, but final approval of the rule will be deferred until final rulemaking on this revised provision.

Revised Rule

Illinois revised its miscellaneous metals rule to satisfy USEPA's concerns. Its rule was revised as follows:

Section 211.122 Definitions

The exterior of airplanes and marine propulsion equipment were deleted as exemptions within the definition of "miscellaneous metal parts and products."

Section 215.206(b) Exemption from Emission Limitations

Outboard Marine Corporation's (OMC) Waukegan facility is exempt from Illinois' miscellaneous metals rules providing that its VOC emissions from miscellaneous metals coating operations do not exceed 35 tons per year.

Evaluation

OMC presented extensive documentation concerning the cost of complying with Illinois miscellaneous metal parts 3.5 lbs VOC/gal of coating limit through the use of high solids coatings. OMC estimated that capital costs in excess of $1 million would be required. The principal costs associated with converting to high solids coatings result from: the addition of an oven and cooling tunnels, modification of the parts washing and air handling systems, provision of proportioner pumps from the paint delivery system, and enlargement of the outboard engine prime and topcoat spray booths. Utilization of high solids coatings would reduce VOC emissions from OMC by 6–9 tons per year.

OMC documented that this would result in unreasonable costs. OMC submitted written cost estimates obtained from vendors of incineration and solvent concentrator systems. Installation of either of these systems would reduce plant emissions by 90% and would require unreasonable annualized costs.

Summary and Proposed Action

Illinois has deleted the exemption for marine propulsion equipment and the exterior of airplanes from its miscellaneous metal rules and has added a 35 tons per year cutoff exemption for OMC. It is proposed that these revisions be approved, as satisfying the deficiency noted in the July 11, 1985, NPR because the estimated cost effectiveness value for a high solids conversion or add on controls program is significantly higher than envisioned in the CTG.

It should be noted that this source is located in the Chicago ozone nonattainment and demonstration areas. USEPA will complete its rulemaking on the attainment demonstration for these areas in a separate **Federal Register** notice. (The "demonstration area" is the 10 Illinois counties for which the Illinois 1982 Ozone Plan and attainment demonstrations were developed—Cook, DuPage, Kane, Lake, Macoupin, Madison McHenry, Monroe, St. Clair and Will.) The proposed emission limitation will not increase the present emissions from this facility and, therefore, will not exacerbate the nonattainment problem.

B. Review of Illinois' Revision to its External Floating Roof Storage Tank Rule

Background

Rule 205(o)(3)(D)(iv) exempts stationary storage tanks, equipped with an external floating roof used to store crude, from the provision of Rule 205(o)(3)(C) which requires the use of secondary seals on external floating roof tanks. On July 11, 1985, USEPA proposed disapproval of Rule 205(o)(3)(D)(iv) because Illinois failed to

demonstrate that it is unreasonable to require the use of secondary seals.

Revised Rule

Illinois revised its rule on external floating roofs to satisfy USEPA's concerns. Its rule was revised as follows:

Section 215.240 Applicability

The following revisions (§§ 215.241 and 215.249) are applicable to the following counties: Cook, DuPage, Kane, Lake, Macoupin, Madison McHenry, Monroe, St. Clair, and Will.

Evaluation

This applicability requirement is approvable as it includes all of Illinois' ozone nonattainment (and demonstration) areas, and RACT is currently required only in nonattainment areas.

Section 215.241 External Floating Roofs

The only revision included in this section is contained § 215.241(d) which exempts external floating roof ranks used to store crude oil with a pour point of 50°F or higher as determined by ASTM Standard D97–66 from the requirement to use secondary seals.

Evaluation

This revision satisfies USEPA's concerns, as specified in the July 11, 1985, notice of proposed rulemaking (NPR). Section 215.241(d) specifically defines "waxy, heavy pour crude oil," and exempts only tanks with this type of crude oil from the requirement to have secondary seals. The December 1978 Control Technique Guideline (CTG) document titled "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks" recommends this exemption because "these crudes cause a deposit on the tank wall which is scraped onto the roof when the tank is worked, damaging the secondary seal."

Section 215.249 Compliance Dates

Final compliance, for the sources subject to the above, is required by December 31, 1987.

Evaluation

This compliance date is approvable as expeditious, because it allows less than a year for affected sources to achieve final compliance.

Summary and Proposed Action

Illinois has revised its exemption for crude oil storage to be consistent with USEPA policy, as specified in the external floating roof CTG. USEPA, therefore, proposes to approve it as satisfying the deficiency cited in the July 11, 1985, NPR.

C. Review of Illinois' Gasoline Tank Truck Leak Rule

Background

On July 11, 1985, USEPA cited Illinois' Part D control strategy as being deficient, in part, because of its failure to have adopted regulations for leak prevention from gasoline tank trucks and vapor collection systems.

Revised Rule

Illinois revised its rules for bulk gasoline plants, bulk gasoline terminals, and gasoline dispensing stations, and added a rule for gasoline delivery vessels to satisfy USEPA's concerns. Its rules were revised as follows:

Section 211.122 Definitions

Illinois' definition of "vapor collection system" is consistent with the definition contained in the December 1978 CTG document titled "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems." This definition is, therefore, approvable.

It should be noted that Illinois' existing gasoline distribution regulations have been revised, to maintain consistency with the CTG, by replacing reference to "vapor balance system" with "vapor collection system."

Section 215.584 Gasoline Delivery Vessels

Illinois' rule reads as follows:

Section 215.584 (a) any delivery vessel equipped for vapor control by use of vapor collection equipment:

(1) Shall have a vapor connection that is equipped with fittings which are vapor tight;

(2) Shall have its hatches closed at all times during loading or unloading operations, unless a top loading vapor recovery system is used;

(3) Shall not internally exceed a guage pressure of 18 inches of water or a vacuum of 6 inches of water;

(4) Shall be designed and maintained to be vapor tight at all times during normal operations;

(5) Shall not be refilled in Illinois at other than:

(A) A bulk gasoline terminal that complies with the requirements of Section 215.582, or

(B) A bulk gasoline plant that complies with the requirements of Section 215.581(b)(1) and (2).

(6) Shall be tested annually in accordance with the pressure-vacuum test procedure described in EPA 450/2–78–051 Appendix A. Each vessel must be repaired and retested within 15 business days after discovery of the leak by the owner, operator, or the Agency, when it fails to sustain:

(A) A pressure drop of no more than 3 inches of water in 5 minutes; and

(B) A vacuum drop of no more than 3 inches of water in 5 minutes.

Evaluation

Section 215.584(a) is approvable because it satisfies the following requirements:

(1) It requires annual testing according to the test procedure described in the subject CTG.

(2) It requires that a pressure change not exceed 3 inches of water in 5 minutes at the conditions specified in the test method.

(3) It prohibits the delivery vessel from internally exceeding a guage pressure of 18 inches of water or vacuum of 6 inches of water.

(4) It contains additional requirements not specified in the CTG.

The only deviation from the CTG is Illinois' requirement that the delivery vessel be repaired and retested within 15 *business* days after discovery of the leak, as opposed to a requirement of 15 days in the CTG and the September 1979 document titled "Guidance to State and Local Agencies in Preparing Regulations to Control Volatile Organic Compounds from Ten Stationary Source Categories." This deviation is acceptable based on a survey by the Illinois Petroleum Marketers which indicated that 15 days in insufficient in Illinois to accomplish the required work and also because it is a minor deviation.

Section 215.584(b)

Any delivery vessel meeting the requirements of Subsection (a) shall have a sticker affixed to the tank adjacent to the tank manufacturer's data plate which contains the tester's name, the tank identification number and the date of the test. The sticker shall be in a form prescribed by the Agency and shall be displayed no later than December 31, 1987.

Evaluation

This section is approvable because it is consistent with the CTG and related guidance and December 31, 1987, constitutes an expeditious compliance schedule as it allows less than one year from adoption of the rule.

It should be noted that the stickers are invalid after one year. This is consistent with the requriements in § 215.584. USEPA believes that the State intends to require that new stickers be obtained on an annual basis. The State is requested to confirm this during the public comment period on this proposed rulemaking.

Section 215.584(c)

The owner or operator of a delivery vessel shall:

(1) Maintain copies of any test required under subsection (a)(6) for a period of 3 years;

(2) Provide copies of these tests to the Agency upon request; and

(3) Provide annual test result certification to bulk gasoline plants and terminals where the delivery vessel is loaded.

Evaluation

These recordkeeping and reporting requirements are adequate for the purpose of assisting in the evaluation of the leak tightness of delivery vessels.

Section 215.584(d)

Any delivery vessel which has undergone and passed a test in another state which has a USEPA-approved leak testing and certification program will satisfy the requirements of Subsection (a). Delivery vessels must display a sticker, decal or stencil, approved by the State where tested, or comply with the requirements of Subsection (b). All such stickers, decals or stencils shall be displayed no later than December 31, 1987.

Evaluation

This is a reasonable requirement which is approvable. However, as noted above, a sticker is only valid for one year.

Section 215.581 Bulk Gasoline Plants

Section 215.582 Bulk Gasoline Terminals

Section 215.583 Gasoline Dispensing Facilities

The above rules have common requirements, largely for leaks from vapor collection systems, which will be grouped together as appropriate.

Section 215.581(a)(3), 215.582(a)(5), 215.583(a)(2)(c)

These actions require delivery vessels to display the appropriate sticker pursuant to the requirements of § 215.485 (b) or (d)

Evaluation

This requirement has the effect of prohibiting the use of delivery vessels which have not passed a leak test in the past year and is approvable.

Sections 215.581(4) and (5), 215.582(d)(1) and (2), 215.583(d)(4)

These sections require tha bulk plant or terminal vapor collection systems and gasoline loading equipment be operated in a manner that prevents:

(1) Gauge pressure from exceeding 18 inches of water and vacuum from exceeding 6 inches of water as measured as close as possible to the vapor hose connection; and

(2) A reading equal to or greater than 100% of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA–450/2–78–051, Appendix B;

(3) Avoidable leaks of liquid during loading or unloading operations; and

(4) Each operator of a bulk gasoline plant or terminal is required to provide a pressure tap or equivalent on the vapor collection system in order to allow determination of compliance with item 1 above.

Items (2) and (3) also apply to the operation of vapor collection systems and delivery vessel unloading points at gasoline dispensing stations.

Evaluation

The above requirements are consistent with those in the CTG and related guidance for vapor collection systems and gasoline loading equipment.

Sections 215.581(d)(6), 215.582(d)(3), and 215.583(d)(5)

These sections require that within 15 business days after discovery of a leak, a vapor collection system must be repaired and retested.

Evaluation

These sections are consistent with the CTG and related guidance for vapor collection system. See also discussion of § 215.584.

Summary and Proposed Action

Illinois has adopted regulations for leak prevention from gasoline tank trucks and vapor collection systems. These regulations satisfy USEPA guidance for leak testing and repair of gasoline tank trucks and vapor collection systems. USEPA approved test methods have been adopted for use with these rules. USEPA, therefore, proposes to approve these regulations as satisfying the deficiency cited in the July 11, 1985, NPR and meeting the Act's RACT requirement for these three source categories.

D. Clarification of Three-Year Averaging

Illinois adopted the following language to clarify the applicability of those regulations which are qualified by the words "when averaged over the preceding three calendar years." The three-year averaging criterion is used to determine whether certain graphic arts sources and bulk gasoline plants are exempt from RACT control requirements, because their annualized emissions fall below specified levels. The language adopted by Illinois is presented below:

Section 215.107 Determination of Applicability

(a) In determining the applicability of regulations in this part which are qualified by "when averaged over the preceding three calendar years" the "preceding three calendar years" shall mean:

(1) The three years preceding the date by which compliance is required for purposes of determining initial applicability to existing sources;

(2) Any consecutive 3-year period for purpose of determining applicability to sources not previously subject to the regulation on the date by which compliance is required.

(b) Sources to which the regulation has been applicable at any time shall continue to be subject to the applicable limitations, even if operation change so as to result in an average which is below that which initially made the regulation applicable to those sources' operation.

Evaluation

This method of determining applicability is approvable because it is unambiguous, requires sources subject to a regulation to remain subject regardless of subsequent emission levels, and require a source to be subject to a regulation at any time its emission exceed a specified level, even if initially the source was below the specified cutoff.

Proposed Rulemaking Action

Illinois' June 25, 1987, submission satisfies the RACT II deficiencies, cited in the July 11, 1985, (50 FR 28224) NPR for miscellaneous metals (marine propulsion exemption), external floating roofs, and leak prevention from gasoline tank trucks and vapor collection systems. In addition, Illinois adopted language to clarify the applicability of those regulations which are qualified by the words "when averaged over the preceding three calendar years". USEPA proposes to approve the incorporation of these regulations (§§ 211.122, 215.105, 215.107, 215.206, 215.240, 215.241, 215.249, 215.581, 215.582, 215.583, 215.584) into the Ozone SIP for the reasons cited above.

Public comment is solicited on the proposed SIP revision and on USEPA's proposed approval of it. Public comments received by the date indicated above will be considered by USEPA in its final rulemaking.

Under 5 U.S.C. section 605(b), the Adminstrator has certified that SIP

approvals do not have a significant economic impact on a substantial number of small entities. (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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401–7642.

Dated: December 30, 1987.

Editorial Note: This document was received at the Office of the Federal Register on July 19, 1988.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 88–16546 Filed 7–21–88; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 52

[A-1-FRL-3418-6]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Miscellaneous Amendments to the SIP

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the Commonwealth of Massachusetts. These revisions involve regulatory amendments and additions to SIP regulations for new source review, gasoline marketing, monitoring and reporting, and surface coating.

These revisions are administrative and/or procedural in nature, and do not affect air quality or the ability of the Commonwealth of Massachusetts to attain and maintain the National Ambient Air Quality Standards (NAAQS). The intended effect of this action is to approve revisions made by the Commonwealth of Massachusetts in accordance with section 110 of the Clean Air Act.

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

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2313, JFK Federal Bldg., Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203 and the Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Lorenzo Thantu (617) 565–3250; FTS 835–3250.

SUPPLEMENTARY INFORMATION: On January 30, 1987, and February 10, 1987, the Commonwealth of Massachusetts Department of Environmental Quality Engineering (DEQE) submitted revisions to its State Implementation Plan (SIP). These revisions include regulatory changes to SIP regulations previously approved by EPA at 310 CMR 7.02(2)(b) 4, 5, and 6; 7.02 (12)(b)3; 7.02(12)(d); and 7.18. These revisions also include additions of two new subsections at 310 CMR 7.14 (2) and (3).

(1) New Source Review Regulations 310 CMR 7.02(2)(b) 4, 5, and 6

Regulation 310 CMR 7.02(2)(b)6 is being amended by inserting the words "or a major modification" after "major stationary source" to identify the facilities subject to the requirements of 310 CMR 7.00 Appendix A. In addition, Regulations 310 CMR 7.02(2)(b)(4)–(6) are amended by replacing the terms "facility" and "facilities" by the terms "stationary source" and "stationary sources" in order to clarify the applicability of the Emission Offsets and Nonattainment Review Program as set forth in Appendix A of 310 CMR 7.00.

(2) Gasoline Marketing Facilities Regulation 310 CMR 7.02(12)(b)3

Regulation 310 CMR 7.02(12)(b)3 (which describes the emission and efficiency testing required for the facilities described in 7.02(12)(a), Bulk Plants and Terminals Handling Organic Material, and (b), Distribution of Motor Vehicle Fuel) is being deleted because its same requirements are set forth in 7.02(12)(d).

(3) Gasoline Marketing Facilities Regulation 7.02(12)(d)

Regulation 310 CMR 7.02(12)(d) is being amended by requiring that EPA Test Method 18 be used by gasoline marketing facilities and that any alternative method be approved by EPA and the DEQE.

In addition, Regulation 310 CMR 7.02(12)(d) is being amended by requiring that any alternative method to EPA Test Method 27 for the pressure vacuum certification required by 310 CMR 7.02(12)(c), Motor Vehicle Fuel Tank Trucks, must be approved by EPA and the DEQE.

(4) Monitoring Devices and Reports Regulation 310 CMR 7.14

The DEQE has submitted two new subsections, 7.14 (2) and (3), for incorporation into its SIP. These new subsections reference 40 CFR Part 51 Appendix P to require legally enforceable procedures for continuous emissions monitoring (CEM) and thereby comply with 40 CFR 51.214(a).

(5) Regulation 310 CMR 7.18 Volatile Organic Compounds

Regulation 310 CMR 7.18 currently covers ten VOC source categories (all surface coating operations) with emission limitations specified in terms of lbs. VOC per gallon coating (excluding water) at application. These source categories are metal furniture, metal cans, large appliances, magnet wire insulation, automobiles, metal coils, miscellaneous metal parts and products, paper, fabric, and vinyl surface coating operations. EPA and DEQE procedures regarding surface coating compliance determinations often require that emission rates be calculated in lbs. of VOC per gallon of coating on a solids basis. The conversion to solids basis in all surface coating regulations is allowed once the changes are consistent with EPA policy.

The DEQE has amended 310 CMR 7.18 Subsections (3), (4), (5), (6), (7), (10), (11), (14), (15), and (16) by converting the applicable limitations from "lbs. VOC per gallon coating (excluding water) at application" to their equivalents in "lbs. VOC per gallon of solids." This conversion of the applicable emission rates does not make them any more or less stringent as the amended emissions rates are equivalent to the original rates. Emission limitations expressed in terms of "lbs. of VOC per gallon of solids" reflect current EPA and DEQE compliance requirements.

For final EPA approval, the Commonwealth of Massachusetts must incorporate the following requirements.

(1) Explicit instructions must be given in the regulations for how an affected facility must determine the volume solids content from coating manufacturer's formulation data. (An EPA document, entitled "Procedure for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and other coatings," EPA–450/3–84–019, December 1984, sets forth procedures for determining the volume solids content.)

(2) Reference Method 24 with the volatile content of coatings determined for 60 minutes at 110 °C ± 5 °C must be required by the regulations.

(3) The affected facility must be required by regulation to track and record the amount of VOC in the coating "as applied" to the substrate by accounting for the quantity of diluent solvent added to the coating supplied by the manufacturer prior to application.

(4) The surface coating emission limitations expressed on a solids basis must conform to the guidance provided in an EPA document, entitled, "A Guideline for Surface Coating Calculations," EPA–340/1–86–016, July 1986 with respect to significant digits. The document provides for equivalent emission limits expressed on a solids basis for all surface coating operations.

EPA is proposing to approve the Commonwealth of Massachusetts State Implementation plan revisions for regulatory amendments to Regulations 310 CMR 7.02(2)(b) 4, 5, 6; 7.02(12)(d); and 7.14. EPA is proposed to approve the amendments to Regulation 310 CMR 7.18; with the understanding that the Commonwealth of Massachusetts shall incorporate the requirements outlined above. Those requirements must be incorporated and adopted by the Commonwealth before EPA can promulgate final approval of the revisions to 310 CMR 7.18.

EPA is soliciting public comments on issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

Proposed Action

EPA is approving the following revisions:

(1) Corrections to Regulation 310 CMR 7.02 which insert the words "or a major modification" after "major stationary source" in (b)6; and replace the terms "facility" and "facilities" with the terms "stationary source" and "stationary sources" in (b)4 through (b)6 as indicated in the DEQE's submittal which is being incorporated by reference.

(2) The deletion of Regulation 310 CMR 7.02(12)(b)3 which describes required emission and efficiency testing because those testing requirements are also set forth in 310 CMR 7.02(12)(d).

(3) Amendments to Regulation 310 CMR 7.02(12)(d) requiring that EPA test method 18 be used by specified gasoline marketing facilities and that any alternative method to EPA Test Method 18 be approved by EPA and the DEQE, and that any alternative to EPA Method 27, for the pressure vacuum certification required of fuel tank trucks, be approved by both EPA and the DEQE.

(4) Amendments to Regulation 310 CMR 7.14 adding subsections 7.14 (2) and (3) in order to meet EPA requirements for continuous emissions monitoring, recording, and reporting for certain stationary sources as required by 40 CFR 51.214(a).

(5) Amendments to Regulation 310 CMR 7.18 (3), (4), (5), (6), (7), (10), (11), (14), (15), and (16) for surface coating operations to convert the existing emission rates expressed in "lbs. of VOC per gallon of coating (excluding water) at application" to their equivalents in "lbs. of VOC per gallon of solids" with the understanding that the DEQE will revise these regulations by adopting the requirements described in this notice.

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

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

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 110(a) (A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

Authority: 42 U.S.C. 7401–7642.

Editorial Note: This document was received at the Office of the Federal Register on July 19, 1988.

Dated: September 14, 1987.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 88–16547 Filed 7–21–88; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Parts 156 and 170

[OPP 300164B; FRL–3419–4]

Worker Protection Standards for Agricultural Pesticides; Public Meetings on Proposed Revision of Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given of the schedule of public meetings to be held on the topic of EPA's proposal to revise its regulations governing worker protection from agricultural pesticides. At these meetings, EPA will explain the proposed rule and answer questions concerning the proposal. EPA believes that these meetings will assist potential commenters in understanding the proposal, leading to more useful public comments which the Agency will use in developing the final rule.

DATES: The public meeting will take place during the period from July 18, 1988, until August 12, 1988. The complete schedule of meeting dates and times is listed under the **SUPPLEMENTARY INFORMATION** unit of this notice.

ADDRESSES: The complete schedule of meeting addresses is listed under the **SUPPLEMENTARY INFORMATION** unit of this notice.

FOR FURTHER INFORMATION CONTACT:

By mail:
Patricia Breslin,
Director, Pesticide Farm Safety Staff (TS–757C),
Office of Pesticide Programs,
Environmental Protection Agency,
401 M St. SW.,
Washington, DC 20460.

Office location and telephone number:
Rm. 1009, CM #2,
1921 Jefferson Davis Highway,
Arlington, VA,
(703) 557–7666.

SUPPLEMENTARY INFORMATION: EPA is proposing under authority of the Federal Pesticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(a)), to revise its regulations governing worker protection from agricultural pesticides (40 CFR Part 170). The proposed rule which published in the **Federal Register** of July 8, 1988 (53 FR 25970), would enlarge the scope of the standards; expand existing requirements for warnings about applications, wearing of personal protective equipment, and limitation on reentry; and add new provisions for decontamination, emergency medical duties, contact with handlers of highly toxic pesticides, cholinesterase monitoring of commercial pesticide handlers, and training. The proposal also includes a number of regulatory options on which EPA has specifically solicited public comment. There will be a 90-day public comment period on the proposal.

As part of its effort to obtain useful public comments on the proposal, EPA previously announced its intent to hold a series of public meetings for persons and groups affeced by or interested in the proposed regulations (53 FR 25970). At these meetings EPA will explain the content of proposal and the associated

regulatory options, and answer any questions. No pre-registration is necessary for persons wishing to attend or speak at the meetings. Written comments on the proposed rule will be accepted at the meetings and placed in the EPA docket for this rulemaking. However, the meetings will not be transcribed by EPA, and oral comments made in the course of the meetings will not become part of the EPA docket.

Schedule of Meetings

A schedule of dates, times, and addresses for the public meetings follows:

July 18, 9 a.m., Office of Pesticide Programs, Crystal Mall #2, Room 1112, 1921 Jefferson Davis Highway, Arlington, Virginia.

July 25, 6 p.m., Orange County Library, 101 East Central Boulevard, Orlando, Flroida.

July 26, 7 p.m., Palmer Pavillion, 301 Hackberry, McAllen, Texas.

July 27, 6 p.m., Holiday Inn, 777 North Pinal Avenue, Casa Grande, Arizona.

July 28, 6 p.m., State Office Building, Room 1036, 2550 Mariposa Mall, Fresno, California.

July 29, 7 p.m., Holiday Inn, 9 North Ninth Street, Yakima, Washington.

August 1, 7 p.m., College of Idaho, Student Union Building, Ohio Street, Caldwell, Idaho.

August 2, 6 p.m., Greeley Community Center, Room 101, 651 Tenth Avenue, Greeley, Colorado.

August 3, 7 p.m., Henry Wallace Building, Auditorium, East Ninth Street and Grand Avenue, Des Moines, Iowa.

August 4, 6 p.m., Lucas County Recreation Center, Luke's Barn, 2901 Key Street, Maumee, Ohio.

August 8, 6 p.m., Atlanta State Farmers Market, Exhibit Hall, 16 Forest Parkway, Forest Park, Georgia.

August 9, 7 p.m., Venice Inn, 431 Dual Highway (Route 40 East), Hagerstown, Maryland.

August 10, 6 p.m., Holyoke Community College, Frost 271, 303 Homestead Avenue, Holyoke, Massachusetts.

August 11, 7 p.m., University of Maine at Augusta, Jewett Auditorium, Room 156, Civic Center Drive, Augusta, Maine.

August 12, 7 p.m., Peninsula General Hospital Medical Center, Avery W. Hall Educational Center, Waverly and Locust Street, Salisbury, Maryland.

August 16, 7:30 p.m., State University of New York at New Paltz, New Paltz, New York.

Regional Contacts

Further information on each public meeting, including travel directions, is available from the contact person in the EPA Region in which the meeting is being held. At list of Regional contacts follows:

Meeting city	Contact person	Host EPA region	Telephone
Orlando	Ken Clark	IV	404-347-3222
McAllen	Van Kozak	VI	214-655-7240
Casa Grande	Caroline Ireson	IX	415-974-8366
Fresno	Sara Segal	IX	415-974-8366
Yakima	Alan Welch	X	206-442-8574
Caldwell	....do	X	206-442-8574
Greeley	Ed Stearns	VIII	303-293-1745
Des Moines	Leo Alderman	VII	913-236-2835
Maumee	Dea Zimmerman	V	312-353-2192
Forest Park	Ken Clark	IV	404-347-3222
Hagerstown	Gordon Moore	III	215-597-9869
Holyoke	Andy Trioto	I	617-565-3836
Augusta	....do	I	617-565-3836
Salisbury	Gordon Moore	III	215-597-9869
New Paltz	Teresa Yaegel-Souffront	II	201-321-6765

A copy of the Agency's proposed rule may be obtained by calling the Regional contact identified above, or by writing or calling the contact person listed under **FOR FURTHER INFORMATION CONTACT.** Written comments on the proposal may be submitted to the Document Control Officer (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Comments should be in triplicate and bear the document control number, OPP-300164, and must be submitted by the October 6, 1988, deadline for comments.

Dated: July 15, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 88-16614 Filed 7-21-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 417

[BERC-422-P]

Medicare Program; Explanation of Enrollee Rights and Other Provisions Applicable to Health Maintenance Organizations and Competitive Medical Plans

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise current Medicare regulations relating to health maintenance organizations and competitive medical plans. It would eliminate the requirement that organizations enroll two new Medicare beneficiaries for each present Medicare enrollee converted from a cost to a risk contract (the "two-for-one" rule), expand required information given to enrollees, and require annual notice of enrollees' rights under the plan. This rule would also add a provision to terminate a contract with an organization for noncompliance with the composition of enrollment standard requiring that no more than 50 percent of an organization's membership be comprised of Medicare and Medicaid enrollees (hereinafter referred to as the "50/50 rule") and would authorize sanctions when organizations fail to comply with the 50/50 rule or the terms of any waiver or exception to that rule.

These provisions would conform our regulations with changes made by the

Omnibus Budget Reconciliation Acts of 1986 and 1987.

DATE: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5:00 p.m. on September 20, 1988.

ADDRESS: Mail comments to the following address:

Health Care Financing Administration, Department of Health and Human Services, Attenton: BERC–422–P, P.O. Box 26676, Baltimore, Maryland 21207.

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

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

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

If comments concern information collection or recordkeeping requirements please address a copy of comments to: Office of Management and Budget, Office of Information and Regulatory Affairs, Room 3208, New Executive Office Building, Washington, DC 20503, Attention: Allison Herron.

In commenting, please refer to file code BERC–422–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of a document, in Room 309–G of the Department's Office at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT:

Joan Mahanes (301) 966–4642, for two-for-one rule, and explanation of enrollee rights.

Larry Sobel (202) 245–0197, for 50 percent composition of enrollment rule.

SUPPLEMENTARY INFORMATION:

I. Background

A. General

Section 1876 of the Social Security Act (the Act) as amended by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Pub. L. 97–248, provides for Medicare payment on a predetermined, per capita rate to eligible organizations that have entered into risk-sharing contracts with HCFA, and for payment on a prospective basis subject to annual adjustments based on reasonable costs to eligible organizations that have reasonable cost contracts. The definition of an eligible organization includes health maintenance organizations (HMOs) that have been Federally qualified under title XIII of the Public Health Service (PHS) Act, and competitive medical plans (CMPs) that meet the requirements of section 1876(b)(2) of the Act. In general, eligible organizations must assume financial risk on a prospective basis for providing health care services to enrolled members, in exchange for a prepaid periodic payment made by the member or on the member's behalf. Medicare enrollees of organizations with risk-sharing contracts may be required to receive covered services only through the organization, except for emergency services and urgently needed out-of-area services.

Section 1876(c)(3)(B) of the Act provides that an eligible Medicare beneficiary may enroll with an eligible organization in the manner prescribed in regulations and may terminate his enrollment with the organization as of the beginning of the first calendar month after the beneficiary requests that his enrollment be terminated.

B. Two-for-one Rule

Section 114(c)(2)(A) of TEFRA provided that HMOs that had enrolled individuals under an existing cost contract could convert such individuals to enrollment under a risk contract only under limited circumstances. This provision is known as the two-for-one rule because the organization was required to enroll two "new" Medicare enrollees under its risk-sharing contract for each "current" non-risk Medicare enrollee it converted to coverage under the risk-sharing provisions of its contract. As defined in section 114(c)(2)(D) of TEFRA, a Medicare enrollee was "new" if the individual was not enrolled in the organization as a Medicare beneficiary prior to the time the organization entered into a risk contract. Regulations implementing the two-for-one rule and the established procedures for conversion are at 42 CFR 417.446.

C. Explanation of Enrollee Rights

Section 1876(c)(3)(C) of the Act provides that the Secretary may prescribe the procedures and conditions under which an eligible organization under contract with HCFA may advertise its product and enroll eligible Medicare beneficiaries. Prior to the Omnibus Budget Reconciliation Act of 1986 (OBRA 86), there were no specific statutory provisions pertaining to disclosure of benefits, services and patient rights for Medicare beneficiaries enrolling in an HMO or CMP, although our regulations at 42 CFR 417.436 require that the organization maintain membership rules explaining these matters. The regulations currently require that the membership rules explain that enrolling members of a risk contracting organization must accept that, except for emergency services and urgently needed out-of-area services, neither the organization nor the Medicare program has financial responsibility for services that are not provided through the contracting organization. In practice, CMPs may waive the requirement. However, under Title XIII of the Public Health Service Act, Federally-qualified HMOs may not provide out-of-plan coverage for basic health services except in the context of emergency or urgently needed care. The membership rules must also explain the organization's procedures for hearing and resolving grievances between the organization (including any entity or individual through which the organization provides health care services) and enrolled Medicare beneficiaries, as required by section 1876(c)(5)(A) of the Act. Regulations at 42 CFR 417.436 currently require that the organization provide a copy of the rules to each Medicare enrollee and that it notify enrollees at least 30 days prior to any change in the rules.

D. Fifty Percent Composition of Enrollment

Section 1876(f) of the Act requires that an HMO or CMP providing services to Medicare under a risk contract maintain an enrollment consisting of no more than 50 percent Medicare beneficiaries and Medicaid recipients. Prior to the enactment of OBRA 86, this section also authorized the Secretary to modify or waive the 50/50 rule if he or she determined that special circumstances warranted a modification or waiver and the organization was making reasonable efforts to enroll individuals not entitled to Medicare or Medicaid. Regulations at 42 CFR 417.413 implemented the statutory requirement for composition of enrollment and the waiver or exception to composition of enrollment standards.

II. New Legislation

A. Repeal of "two-for-one" Rule

Section 9312(a) of OBRA, Pub. L. 99–509, amended section 1876(c)(2) of the Act by repealing the two-for-one conversion requirement for certain HMOs. In the report of the Committee on Ways and Means (H.R. Rep. No. 727, 99th Cong., 2d Sess., 442 (1986)), the Committee stated its belief that the two-for-one requirement was adversely affecting those Medicare enrollees enrolled in an HMO who could not convert to the risk contract, because

non-risk enrollees could not share in the additional benefits package provided to risk contract beneficiaries enrolled in the same HMO. Furthermore, the Committee stated that in some cases, the two-for-one requirement may place a burden on HMOs by placing them in a less competitive situation. The elimination of the two-for-one rule, effective April 1, 1987, permits non-risk Medicare enrollees who wish to be covered under the risk provisions of the HMO's contract to do so without limitation.

B. Explanation of Enrollee Rights

Section 9312(b) of OBRA 86 amended section 1876(c)(3) of the Act by providing that upon enrollment and annually thereafter, enrollees must receive from an HMO and CMP an explanation of rights, including the rights to benefits from the organization, the restrictions on payment for services furnished other than by or through the organization, out-of-area coverage provided by the organization, the organization's coverage of emergency services and urgently needed care, and appeal rights of enrollees. Prior to enactment of OBRA 86, the statute did not specify either the content or timeframes for furnishing information. This amendment was effective on January 1, 1987, and applies to enrollments effective on or after that date.

Section 4011(b) of OBRA 87, Pub. L. 100–203, amended section 1876(c)(3) of the Act by requiring that eligible organizations having a risk-sharing contract notify individuals eligible to enroll and individuals enrolled with the organization of the organization's option to terminate or nonrenew its contract with HCFA, and that nonrenewal or termination of the contract may result in termination of the individual's enrollment in the organization.

C. Waiver of 50/50 Rule in HMOs and CMPs

Section 9312(c) of OBRA 86 amended section 1876(f)(2) of the Act by deleting all former provisions and authorizing the Secretary to issue new modifications or waivers in only two circumstances: (1) Where more than 50 percent of the population of the area served by the organization consists of Medicare beneficiaries and Medicaid recipients; and (2) where the organization is owned and operated by a government entity, but only for the first 3 years after the government-owned organization first enters into a contract, and only if the organization is making reasonable efforts to enroll non-Medicare and non-Medicaid individuals. Section 9312(c) of OBRA 86 also add a new paragraph (3) to section 1876(f) of the Act, which allows the Secretary to suspend enrollment or suspend payment for individuals newly enrolled after the date the Secretary notifies the organization that it is not complying with the 50/50 rule. OBRA 86 also modified section 1876(i)(1)(C) of the Act to provide specifically for termination of a Medicare contract if the Secretary finds that the organization no longer substantially meets the 50/50 rule.

Section 9312(c) of OBRA 86 authorizes the Secretary to extend waivers or exceptions to organizations currently under waiver or exception (i.e., former demonstration projects under section 222(a) of the Social Security Amendments of 1972 or section 402 of the Social Security Amendments of 1967) which do not meet the new requirements, but which continue to make reasonable efforts to meet scheduled enrollment goals approved by the Secretary. If the organization meets the scheduled enrollment goals or makes significant progress toward those goals, the waiver or exception may be continued. If the organization does not comply with the schedule, the Secretary may apply the sanctions (i.e., send notice requiring the organization to suspend enrollment of Medicare enrollees and suspend payments to the organization for Medicare enrollees enrolled after the date of the notice) specified in paragraph (3) of section 1876(f) of the Act, or he or she may institute termination proceedings as authorized by section 1876(i)(1)(c) of the Act.

III. Provisions of the Proposed Regulations

We propose to incorporate the OBRA 86 and OBRA 87 provisions into our regulations essentially without elaboration. These changes would be made to 42 CFR Part 417, Subpart C. The provisions of the regulations are discussed below.

A. "Two-for-one" Rule

We propose to delete paragraph (f) in § 417.432, which describes the two-for-one rule concerning conversion of current nonrisk Medicare enrollees.

Section 417.444 specifies rules for current nonrisk Medicare enrollees of an organization under a risk contract. We would delete paragraphs (a)(2) (i) and (ii) of this section, which contain the conditions for additional benefits pertaining to the two-for-one rule. We would also delete paragraphs (b) and (c) of this section, which make reference to the two-for-one rule. A new paragrph (b) would be added to require organizations converting from a cost to a risk contract to inform current non-risk Medicare enrollees within 60 days of signing a risk contract of their right to remain as cost members indefinitely (until 75 or fewer cost members remain and HCFA requires their conversion to risk reimbursement, under the provisions of paragraph (a)(1) of this section) and their right to covert at any time to a risk enrollment under the provisions of paragraph (a)(2) of this section.

We would delete § 417.446, which specifies the two-for-one enrollment criteria.

We would also delete § 417.597(b)(4), which makes reference to special supplementary benefits in a plan.

B. Explanation of Enrollee Rights

Current regulations at § 417.436 establish minimum standards for membership rules. The regulations currently provide that membership rules must deal with, but are not limited to, procedures for paying premiums and other charges for which Medicare enrollees may be liable, grievance and appeal procedures, disenrollment rights, and how and where to obtain services from or through the HMO or CMP. We would add additional requirements parallel to the statute. These requirements would make it clear that a copy of the membership rules must be furnished to each Medicare enrollee at the time of enrollment and annually thereafter. The rules must include an explanation of the benefits provided by the organization, the amount of any premium or other charges imposed on the beneficiary, restrictions on coverage (if applicable) for services that are not received through the organization, and the organization's coverage of emergency services and services which are urgently needed while the enrollee is absent from the organization's geographic area, as defined in § 417.401.

The rules also must address any services the organization chooses to provide from sources outside the organization, other than emergency services and urgently needes services, and include the organization's policies concerning retention of members who leave the organization's geographic area for more than 90 days.

In addition, we are adding a new paragraph (10) to § 417.435(a) to comply with section 4011(b) of OBRA 87, which would require the HMO and CMP rules state the date on which the organization's contract with HCFA is renewed annually (or give the date of termination if the initial contract period is more than 12 months), that the organization may choose not to renew

its contract with HCFA at that time, and that beneficiaries may, if the contract is not renewed, be terminated as well from their enrollment in the organization. A similar advisement would be required to advise enrollees of the organization's rights to terminate its contract with HCFA and the corresponding effect such a termination could have on enrollees. Experience with recent contract terminations indicated that many beneficiaries were unaware that organizations have the right to choose not to renew their contracts.

C. Fifty Percent Composition of Enrollment

Section 417.413 of the Medicare regulations contains the operating experience and enrollment requirements with which an HMO or CMP must comply in order to contract with HCFA.

Section 471.413(d) specifies the requirements concerning composition of enrollment. We would revise paragraph (d)(2) to provide that HCFA may waive compliance with the requirements of § 417.413(d)(1) if the organization has made and is making reasonable efforts to enroll individuals who are not Medicare beneficiaries or Medicaid recipients and if the organization meets the requirements of either paragraph (d)(2)(i) of (d)(2)(ii) of this section. Under paragraph (d)(2)(i) of this section, HCFA may waive compliance with composition of enrollment requirements for an organization where Medicare beneficiaries and Medicaid recipients constitute more than 50 percent of the population in the geographic area (except that HCFA will not permit an organization's Medicare and Medicaid enrollment to exceed the representation of Medicare beneficiaries and Medicaid recipients in the general population of the geographic area). Paragraph (d)(2)(ii) of this section would be revised to provide a waiver for a government owned and operated organization which may not exceed a period of up to three years after the date the organization first enters into contract, and may not be extended. This would conform the regulation to section 1876(f)(2) of the Act, as amended by OBRA 86.

A new paragraph (d)(3) would be added to § 417.413 to specify that an organization which has received a waiver or exception to the composition of enrollment rule prior to October 21, 1986 may continue its waiver or exception if it makes reasonable efforts to meet scheduled enrollment goals approved by HCFA. If the organization does not comply or make significant progress toward compliance, the HCFA may apply the sanctions described in paragraphs (d) (6) and (7) of this section.

In a new § 417.413(d)(4), we would specify that HCFA may apply sanctions against an organization not in compliance with the composition of enrollment requirement as an alternative to instituting termination proceedings. In new paragraph (d)(5), we set forth the notice procedures that HCFA would follow in notifying organizations. We propose to give the organization 15 days after the date of the notice to provide evidence establishing the organization's compliance with the requirements in paragraph (d)(1) of this section. New paragraph (d)(6) of this section would describe the sanctions HCFA may apply (suspension of enrollment of Medicare enrollees and suspension of payments) and the circumstances under which they may be imposed. New paragraph (d)(7) of this section would specify that in addition to applying the sanctions in paragraph (d)(6) of this section, HCFA may terminate an organization's contract if the organization does not substantially comply with the composition of enrollment requirements.

We would delete the exception to composition of enrollment at § 417.413(e) and redesignate the standard for open enrollment at § 417.413(f) as paragraph (e).

We also propose to add conforming provisions to § 417.494(b) and § 417.640(c)(4) that would authorize HCFA to terminate a contract if the organization fails substantially to comply with the composition of enrollment requirements or the terms of any wavier or exception specified in § 417.413(d).

D. Clarification of Previous Regulations

Current regulations at § 417.428(a) describe required marketing activities for organizations contracting with HCFA. This section is based on section 1876(c)(3)(C) of the Act which permits the Secretary to prescribe the procedures and conditions under which an eligible organization that has entered into a Medicare contract may inform eligible individuals about the plan. We are proposing to add a new requirement to the regulation that requires the marketing materials of a plan to inform eligible individuals that the plan's contract with HCFA is subject to periodic renewal or termination, and that nonrenewal or termination of the contract may result in termination of an individual's enrollment. We are making this change to conform our regulations with a new section 1876(c)(3)(G) of the Act as added by section 4011(b)(1) of OBRA 87. Also, experience with recent contract nonrenewals indicates that most enrollees were unaware of the organization's right to choose not to renew its contract, and we believe that this information could affect an individual's decision whether to enroll in the organization.

Current regulations at §§ 417.448 (c) and (d) and 417.460(a)(2)(iv) specify the procedures under which enrollees may continue their membership in an organization while absent from the organization's geographic area for 90 days or more. There has been confusion over these provisions because the intent is not clearly explained, which was: (1) To protect enrollees who are absent from the geographic area for 90 days or less from arbitrary disenrollment by organizations, and to assure their coverage for emergency and urgently need care during their absence; (2) to set a reasonable limit (90 days) on a plan's responsibility to cover emergency and urgently needed care for enrollees who are absent, and to permit disenrollment if the absence extends to more than 90 days; (3) to permit plans and enrollees to exercise the option of extending enrollments for enrollees who take vacations of more than 90 days, but who maintain their permanent residence within the geographic area; and (4) to require enrollees to inform the organization of any absence of more than 90 days so the organization and the enrollee could arrange either for disenrollment or for the enrollment to continue.

The current regulations do not distinguish between "permanent moves," that is, an absence of 90 days or more from the organization's geographic area when the enrollee is not expected to return to the organization's geographic area to live; and an "extended absence," when the enrollee is expected to return to reside in the organization's geographic area within a reasonable period of time. Neither the law nor regulations contemplate enrollment by a beneficiary who is not a resident of the organization's geographic area. Therefore, we would define extended absence as a period of more than 90 days but less than one year, and are proposing to limit the exception in § 417.460(a)(2)(iv) to extended absences.

We are clarifying by means of this preamble that the exception in § 417.460(a)(2)(iv) is available only to those Federally qualified HMOs who are affiliated with another plan where the beneficiary will be going, since section 1301(b)(3)(A) of the PHS Act and regulations at 42 CFR 417.103 prohibit Federally qualified HMOs from reimbursing for services not provided or arranged for by the plan. We are also clarifying § 417.460(a)(2)(iv) to state that

the exception is available only when the enrollee remains within the United States.

IV. Regulatory Impact Statement

Executive Order (E.O.) 12291 requires us to prepare and publish an initial regulatory impact analysis for any proposed regulation that meets one of the E.O. criteria for a "major rule"; that is, that would be likely to result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, we generally prepare an initial regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5. U.S.C. 601 through 612), unless the Secretary certifies that a proposed regulation would not have a significant economic impact on a substantial number of small entities. Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if the proposed rule may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis also must conform to the provisions of section 603 of the RFA. For purposes of RFA, we treat all providers and fiscal intermediaries as small entities.

The proposed rule generally reflects statutory changes that would serve to codify in our regulations those practices which are required by recent legislation. The statutory changes repealing the "two-for-one" requirement, requiring an explanation of enrollee rights, and granting waivers for 50 percent composition of enrollment will increase Medicare program expenditures independently of the promulgation of this proposed rule. These provisions in themselves, would have a negligible impact on Medicare expenditures. Although the technical change provisions of this rule are new requirements, we expect that the impact on Medicare expenditures also would be negligible. For these reasons, we have determined that a regulatory impact analysis is not required. Further, we have determined and the Secretary certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities, and would not have a significant impact on the operations of a substantial number of small rural hospitals. Therefore, we have not prepared a regulatory flexibility analysis.

V. Paperwork Reduction Act

Sections 417.428 and 417.436 of this proposed rule contain information collection requirements that are subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980 as amended, 44 U.S.C. 3501–3511. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official whose name appears in the **ADDRESS** section of the preamble.

VI. Response to Comments

Because of the large number of pieces of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, in preparing the final rule we will consider all comments contained in correspondence that we receive by the date specified in the **DATE** section of this preamble, and we will respond to the comments in the preamble to that rule.

List of Subjects in 42 CFR Part 417

Administrative practice and procedures, Health maintenance organizations (HMO), Medicare, Reporting and recordkeeping requirements.

42 CFR Part 417 Subpart C would be amended as set forth below:

PART 417—HEALTH MAINTENANCE ORGANIZATIONS, COMPETITIVE MEDICAL PLANS, AND HEALTH CARE PREPAYMENT PLANS

1. The authority citation for Part 417 Subpart C continues to read as follows:

Authority: Secs. 1102, 1833(a)(1)(A), 1861(s)(2)(H), 1871, 1874, and 1876 of the Social Security Act as amended (42 U.S.C. 1302, 13951(a)(1)(A), 1395x(s)(2)(H), 1395hh, 1395kk, and 1395mm); sec. 114(c) of Pub. L. 97–248 (42 U.S.C. 1395mm note); section 9312(c) of Pub. L. 99–509; and sec. 1301 of the Public Health Service Act (42 U.S.C. 300e) and 31 U.S.C. 9701.

Subpart C—Health Maintenance Organizations and Competitive Medical Plans

2. The table of contents for Part 417, Subpart C is amended to remove § 417.446.

3. In § 417.413 paragraph (d) is revised, paragraph (e) is removed and paragraph (f) is redesignated as (e) and revised as follows:

§ 417.413 Qualifying condition: Operating experience and enrollment.

* * * * *

(d) *Standard: Composition of enrollment*—(1) *Requirement.* Except as specified in paragraphs (d)(2) and (e) of this section, not more than 50 percent of an organization's enrollment may be Medicare beneficiaries and Medicaid recipients.

(2) *Waiver of composition of enrollment standard.* HCFA may waive compliance with the requirements of paragraph (d)(1) of this section if the organization has made and is making reasonable efforts to enroll individuals who are not Medicare beneficiaries or Medicaid recipients, and it meets either of the following requirements:

(i) The organization services a geographic area in which Medicare beneficiaries and medicaid recipients constitute more than 50 percent of the population.

However, HCFA will not grant a waiver that would permit the percentage of Medicare and Medicaid enrollees to exceed the percentage of Medicare beneficiaries and Medicaid recipients in the organization's geographic area.

(ii) The organization is owned and operated by a government entity. The waiver may be for a period up to three years after the date the organization first enters into a contract under this subpart, and may not be extended.

(3) *Waiver granted on or before October 21, 1986.* An organization (or a successor organization) that as of October 21, 1986, had been granted an exception, waiver, or modification of the requirements of paragraph (d)(1) of this section, but that does not meet the requirements of paragraph (d)(2) of this section, must make (and throughout the period of the exception, waiver, or modification continue to make) reasonable efforts to meet scheduled enrollment goals, consistent with a schedule of compliance approved by HCFA. If HCFA determines that the organization has—

(i) Complied, or made significant progress toward compliance, with the approved schedule of compliance, and that an extension is in the best interest of the Medicare program, HCFA may extend such waiver or modification.

(ii) Not complied with the approved schedule, HCFA may apply the sanctions described in paragraphs (d)(6) and (d)(7) of this section.

(4) *Basis for application of sanctions.* HCFA may, as an alternative to termination, apply the sanctions specified in paragraph (d)(6) of this section if HCFA determines that the organization is not complying with the

requirements in paragraphs (d)(1), (d)(2), or (d)(3) of this section, as applicable.

(5) *Notice of sanction.* Prior to applying the sanctions specified in paragraph (d)(6) of this section, HCFA will send a written notice to the organization stating the proposed action and its basis. HCFA will give the organization 15 days after the date of the notice to provide evidence establishing the organization's compliance with the requirements in paragraphs (d)(1), (d)(2), or (d)(3) of this section, as applicable.

(6) *Sanctions.* If, following review of the organization's timely response to HCFA's notice, HCFA determines that an organization does not comply with the requirements of paragraphs (d)(1), (d)(2), or (d)(3) of this section, HCFA may apply the following sanctions:

(i) Require the organization to suspend enrollment of Medicare enrollees.

(ii) Suspend payments to the organization for individuals enrolled after a date specified by HCFA.

(7) *Termination by HCFA.* In addition to the sanctions described in paragraph (d)(6) of this section, HCFA may decline to renew an organizaiton's contract in accordance with § 417.492(b), or terminate its contract in accordance with § 417.494(b) if HCFA determines that the organization no longer substantially meets the requirements of paragraphs (d)(1), (d)(2), or (d)(3) of this section.

(e) *Standard: Open enrollment.* (1) Except as specified in paragraph (e)(2) of this section, an organization must enroll Medicare beneficiaries on a first-come, first-served basis to the limit of its capacity and provide annual open enrollment periods of at least 30 days duration for Medicare beneficiaries.

(2) HCFA may waive the requirement of paragraph (e)(1) of this section if compliance would prevent compliance with the limitation on enrollment of Medicare beneficiaries and Medicaid recipients (paragraph (d) of this section) or result in an enrollment substantially nonrepresentative of the population of the organization's geographic area. The enrollment would be "substantially nonrepresentative" if the proportion of a subgroup to the total enrollment exceeded, by 10 percent or more, its proportion of the population in the organization's geographic area, as shown by census data or other data acceptable to HCFA. For purposes of this paragraph, a subgroup means a class of Medicare enrollees as defined in § 417.582.

4. In § 417.428, the introductory language of paragraph (a) is republished and the section is amended by adding a new paragraph (a)(3) to read as follows:

§ 417.428 Marketing activities.

(a) *Required marketing activities.* An organization must meet the following requirements:

* * * * *

(3) Include in the organization's written materials provided to prospective enrollees prior to enrollment, notice that the organization is authorized by law to terminate or refuse to renew its contract with HCFA, and that termination or nonrenewal may result in termination of the individual's enrollment in the organization.

§ 417.432 [Amended]

5. In § 417.432, paragraph (f) is removed.

6. In § 417.436, paragraphs (a) (2), (3), (5), and (6) are redesignated as paragraphs (a) (7), (8), (2) and (11) respectively and republished; paragraphs (a) (1) and (4) are revised and redesignated as paragraphs (a) (6) and (9) respectively; new paragraphs (a) (1), (3), (4), (5) and (10) are added; and paragraphs (b) and (c) are revised. The section reads as follows:

§ 417.436 Membership rules for enrollees.

(a) *Maintaining rules.* An organization must maintain written membership rules that deal with, but need not be limited to—

(1) All benefits provided under the contract, as described in § 417.440;

(2) How and where to obtain services from or through the organization;

(3) The restrictions on coverage for services furnished from sources outside the organization, as described in § 417.448, other than emergency services and urgently needed services (as defined in § 417.401);

(4) The obligation of the organization to assume financial responsibility and provide reasonable reimbursement for emergency services and urgently needed services as required by § 417.414(c);

(5) Any services the organization chooses to provide from sources outside the organization, other than emergency services and urgently needed services, including the organization's policies concerning retention of members who leave the organization's geographic area for more than 90 days, as described in § 417.460(a)(2);

(6) The amount of and procedures for paying premiums and other charges for which Medicare enrollees may be liable;

(7) Grievance and appeal procedures;

(8) Disenrollment rights;

(9) The obligation of an enrollee who is leaving the organization's geographic area for more than 90 days to notify the organization of the move or extended absence;

(10) The expiration date of the organization's contract with HCFA and notice that the organization is authorized by law to terminate or refuse to renew the contract, and that termination or nonrenewal of the contract may result in termination of the individual's enrollment in the organization; and

(11) Any other matters that HCFA may prescribe.

(b) *Availability of rules.* The organization must furnish a copy of the rules to each Medicare enrollee at the time of enrollment and at least annually thereafter.

(c) *Changes in rules.* If an organization changes its rules, it must submit the changes to HCFA in accordance with § 417.428(a)(3), and notify its Medicare enrollees of the changes at least 30 days before the effective date of the changes.

7. In § 417.444, the introductory language in paragraph (a) is republished, paragraph (a)(2) is revised; paragraphs (b) and (c) are removed and a new paragraph (b) is added. The section reads as follows:

§ 417.444 Special rules for current nonrisk Medicare enrollees of an organization under a risk contract.

(a) *Condition for additional benefits.* Current nonrisk Medicare enrollees of a risk organization may retain that status indefinitely and, therefore, are not entitled to the additional benefits under § 417.442 unless HCFA determines that the enrollee's status must be changed or a change is requested by the enrollee, as follows:

* * * * *

(2) A current nonrisk Medicare enrollee requests, using the same or a similar form to that described in paragraph (a)(1) of this section, that he or she be covered under the risk portion of the contract.

(b) *Notification.* Organizations converting from a cost to a risk contract must, within 60 days of signing the risk contract, inform current nonrisk medicare enrollees of their right to remain current nonrisk Medicare enrollees or to convert to risk enrollment at any time under the provisions of paragraph (a)(2) of this section.

§ 417.446 [Removed]

8. Section 417.446 is removed.

9. In § 417.448, paragraphs (c) and (d) are revised to read as follows:

§ 417.448 Restriction on payments for services received by Medicare enrollees of risk organizations.

* * * * *

(c) End of restriction. The restriction on payments imposed by paragraph (a) of this section ends when a Medicare enrollee leaves the organization's geographic area for an extended period as defined in § 471.460(a)(2) and the organization and enrollee make arrangements for membership to continue as provided in § 417.460(a)(2)(iv).

(d) Timing. The effective date for the end of the restriction on payments, as discussed in paragraph (c) of this section is the first day of the first month following the month in which the enrollee notifies the organization as required in § 417.436(a)(9), that he or she has left the organization's geographic area for an extended period.

10. Section 417.460(a)(2)(iv) is revised to read as follows:

§ 417.460 Disenrollment of beneficiaries and termination of payments to an organization.

(a) * * *

(2) * * *

(iv) Exception. An organization may retain a Medicare enrollee who is absent from the organization's geographic area for an extended period, but who remains within the United States, if the enrollee agrees. For purposes of this exception, the following provisions apply:

(A) An absence for an extended period means an uninterrupted absence from the organization's geographic area for more than 90 days but less than one year.

(B) The organization and the enrollee may mutually agree upon restrictions for obtaining services while the enrollee resides out of the organization's geographic area. However, restrictions may not be imposed on the scope of services described in § 417.440.

(C) When the enrollee returns to the organization's geographic area, the restrictions under § 417.448(a) prohibiting Medicare payment for services not provided or arranged for by the organization apply again immediately.

(D) Organizations that choose to exercise this exception must make the option available to all Medicare enrollees who are absent for an extended period from the organization's geographic area. (However, organizations may limit this option to enrollees who go to a geographic area served by an affiliated organization.)

(E) If the enrollee fails to return to the organization's geographic area within 1 year of the date he or she left the geographic area, then the organization must disenroll the beneficiary on the first day of the month following the anniversary of the date the enrollee left the geographic area under the provisions of paragraph (a)(2)(i) of this section.

11. Section 417.494 is amended by revising paragraph (b)(1)(iii) and (iv) as follows:

§ 417.494 Modification or termination of contract.

* * * * *

(b) Termination by HCFA. (1) HCFA may terminate a contract for any of the following reasons:

* * * * *

(iii) The organization has failed substantially to comply with the composition of enrollment requirements specified in § 417.413(d).

(iv) HCFA determines that the organization no longer meets the applicable conditions necessary to qualify as an eligible organization under section 1876 of the Act and this subpart.

12. Section 417.597(b) is revised to read as follows:

§ 417.597 Withdrawal from a benefit stabilization fund.

* * * * *

(b) *Criteria for HCFA approval.* HCFA will approve an organization's request for a withdrawal from its benefit stabilization fund for use during the next contract period only if—

(1) The organization's average of its per capita rates of payment for the next contract period is less than that of the previous contract period;

(2) The organization's ACR for the next contract period is significantly higher than that of the previous contract period; or

(3) The organization's revenue requirements for the next contract period for providing the additional benefits it provided during the previous contract period is significantly higher than the requirements for that previous period and the ACR for the next contract period results in an additional benefits package that is less in total value than that of the previous contract period.

* * * * *

13. Section 417.640(c) is revised to read as follows:

§ 417.640 Determinations subject to appeal.

* * * * *

(c) A determination to terminate, or to refuse to renew, a contract with an organization because—

(1) The organization has failed substantially to carry out the terms of the contract;

(2) The organization is carrying out the contract in a manner that is inconsistent with the efficient and effective administration of section 1876 of the Act;

(3) The organization no longer meets the applicable conditions necessary to qualify as an eligible organization under section 1876 of the Act and this subpart; or

(4) The organization has failed to comply with the composition of enrollment requirements specified in § 417.413(d).

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance Program; No. 13.714, Medical Assistance)

Dated: April 20, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: June 7, 1988.

Otis R. Bowen,

Secretary.

[FR Doc. 88-16570 Filed 7-21-88; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Rule To Determine Ranunculus acriformis var. aestivalis (Autumn Buttercup) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine a plant, *Ranunculus acriformis* var. *aestivalis* (autumn buttercup) to be an endangered species under the authority of the Endangered Species Act (Act) of 1973, as amended. The autumn buttercup is endemic to the upper Sevier River Valley in western Garfield County, Utah. This taxon was thought to be extinct until it was rediscovered in 1982. The plant is known only to occur on less than 0.01 acre of peaty hummocks within a fresh water marsh fed by a perennial spring above the bottom lands of the Sevier River. The single known population has experienced a population decline of over 90 percent in the past 5 years and now numbers only about 20 individuals. Continued livestock grazing and

trampling of the autumn buttercup and its occupied habitat is likely to cause the extinction of this taxon in the foreseeable future. This proposal, if made final, would implement protection provided by the Act and make available conservation measures implemented by the Act and identify the taxon as one in need of conservation to groups in and outside of the Federal government. The Service is requesting data and comments from interested parties on this proposal.

DATES: Comments from all interested parties must be received by September 20, 1988. Public hearing requests must be received by September 6, 1988.

ADDRESSES: Comments and materials concerning this proposal should be sent to the State Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, Room 2078, Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John L. England, Botanist, at the above address (801/524–4430 or FTS 588–4430).

SUPPLEMENTARY INFORMATION:

Background

Marcus E. Jones first collected the autumn buttercup in early September 1894. Jones' diary for the period indicates "Orton's Ranch" as the collection location (Benson 1948). Jones apparently did not describe the taxon (Jones 1895). In autumn 1948, Lyman Benson located a grandson of Orton who led him to a swampy area along the Sevier River. Benson located a population and collected specimens from a group of "15 or 20 small clumps" in the vicinity of the Jones collection of a half century earlier; from this collection Benson described *R. acriformis* var. *aestivalis* (Benson 1948). Despite Benson's very complete description of the population's location, the taxon was essentially lost for more than 30 years (Mutz 1984). The habitat was reported over-grazed in 1960 (Mutz 1984), and Ripley (1975) indicated that the taxon was probably extinct before 1975. During field work in connection with a review of the genus *Ranunculus* for Utah, Margaret Palmieri was unable to relocate the autumn buttercup in August of 1974 (Palmieri 1976).

On August 23, 1982, Kathryn Mutz located the autumn buttercup in a wetland above the Sevier River about 1 mile north of the type location. This newly discovered site was revisited by Mutz in 1983 in conjunction with the preparation of a status report for the Service, and 407 adults and 64 seedlings were counted.

The species' habitat is a series of small peaty hummocks on a low knoll less than 0.01 acre in size surrounded by a marsh. The knoll may be the result of a raised peat bog uplifted by the upwelling waters of a spring which surrounds it. The overflow channel of a nearby spring-fed stock water pond also runs past the knoll. In 1984, the autumn buttercup was again observed but had been heavily grazed. In 1985, the habitat was heavily grazed and trampled; and only eight individuals were counted (Service 1985). In 1986, 14 plants were counted and there had been only moderate grazing in the immediate vicinity of the buttercups (Service 1986). In 1987, 12 plants were counted in early August. Three weeks later, the site had been moderately grazed, and all the flowering systems had been cropped before seed had set (Service 1987).

The autumn buttercup apparently has been extirpated from its type locality. Searches by Mutz in 1982 and 1983 (Mutz 1984) and by the Service in 1985, 1986, and 1987 have not located any other populations of *R. acriformis* var. *aestivalis*. The entire population of the taxon is on lands in private ownership.

The autumn buttercup is a herbaceous perennial plant normally growing between 1 and 2 feet tall. Most of the simple but deeply palmately divided leaves are clustered at the base. Leaves and stems are covered with fine hairs. Leaves with three linear divisions are found high on the flowering stems. Flowers, usually 6 to 10 per plant, are about ½ inch in diameter with five yellow petals and five reflexed yellow green sepals which fall off soon after the flower opens. Fruits of the buttercup are achenes. Twenty to forty of these small, dry, one-seeded fruits are clustered on the surface of the receptacle of the past flower in the shape of a cylinder or inverted cone from 0.25 to 0.33 inch high. Height of the buttercups at flowering may apparently be altered by the intensity of grazing; the few plants observed flowering in 1983 were less than 3 inches tall. Seedlings of the autumn buttercup have small (less than 0.5 inch wide) leaves with three broad, rounded lobes (Mutz 1984).

Benson (1948) followed a conservative taxonomic approach in his nomenclatural designations. His publication contained the scientific description and the naming of the autumn buttercup from the Sevier River Valley of central Utah as *R. acriformis* var. *aestivalis*. In the same publication, Benson indicated that by following a moderate policy in taxonomic determination, it would have been appropriate to designate the autumn buttercup as a species in its own right rather than a variety of *R. acriformis* (i.e., *R. aestivalis*). *R. acriformis* var. *aestivalis* has floral characteristics very similar to typical *R. acriformis* (i.e., petal size and shape), although tending to be somewhat smaller. Seed characteristics, however, are markedly different, and leaf shape is different, with the lobes of *R. acriformis* var. *aestivalis* being much narrower than the other varieties.

Welsh (1986) and Welsh *et al.* (1987) assigned the taxon to *R. acris* as *R. acris* var. *aestivalis* based on the more angular lobes of the basal leaves and the short beak of the achene which are typical of *R. acris*. *R. acris* is native to Europe and Asia with one variety, *R. acris* var. *figidus*, occurring in the Aleutian Islands. Thus, *R. acris* var. *aestivalis* would represent a Pleistocene relict population extremely isolated geographically from the main body of that species' population. Benson (1948) argues that *R. turneri* of the Western American arctic may be a phylogenetic link between *R. acris* of the old world and the *R. occidentalis* group (including *R. acriformis*) of the new world, with its closest relationship being with *R. acriformis* var. *montanenis*. Thomas Duncan (personal communication 1987) stated that his preliminary taxonomic evaluation of *R. acriformis* var. *aestivalis* would align that entity with *R. occidentalis* of the Pacific Northwest and that it appears to be a species in its own right. *R. acriformis* var. *aestivalis* represents an important part of scientific understanding of the development of the buttercup genus and its relationships in western North America and eastern Asia.

With the apparent extinction of all but one of its populations, an occupied habitat of less than 0.01 acre, a total population of about 20 individuals, and a documented population decline of more than 90 percent in its remaining occupied habitat within the past 5 years, the autumn buttercup is in imminent danger of extinction.

Section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) directed the Secretary of the Smithsonian Institution to prepare a report of those plants considered to be endangered, threatened or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the

Context of Section 4 of the Act and of its intention to review the status of plant taxa named within. *R. acriformis* var. *aestivalis* was included on list "C" as probably extinct.

On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *R. acriformis* var. *aestivalis* was included in that proposed rule and was marked with an asterisk to denote it as a species for which the Service especially desired information on living specimens and extant populations. Comments received in response to the 1976 proposal were summarized in the **Federal Register** on April 26, 1978 (43 FR 17909). The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. Therefore, on December 10, 1979, the Service published a notice (44 FR 70796) withdrawing the June 16, 1976, proposal.

On December 15, 1980, the Service published a revised notice of review for native plants in the **Federal Register** (45 FR 82480); *R. acriformis* var. *aestivalis* was included in that notice as a category 1 species. Category 1 is comprised of taxa for which the Service has sufficient biological data to support proposing them as endangered or threatened. In addition, *R. acriformis* var. *aestivalis* was designated with an asterisk to identify that species as one that may recently have become extinct. In 1982, a *R. acriformis* var. *aestivalis* population was discovered (Mutz 1984). On November 28, 1983, the Service published a supplement to its December 15, 1980, notice of review in the **Federal Register** (48 FR 53640); *R. acriformis* var. *aestivalis* was included in that notice as a category 2 species. Category 2 is composed of taxa for which the Service has information which indicates that proposing to list those taxa as endangered or threatened species is possibly appropriate, but for which substantial data on biological vulnerability and threat are not currently known or on file to support proposed rules.

In 1983, another population of *R. acriformis* was discovered on the Wasatch Plateau of central Utah, and in 1984 still another population was found in the Wasatch Mountains of Utah. Before 1983, the only known occurrence of *R. acriformis* in Utah was of the variety *aestivalis*. The *R. acriformis* populations of the Wasatch Mountains and Wasatch Plateau have now been determined to be the variety *montanensis*, which previously had a known distribution in the northern Rocky Mountains of Idaho, Wyoming, and Montana. *R. acriformis* var. *aestivalis* is morphologically, phenologically, and distributionally distinct from *R. acriformis* var. *montanensis*, which is located in Utah far to the north at a much greater elevation and flowers earlier than *R. acriformis* var *aestivalis* (Welsh and Chatterley 1985, Welsh *et al.* 1987). As a consequence of a Service sponsored status survey (Mutz 1984) and taxonomic evaluation of the *R. acriformis* var. *aestivalis* and *R. acriformis* var. *montanensis* population in Utah (Welsh and Chatterley 1985), the Service changed the status of *R. acriformis* var. *aestivalis* back to category 1 in the updated plant notice of review published in the **Federal Register** on September 27, 1985.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary of the Interior to make findings on certain petitions within 12 months of their receipt. Section 2(b)(1) of the Act's Amendments of 1982 further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *R. acriformis* var. *aestivalis* because of the Service's acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983; October 12, 1984; October 11, 1985; October 10, 1986, and October 9, 1987, the Service made successive 1-year findings that the petition to list of *R. acriformis* var. *aestivalis* was warranted, but precluded by other listing actions of higher priority. The present proposal constitutes the next 1 year petition finding for this taxon.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Ranunculus acriformis* var. *aestivalis* L. Benson (autumn buttercup) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The private landowner of the autumn buttercup's only known population has tentative plans to increase the size of the spring-fed manmade pond immediately to the north of the plants occupied habitat (Service 1988). That action has the potential to cause the extinction of the autumn buttercup through direct habitat destruction or modification.

B. Overutilization For Commercial, Recreational, Scientific, or Educational Purposes

With the very small existing population, any use of the autumn buttercup may seriously reduce the prospect of the species' survival. Benson (1948) recognized this threat. There is no known utilization of the autumn buttercup for commercial, recreational, scientific; or educational purposes. However, any collecting or vandalism could cause the extinction of the autumn buttercup.

C. Disease or Predation

The autumn buttercup apparently has been extirpated from its type locality about 1 mile south of its currently known location (Benson 1948, Palmieri 1976, Mutz 1984). The total known population of the autumn buttercup has been reduced to one hummocky knoll of less than 0.01 acre and about 20 individuals as of August 1987. In 1983, when the species was first censused, 407 adult plants and 64 seedling were counted (Mutz 1984). In 1984, the species was observed in its extant population and was heavily grazed. In 1985, the Service censused the population; eight individuals were found, none of which had flowered that year, and the habitat had been heavily grazed. Only one mature leaf on one of the eight plants had not been grazed (Service 1985). In 1986, the population numbered 14 individuals, of which 4 flowered. There had been moderate grazing in the immediate vicinity of the buttercups (Service 1986). In 1987, the population numbered 12 adult plants and 6 seedlings. The flowering parts were all grazed before any seed was set (Service 1987). This taxon is endemic to spring-fed peaty marshes within wet meadows along the upper Sevier River in Garfield County, Utah. Most of the potential habitat has been and continues to be used for livestock pasture and other agricultural uses. Continued intense grazing of the autumn buttercup's occupied habitat is likely to cause its extinction in the foreseeable future.

There are no known insect parasites or disease organisms which significantly affect this species.

D. The Inadequacy of Existing Regulatory Mechanisms

The autumn buttercup receives no protection or consideration under any Federal or State law or regulation.

E. Other Natural or Manmade Factors Affecting It Continued Existence

The low numbers and limited distribution of the autumn buttercup contribute to the buttercup's vulnerability to natural or man-caused stresses. Further reduction in the number of plants would reduce the reproductive capability and genetic diversity of the species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Ranunculus acriformis* var. *aestivalis* as endangered. Threatened status is not appropriate because *Ranunculus acriformis* var. *aestivalis* is in danger of extinction throughout its range due to the degradation of its habitat and apparently to direct livestock grazing pressure. For reasons given below, it is not considered prudent to propose designation of critical habitat.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The limited distribution and accessibility of the autumn buttercup make it vulnerable to vandalism and collecting. These potential threats are of particular significance since the known population site is easily accessible and increased public access would be difficult to control under existing authorities. The one remaining site contains a very small population, and any loss could be extremely deterimental.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation action by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the State and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or reault in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or destroy or adversely modify its critical habitat. If a Federal action may adversely affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. However, *R. acriformis* var. *aestivalis* is not known to occur on lands under Federal jurisdiction, and no Federal involvement with this species is currently known.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell of offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession this species from areas under Federal jurisdiction. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. With respect to *Ranunculus acriformis* var. *aestivalis*, it is anticipated that few if any, trade permits would ever be sought or issued since the species is not common in the wild and is unknown in cultivation. Requests for copies of the regulations on plants and inquires regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 27329, Washington, DC 20038–7329 (202/343–4955).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or other interested parties concerning any aspect of this proposal are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Ranunculus acriformis* var. *aestivalis*;

(2) The location of any additional population of this species and the reason why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if required. Request must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the State Supervisor, Fish and Wildlife Enhancement, Salt Lake City, Utah (see **ADDRESSES** above).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessement, as defined in the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Benson, L. 1948. A treatise on the North American Ranunculi. American Midland Naturalist 40:1–261.

Jones, M.E. 1895. Contributions to western botany VII. Proceedings of California Academic Science Series 2,5:612–733.

Mutz, K.M. 1984. Status report on *Ranunculus acriformis* A. Gray var. *aestivalis* L. Benson. Unpublished report prepared under contract with U.S. Fish and Wildlife Service, Denver, Colorado. 36 pp.

Palmieri, M.D. 1976. A revision of the genus *Ranunculus* for the State of Utah. Unpublished Master's Thesis. Brigham Young University, Provo, Utah. 141 pp.

Ripley, S.D. 1975. Report on endangered and threatened species of the United States. House Document 94–51:200 pp.

U.S. Fish and Wildlife Service. 1985. Status of *Ranunculus acriformis aestivalis*. Typed report. Salt Lake City, Utah. 1 p.

_____. 1986. Status of *Ranunculus acriformis aestivalis*. Typed report. Salt Lake City, Utah. 1 p.

_____. 1987. Status of *Ranunculus acriformis aestivalis*. Typed report. Salt Lake City, Utah. 1 p.

_____. 1988. Status of *Ranunculus acriformis aestivalis*. Typed report. Salt Lake City, Utah. 1 p.

Welsh, S.L. 1986. New taxa and combinations in the Utah flora. Great Basin Naturalist 46:254–260.

Welsh, S.L., N.D. Atwood, L.C. Higgins, and S. Goodrich. 1987. A Utah flora. Great Basin Naturalist Memoirs Number 9. 897 pp.

Welsh, S.L. and L.M. Chatterley. 1985. Utah's rare plants revisited. Great Basin Naturalist 45:173–236.

Author

The primary author of this proposed rule is John L. England, U.S. Fish and Wildlife Service, Fish and Wildlife Enhancement, Salt Lake City, Utah (801/524–524–4430; FTS 588–4430, see **ADDRESSES** above).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99–625, 100 Stat. 3500 (1986), unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Ranunculaceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	
Ranunculaceae—Buttercup family:						
Ranunculus acriformis var. *aestivalis* (=*Ranunculus acris* var. *aestivalis*).	Autumn buttercup	U.S.A. (UT)	E		NA	NA
*	*	*	*	*	*	

Dated: June 27, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88–16491 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 20

Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This document proposes special migratory bird hunting regulations on Federal Indian reservations and ceded lands for the 1988–89 hunting season. This season will commence on September 1, 1988.

The Fish and Wildlife Service (hereinafter the Service) annually prescribes migratory bird hunting regulations frameworks to the States. This rule proposes migratory bird hunting regulations to be established for certain tribes on Federal Indian reservations and ceded lands in the 1988–89 hunting season.

DATES: The comment period for these proposed regulations will end August 8, 1988.

Address Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Room 536, Matomic Building, Washington, DC 20240. Comments received on these proposed hunting regulations and tribal proposals will be available for public inspection during normal business hours in Room 536, Matomic Building, 1717 H Street, NW., Washington, DC. The Service's biological opinions resulting from its consultation under section 7 of the Endangered Species Act are available for public inspection in or are available from the Division of Endangered Species and Habitat Conservation and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*) authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the January 21, 1988 **Federal Register** (53 FR 1645), the Service requested proposals from Indian tribes that wished to establish special migratory bird hunting regulations for the 1988–89 hunting season, under the interim guidelines described in the June 4, 1988 **Federal Register** (at 50 FR 23467). The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members on

their reservations. The guidelines include possibilities for: (1) On-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the March 10 to September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada. The guidelines are capable of application to those tribes that have recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting or where the tribes and affected States otherwise have reached agreement over hunting by nontribal members on lands owned by non-Indians within the reservation

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, the Service encourages the tribes and States to reach agreement on regulations that would apply throughout the reservations.When appropriate, the Service will consult with a tribe and State with the aim of facilitating an accord. The Service also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands.

One of the guidelines provides for the continuation of harvest of waterfowl and other migratory game birds by tribal members on reservations where it is a customary practice. The Service does not oppose this harvest, provided it does not take place during the closed season required by the 1916 Canadian Migratory Bird Treaty, and it is not so large as to adversely affect the status of the migratory bird resource.

Before developing the guidelines, the Service reviewed available information on the current status of migratory bird hunting on Federal Indian reservations and evaluated the impact that adoption of the guidelines likely would have on migratory birds. The Service has concluded that the size of the migratory bird harvest by tribal members hunting on their reservations is too small to have significant impacts on the migratory bird resource when compared with the much larger off-reservation sport harvest by non-Indians. The major area of concern relates to hunting seasons for nontribal members on dates that are within Federal frameworks, but that are different from those established by the State(s) in which a Federal Indian reservation is located. A large influx of nontribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse harvest impacts on one or more migratory bird species. The guidelines make such an event unlikely, however, because tribal proposals must include details on the harvest anticipated under the requested regulations; methods that will be employed to measure or monitor harvest (bag checks, mail questionnaires, etc.); steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and tribal capabilities to establish and enforce migratory bird hunting regulations. Based on a review of tribal proposals, the Service may require modifications, and regulations may be established experimentally, pending evaluation and confirmation of harvest information obtained by the tribes.

The Service believes that the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. The guidelines should not be viewed as inflexible. Nevertheless, the Service notes that they have been employed successfully since 1985 to establish special hunting regulations for Indian tribes. Therefore, the Service believes that they have been tested adequately and proposed to make them final for the 1988–89 season. It should be stressed here, however, that use of the guidelines is not necessary and no action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Review of Comments Received on Notice Requesting Hunting Season Proposals From Indian Tribes

In a June 7, 1988 letter from The Wildlife Legislative Fund of America, James H. Glass, President, commented on the January 21, 1988 **Federal Register** in which the Service requested tribal proposals. In his letter, Mr. Glass recongized that differential treatment of Indians in the taking of wildlife is due to treaties made in the past. However, he pointed out that the Wildlife Legislative Fund of America has protested the discriminatory use of special regulations for Indians in the past, and he asked the Service to (1) join with others who also object, and (2) explain for the non-Indian majority the specific reasons for the continuing use of discriminatory regulations.

In response, the Service recognizes that special migratory bird hunting regulations for Indians are viewed as discriminatory by some people. The Service notes, however, that Indian tribes on most Federal Indian reservations have reserved hunting rights recognized or granted by treaty, executive order, statute, agreement, or other law. These reserved hunting rights are subject to reasonable and necessary nondiscriminatory conservation measures. The taking of waterfowl and other migratory game birds is a traditional practice by tribal members on many reservations. The Service believes that this harvest is small when compared with the sport harvest by non-Indians and does not oppose harvest by Indians provided it is not excessive and does not occur during the annual closed period required by the Canadian migratory bird treaty. In this manner, the reserved hunting rights of Indians are accommodated while the conservation goals of the treaty are satisfied. The Service recently employed the guidelines to reach agreement with the Mille Lacs Band of Chippewa Indians, Vineland, Minnesota, for on-reservation hunting by tribal members during the 1988–89 hunting season and reached a similar agreement last year. In addition, the Service currently is consulting with the Klamath Tribe, Chiloquin, Oregon, in regard to 1988–89 hunting regulations. The regulations would apply to hunting by members on certain lands within the exterior boundaries of the tribe's former reservation, under the general conditions of a Federal court decision. The Service will continue to work toward mutually acceptable hunting

regulations for other tribes that may wish to reach an accord.

The Service should also point out that some Indian tribes have the judicially recognized right to hunt migratory birds under special conditions on off-reservation ceded lands. Thus far, only the Great Lakes Indian Fish and Wildlife Commission, representing Chippewa Indians in Michigan, Minnesota, and Wisconsin, has asked for special migratory bird regulations for hunting on off-reservation ceded lands. The annual harvest by these Indians has been small.

The Service continues to believe that the greatest potential for excessive harvest is on reservations where tribes have established hunting programs to attract nontribal members, and where the hunting regulations would be within Federal frameworks but on dates that are different than those established by the State(s) in which a reservation is located. The migratory bird harvest is monitored on such reservations to ensure that the harvest does not have adverse effects.

Hunting Season Proposals From Indian Tribes and Organizations

In addition to the Mille Lacs Band and the Klamath Tribe, the Service received requests from eight tribes and Indian organizations for special migratory bird hunting regulations for the 1988–89 hunting season. Each of them had special regulations in the 1987–88 hunting season.

The proposed regulations for the different tribes are shown below. It should be noted that this proposed rule, and a final rule to be published later in an August 1988 **Federal Register**, will include tribal regualtions for both early and late hunting seasons. The early season begins on September 1 each year and includes species such as mourning doves and white-winged doves. The late season usually begins on or around October 1 and includes most waterfowl species. Because final regulations for Indian tribes must be established by September 1, the proposed and final regulations for most tribal hunting seasons are described in relation to the season dates, season length, and limits that will be permitted when final Federal frameworks are announced for early and late season regulations. For example, the daily bag and possession limits for ducks on reservations in the Southwestern United States will be shown as "Same as permitted Pacific Flyway States under final Federal frameworks to be announced," and limits for geese will be shown as the same that will be permitted the State(s) in which the reservations are located.

The proposed frameworks for early season regulations are scheduled for early July publication in the **Federal Register**, and final Federal frameworks will be published in early August. Proposed late season frameworks for waterfowl and coots will be published in mid-August, and the final Federal frameworks for the late season will be published in a mid-September **Federal Register**. The Service will notify affected tribes of season dates, bag limits, etc., as soon as final frameworks are established. As discussed earlier in this document, no action is requried by tribes that wish to observe the migratory bird hunting regulations established by the State in which a reservation is located.

1. Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for tribal members and nonmembers since the 1986–87 hunting season. The tribe owns all lands on the reservation and has recognized full wildlife management authority.

In a May 10, 1988 proposal, the tribe requested the earliest opening date permitted Pacific Flyway States for ducks for the 1988–89 hunting season and a closing date of November 30, 1988. Daily bag and possession limits also would be the same as permitted Pacific Flyway States. The tribe requested that the season be closed for geese and other migratory game birds. The tribe conducts a harvest survey each year, and the estimated harvest was 1,057 ducks during the past season.

The requested regulations are the same as were established last year, and in view of the comparatively small duck harvest that occurred, the Service proposes to approve the tribe's request for the 1988–89 hunting season. However, the Service notes that the fall flight of ducks is expected to be far below normal because of severe drought on major production areas in the prairie regions of Canada and the United States. Consequently, it may be necessary, as a conservation measure, to establish more restrictive hunting regulations than were employed last year in the Pacific and other flyways.

2. Navajo Nation, Navajo Indian Reservation, Window Rock Arizona

Since 1985, the Service has established uniform migratory bird hunting regulations for tribal members and nonmembers on the Navajo Indian reservation (in parts of Arizona, New Mexico, and Utah). The tribe owns almost all lands on the reservation and has full wildlife management authority.

In a May 12, 1988 letter, the tribe asked and the Service proposes to establish the following regulations on the reservation for both tribal members and nonmembers for the 1988–89 hunting season:

A. Ducks (including Mergansers)

Season Dates: Earliest opening date and longest season permitted Pacific Flyway States under final Federal frameworks to be announced.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

B. Canada Geese (season closed on other geese)

Season Dates: December 17–January 8.

Daily Bag and Possession Limits: Daily limit 2. Possession limit 4.

C. Coot and Common Moorhens (Gallinules)

Season Dates: Same as for ducks.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

D. Common Snipe

Season Dates: Same as for ducks.

Daily Bag and Possession Limits: Daily limit 8. Possession limit 16.

E. Band-tailed Pigeons

Season Dates: September 1–September 30.

Daily Bag and Possession Limits: Daily limit 5. Possession limit 10.

F. Mourning Doves and White-winged Doves

Season Dates: September 1–September 30.

Daily Bag and Possession Limits: 10 mourning and white-wing doves in the aggregate, of which no more than 6 may be white-winged doves. Possession limit after opening day is 20 mourning and white-winged doves in the aggregate, of which no more than 12 may be white-winged doves.

G. General Conditions

Tribal members and nonmembers will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special

regulations established by the Navajo Nation also apply on the reservation.

3. Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho

Almost all of the Fort Hall Indian Reservation is tribally-owned. The tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed tribal jurisdiction, especially for hunting by nontribal members on reservation lands owned by non-Indians. As a compromise, since 1985, the Service has established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the tribes and provided for different season dates than in the remainder of the State. The Service agreed to the season dates because it seemed likely that they would provide some additional protection to mallards and pintails, and the State concurred with the zoning arrangement. The Service has no objection to the State's use of this zone in the 1988–89 hunting season, provided the duck and goose hunting season dates are the same as on the reservation. The Shoshone-Bannock Tribes have requested and the Service proposes to establish the following migratory bird hunting regulations for nontribal members on their reservation for the 1988–89 hunting season:

A. Ducks (including Mergansers)

Season Length and Dates: Same season length as permitted Pacific Flyway States under final Federal framework to be announced. If 79 hunting days are permitted, as in 1987–88, tribal season would run continuously with later opening and earlier closing closure (e.g., tribal season in 1987–88 was October 10–December 27).

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

B. Geese (including Canada, Black Brant, White-fronted and Snow)

Season Length and Dates: Same season length as permitted Idaho under final Federal frameworks to be announced. If 86 days are permitted, as in 1987–88, tribal season would run continuously with later opening and earlier closure (e.g., tribal season in 1987–88 was October 10–January 3). Tentatively, tribal duck and goose seasons would begin on same date, preferably a Saturday.

Daily Bag and Possession Limits: Same as permitted Idaho under final Federal framework to be announced.

C. Coots

Season Length and Dates: Same as for ducks.

Daily Bag and Possession Limits: Same as permitted Pacific Flyway States under final Federal frameworks to be announced.

D. Common Snipe

Season Length and Dates: Same as for ducks.

Daily Bag and Possession Limits: 8 daily. Possession limit 16.

E. *General Conditions*

Nontribal members will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation State (Duck Stamp) signed in ink across the face. Special regulations established by the Shoshone-Bannock Tribes aslo apply on the reservation.

4. White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona

The White Mountain Apache Tribe owns all reservation lands, and the tribe has recognized full wildlife management authority. In a June 7, 1988 letter, the tribe requested a continuous waterfowl hunting season with the latest closing date and longest season permitted under final Federal frameworks to be announced. The tribe requested the same daily bag and possession limits for ducks permitted Pacific Flyway States and the same bag and possession limits permitted Arizona for geese. Season dates and bag and possession limits for band-tailed pigeons will be the same as established by Arizona under final Federal frameworks. The regulations will apply both to tribal members and nontribal members.

The regulations requested by the tribe are the same as were approved last year, and the Service proposes to establish them again for the 1988–89 hunting season.

5. Colorado River Indian Tribes, Colorado River Indian Reservation, Parker, Arizona

The Colorado River Indian Reservation is located in Arizona and California. The tribes own almost all lands on the reservation, and they have full wildlife management authority. Beginning with the 1985 hunting season, the Service, as requested by the tribes, has established the same migratory bird hunting regulations on the reservation as in the Colorado River Zone in California.

In a June 6, 1988 proposal, the tribes requested regulations that are almost identical to those approved last year. As discussed earlier, however, duck numbers in the fall likely will be much smaller than last year. There is special concern regarding the population status of pintails, whose numbers have declined alarmingly in recent years, as well as the status of canvasbacks and other ducks. Consequently, while the regulations frameworks for these species and other ducks have not been announced, it may be necessary to set more restrictive regulations in the 1988–89 hunting season. Therefore, the Service proposes to establish the same migratory hunting regulations on the reservation as will be established for California's Colorado River Zone. As in the past, the regulations will apply both to tribal members and nonmembers.

6. Penobscot Indian Nation, Old Town, Maine

Since June 1985, the Service has approved a general migratory bird hunting season for both tribal members and monmembers, under regulations adopted by the State, and a sustenance season that applied only to tribal members. At the Service's request, the tribe has monitored black duck harvest during each sustenance season and has confirmed that is is negligible in size.

In a June 2, 1988 proposal, the tribe again requested special regulations for tribal members in Penobscot Indian Territory, an area of trust lands that includes but is much larger than the reservation. The tribe proposed a 1988–89 sustenance hunting season of 75 days (September 17-November 30), with a daily bag limit of 4 ducks, including no more that 1 black duck and 2 wood ducks. The daily bag limit for geese would include 3 Canada geese, 3 snow geese, or 3 in the aggregate. When the sustenance and Maine's general waterfowl season overlap, the daily bag limit for tribal members will be only the larger of the two daily bag limits. All other Federal regulations will be observed by tribal members, except that shooting hours will be from one-half hour before sunrise to one-half after sunset. Nontribal members hunting on Penobscot Indian Territory will adhere to the waterfowl hunting regulations established by the State of Maine.

The Service notes that the regulations requested by the tribe are nearly identical to those established last year and proposes to approve the tribal request.

7. Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized off-reservation hunting rights for migratory birds on Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (which represents the various bands). Beginning in 1986, the Michigan Department of Natural Resources agreed to accommodate a tribal season on ceded lands in the western portion of the State's Upper Peninsula, and the Service approved special regulations for tribal members in both Michigan and Wisconsin during the 1986–87 and 1987–88 hunting seasons. Last year, the Great Lakes Indian Fish and Wildlife Commission requested and the Service approved special regulations to permit tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin concurred with the regulations, although Wisconsin officials raised concern about the possible effects of the early season on the State's efforts to establish local breeding populations of Canada geese, especially at Powell Marsh. Because of this concern, during the 1987–88 hunting season, the tribes agreed to certain regulatory safeguards on the Powell Marsh, including a 3-day closure prior to the beginning of the Wisconsin goose season. Minnesota did not concur with the proposed regulations, and in meetings and correspondence, stressed that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. The Service acknowledged the State's concern but pointed out that the United States Government has recognized the Indian hunting rights decided in the *Voigt* case, and that acceptable hunting regulations have been negotiated successfully in both Michigan and Wisconsin, even though the *Voigt* decision did not specifically address ceded land outside Wisconsin. The Service pointed out further that this was appropriate because the treaties in question cover ceded lands in Michigan (and Minnesota), as well as in Wisconsin. Consequently, in view of the above, and the fact that the tribal harvest was expected to be small, the Service approved special regulations for the 1987–88 hunting season on ceded lands in all three States.

On May 18, 1988, the Great Lakes Indian Fish and Wildlife Commission again requested special regulations, and copies of the proposal were mailed to officials in the affected States of Michigan, Minnesota, and Wisconsin. The proposed regulations are shown below. They are similar to those established in previous years, except that the daily bag limit for coots in Minnesota and Wisconsin will be 20 instead of 15, Wisconsin duck season dates also would apply in Minnesota, and there would be no three-day closure on Powell Marsh prior to the opening of the Wisconsin goose season.

In a June 24, 1988 letter, the Wisconsin Department of Natural Resources raised several concerns regarding the proposed regulations and asked that the Voigt Task Force of the Great Lakes Indian Fish and Wildlife Commission and the State negotiate an agreement for the upcoming waterfowl season similar to those entered into during the previous three years. The Service has no objection to most of the regulations requested by the Great Lakes Indian Fish and Wildlife Commission for the the upcoming hunting season and proposes of establish all of them, except those relating to duck hunting season dates in Minnesota and Wisconsin. As pointed out earlier in this document, the fall flight of ducks is expected to be much smaller than usual this year, and Federal farmeworks for State hunting regulations likely will be more restrictive than was the case in the 1987–88 season. Consequently, as a conservation measure, the Service believes that some reduction in tribal hunting activity and duck harvest is needed. The Service intends to consult with tribal and Wisconsin officials and reach a prompt and mutually acceptable agreement on duck hunting season dates prior to the 1988–89 hunting season.

The State of Michigan raised no objections to the hunting regulations requested for ceded lands in the State's Upper Peninsula. However, in a June 23, 1988 letter from the Minnestoa Department of Natural Resources, Roger Holmes, Wildlife Section Chief, stated that the State is opposed to specail migratroy bird hunting regulations for Chippewa Indians on ceded lands in Minnesota. In the letter, he acknowledged that the Minnesota Chippewa Tribe has established the right to hunt on certain reservations free of State interference. However, Mr. Holmes expressed the opinion that this right does not extend to ceded lands in Minnesota or to hunting migratory birds outside of the Federal frameworks. The Service notes the continued opposition of Minnesota to special seasons on ceded lands in the State but believes that they are appropriate if carefully regulated. Accordingly, the Service intends to consult further with Minnesota State officials and tribal representatives with the aim of striving for agreement on off-reservation hunting regulations for the 1988–89 hunting season.

A. Ducks

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin State season.

Daily Bag and Possession Limits: Same as permitted Wisconsin under final Federal frameworks to be announced.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

Special Scaup—only Season

Wisconsin and Minnesota Zones: Same dates, season length, and daily bag and possession limits permitted Wisconsin under final Federal frameworks to be announced.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks.

B. Canada Geese

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 3 daily. Possession limit 6.

Michigan Zone

Season Dates: Same dates and season length permitted Michigan under final Federal frameworks to be announced.

Daily Bag and Possession Limits: 3 daily Possession limit 6.

C. Other Geese (Blue, Snow, and White-fronted Geese

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: Same as permitted Wisconsin under final Federal frameworks to be announced.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final frameworks to be announced.

D. Coots and Common Moorhens (Common Gallinule)

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 20 daily, singly or in the aggregate. Possession limit 40.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

E. Sora and Virginia Rails

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 25 daily, singly or in the aggregate. Possession limit 25.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

F. Common Snipe

Wisconsin and Minnesota Zones:

Season Dates: Begin September 19. End with closure of Wisconsin duck season.

Daily Bag and Possession Limits: 8 daily. Possession limit 16.

Michigan Zone: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

G. Woodcock

Wisconsin and Minnesota Zones:

Season Dates: September 10-November 14.

Daily Bag and Possession Limits: 5 daily. Possession limit 10.

Michigan Zones: Same dates, season length, and daily bag and possession limits permitted Michigan under final Federal frameworks to be announced.

H. General Conditions

1. While hunting waterfowl a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Tribal members will comply with all basic Federal migratory bird hunting regulations, 50 CFR Part 20, and shooting hour regulations, 50 CFR Part 20, Subpart K.

3. Nontoxic shot will be required for all off-reservation hunting by tribal members of waterfowl, coots, moorhens, and gallinules.

4. Tribal members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

5. *Wisconsin Zone.* Tribal members will comply with NR 10.09(1)(a) (2) and (3), Wis. Adm. Code (shotshells), sec. NR 10.12(1)(C), Wis. Adm. Code (shooting from structures), sec. NR 10.12(1)(g), Wis. Adm. Code (decoys), and sec. 29.27 Wis. Stats. (duck blinds). The Canada goose season at Powell Marsh will begin on September 19. A tribal quota of 25 Canada geese will be in effect until September 25, or until daily censuses by Great Lakes Indian Fish and Wildlife Commission or Wisconsin Department of Natural Resources employees indicate that at least 300 Canada geese are in the area, whichever comes first. If the tribal quota is reached before September 25 or before 300 Canada geese are present, Powell Marsh will be closed to tribal hunting until September 25. Thereafter, the tribal season will resume without a quota and with a daily bag limit of 3 Canada geese.

6. Minnesota Zone. Tribal members will comply with M.S. 100.29, Subd. 18 (duck blinds and decoys).

7. Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with sec. NR 19.12, Wis. Adm. Code. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

8. Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana

Last year, publication of special migratory bird hunting regulations for the Flathead Indian Reservation was delayed because of jurisdictional questions concerning regulation of hunting by nontribal members on reservation lands owned by non-Indians. However, the tribes and the State of Montana eventually reached agreement for the 1987–1988 hunting season, and the Service published the regulations in the November 10, 1987 **Federal Register** (52 FR 43308).

In a proposal received May 24, 1988, the Confederated Salish and Kootenai Tribes requested special waterfowl hunting regulations for the reservation for the 1988–89 hunting season. The proposal requested the same waterfowl and coot hunting regulations that will be established for the Pacific Flyway portion of Montana and included provision for the customary early closure of the goose season on a portion of the reservation.

In a June 24, 1988 letter, James W. Flynn, Director, Montana Department of Fish, Wildlife and Parks, stated that the Confederated Salish and Kootenai Tribes and the State of Montana are working toward a long-term agreement. In his letter, Mr. Flynn stressed that there were some minor differences to be resolved but that he is confident that they can be worked out as they were last year so that regulations throughout the reservation are uniform and enforcement is by mutual consent.

The Service is pleased that negotiations between the Confederated Salish and Kootenai Tribes and Montana are progressing satisfactorily and urges that agreement be reached in time to include the 1988–89 migratory bird hunting regulations for the Flathead Indian Reservation in the final rule scheduled for publication in mid-August.

Public Comment Invited

Based on the results of recently completed migratory game bird studies, and having due consideration for any data or views submitted by interested parties, this proposed rulemaking may result in the adoption of special hunting regulations beginning as early as September 1, 1988 on certain Federal Indian reservations, off-reservation trust lands, and ceded lands. Taking into account both reserved hunting rights and the degree to which tribes have full wildlife management authority, the regulations for tribal or for both tribal members and nontribal members may differ from those established by States in which the reservations, off-reservation trust lands, and ceded lands are located. The regulations will specify open season, shooting hours, and bag and possession limits for rails, gallinules (including moorhen), woodcock, common snipe, band-tailed pigeons, mourning doves, white-winged doves, ducks (including mergansers), and geese.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. Therefore, he desires to obtain the comments and suggestions on these proposals from the public, other concerned governmental agencies, tribal and other Indian organizations, and private interests, and he will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances in the establishment of these regulations limit the amount of time that the Service can allow for public comments. Two considerations compress the time in which this rulemaking process must operate: the need, on the one hand, for tribes and the Service to establish final regulations before September 1, 1988, and on the other hand, the unavailability before late July of specific reliable data on this year's status of waterfowl. Therefore, the Service believes that to allow a comment period past August 8, 1988 is contrary to the public interest.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Director, (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 536, Matomic Building, Washington, DC 20240. Comments received will be available for public inspection during normal business hours at the Service's Office of Migratory Bird Management in Room 536, Matomic Building, 1717 H Street, NW. Washington, DC 20240. All relevant comments on the proposals received no later than August 8, 1988 will be considered.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). A supplement to the final environmental statement "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88–14)", was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582) and June 17, 1988 (53 FR 22727). In addition, an August 1985 environmental assessment entitled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the Service.

Nontoxic Shot Regulations

On December 14, 1987 (at 53 FR 47428), the Service proposed nontoxic shot zones for the 1988–89 waterfowl hunting season. This proposed rule was sent to all affected tribes and to Indian organizations for comment. The final rule on nontoxic shot zones for the 1988–89 hunting season was published on June 28, 1988 in the **Federal Register** (53 FR 24284). All of the proposed hunting regulations covered by this proposed rule are in compliance with the Service's nontoxic shot restrictions.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" (and) shall insure that any action authorized, funded or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of (critical) habitat * * *." Consequently, the Service has initiated section 7 consultation under the Endangered Species Act for the proposed hunting seasons on Federal Indian reservations and ceded lands.

Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act

In the **Federal Register** dated March 9, 1988 (53 FR 7702), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291, and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available on request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 536, Matomic Building, Washington, DC 20240. As noted in the **Federal Register**, the Service plans to issue its Memorandum of Law for migratory bird hunting regulations at the same time the first of the annual hunting rules is completed. This rule does not contain any information collection requiring approval by OMB under 44 U.S.C. 3504.

Authorship

The primary author of this proposed rulemaking is Fant W. Martin, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

List of Subjects in 50 CFR Part 20.

Exports, Hunting, Imports, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1988–89 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), as amended.

Date: July 19, 1988.

Susan Recce,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88–16519 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 53, No. 141
Friday, July 22, 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

Office of the Secretary

Agricultural Biotechnology Research Advisory Committee, Working Group on Biocontainment; Change of Meeting Place

In accordance with the Federal Advisory Committee Act of October, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the U.S. Department of Agriculture (USDA), Science and Education, announces the following change in meeting place of the working group on biocontainment of the Agricultural Biotechnology Research Advisory Committee (ABRAC).

In the **Federal Register** of July 11, 1988 (53 FR 26094), the USDA published a notice announcing the time and place for a meeting of the Working Group on Biocontainment of the ABRAC. This notice announces a change in the meeting place of the Working Group on Biocontainment as announced in the previous notice. The time of the meeting is unchanged.

The Working Group on Biocontainment will meet at the U.S. Department of Agriculture, Conference Room 338–C, Aerospace Building, 901 D Street SW., Washington, DC 20024 on August 11–12, 1988, from approximately 9:00 a.m. to 5:00 p.m. on August 11, and approximately 9:00 a.m. to adjournment at approximately 3:00 p.m. on August 12 to discuss biological containment and confinement in agriculture biotechnology research.

This working group meeting is open to the public. Attendance by the public will be limited to space available.

Further information may be obtained from Dr. Alvin L. Young, Executive Secretary, Agricultural Biotechnology Research Advisory Committee, Office of Agricultural Biotechnology, Room 321–A, Administration Building, 14th Street and Independent Avenue SW., Washington, DC 20250, telephone (202) 447–9165.

Date: July 14, 1988.

Orville G. Bentley,

Assistant Secretary, Science and Education.

[FR Doc. 88–16526 Filed 7–21–88; 8:45 am]

BILLING CODE 3410–22–M

Animal and Plant Health Inspection Service

[Docket No. 88–114]

Boll Weevil Eradication Programmatic Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document advises the public that the Animal and Plant Health Inspection Service intends to prepare an environmental impact statement (EIS) for the Federal/cooperative Boll Weevil Eradication program. This document also requests comments and gives notice of scoping meetings, to allow for public involvement in the scoping process as the first step in the development of the EIS. The impacts on the environment of the eradication of boll weevil will be evaluated in the EIS.

DATES: Written comments must be received by September 2, 1988. Scoping meetings concerning issues affecting the development of the EIS will be held in Montgomery, Alabama, on August 1, 1988; in Lubbock, Texas, on August 3, 1988; and in Phoenix, Arizona, on August 5, 1988.

ADDRESSES: Send an origianl and two copies of written comments concerning issues to be addressed during development of the EIS to Michael T. Werner, Environmental Specialist, Biotechnology and Environmental Coordination Staff (BECS), APHIS, USDA, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. Please state that your comments refer to Docket No. 88–114. Comments received may be inspected at Room 1147 of the U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, DC 20250, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. The scoping meetings will be held at the following locations: (1) Alabama Department of Agriculture, Richard Beard Building, 1445 Congressman W.L. Dickerson Drive, Montgomery, Alabama 36193 on August 1, 1988; (2) city of Lubbock Civic Center, 1501 6th Street, Lubbock, Texas 79401 on August 3, 1988; and (3) Cooperative Agricultural Extension Service, 4341 East Broadway, Phoenix, Arizona 85040, on August 5, 1988.

FOR FURTHER INFORMATION CONTACT: Michael T. Werner, Environmental Specialist, BECS, APHIS, USDA, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–7602.

SUPPLEMENTARY INFORMATION: This document requests comments and gives notice of scoping meetings by the Animal and Plant Health Inspection Service (APHIS) to allow the public involvement in the scoping process as the first step in the development of a programmatic environmental impact statement (EIS) for the Federal/cooperative Boll Weevil Eradication program. Accordingly, comments at the scoping meetings and written comments by mail are invited from the public; from Federal, State, and local agencies that have an interest in APHIS or related programs; and from Federal and State agencies that have either jurisdiction by law or special expertise regarding any national program issue or environmental impact that should be discussed in the EIS.

Scoping Process/Procedures for Scoping Meetings

The initial step in the process of EIS development is scoping. Scoping includes solicitation of public involvement in the form of either written or oral comments, and evaluation of those comments. This process is used for determining the scope of issues to be addressed and for identifying the significant issues related to the Federal/cooperative Boll Weevil Eradication program.

A representative of APHIS will preside at the scoping meetings, where comments will be taken concerning any issue that would be relevant for consideration during preparation of the EIS. Interested persons may appear and be heard in person or by attorney or other representative.

Each meeting will begin at 9:00 a.m. and is scheduled to end at 4:00 p.m., local time. However, a meeting may be ended earlier if all persons who are

present and who have requested an opportunity to speak have been heard. Persons who wish to speak should register with the presiding officer before the meeting. Pre-meeting registration will be conducted at each meeting location from 8 a.m. to 9:00 a.m. on the meeting date. Registered persons will be heard in the order of their registration. However, other persons who wish to speak at the meeting will be afforded that opportunity after the registered persons have been heard. It is requested that three copies of any written statements that are presented be provided to the presiding officer at the meeting. If the number of preregistered persons and other participants at the meeting warrants, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak an opportunity to be heard.

Background

The boll weevil was introduced to the United States in 1892 near Brownsville, Texas. From that point of introduction the weevil spread quickly, and by 1922, it had completely infested a region known since then as the Boll Weevil Belt. This area involves nearly 11 million acres of cotton.

As the boll weevil spread eastward and westward from its point of origin, it caused more damage than any other cotton pest. It is currently the most important agricultural pest in the United States, responsible for more than $300 million in annual losses and control costs for cotton. The damage caused by the boll weevil and other pests has been estimated to be 7 to 20 percent of the U.S. crop.

In infested areas, economic losses can be prevented only by intensive use of chemicals by growers. Frequently, these chemicals must be applied repeatedly throughout the growing season to control weevils and any resulting secondary pests. Within the proposed program area, the boll weevil may be indirectly responsible for much of the damage caused by the bollworm (*Heliothis zea*, Boddie), the tobacco budworm (*Heliothis virescens*, Fabricus), and spider mites, because insecticides used to control the boll weevil destroy many of the natural enemies of these species. This, in turn, often results in higher crop losses and even more intensive use of insecticides to protect the crop from these pests. This boll weevil cycle results in very few grower options for using pest management control strategies against other pests.

APHIS initiated a Boll Weevil Eradication Trial in North Carolina and Virginia during 1978 through 1982. That trial demonstrated that boll weevil can be eradicated, and, further, that the eradication of the boll weevil can also increase the value of land not previously planted for cotton production. The success of this trial program on nearly 40,000 acres resulted in program expansion to other cotton producing areas. A significant benefit of the program is the decline in cotton insecticide application for the eradication zone following the program. The decline in pesticide usage was estimated to be 55 percent. In the buffer zone, that area immediately outside of the eradication zone, private insect control expenditures also declined by about 14 percent.

APHIS has cooperated in three isolated Boll Weevil Eradication programs: Southeast, Texas High Plains, and Southwest. Because of the need to protect control areas from reinfestation, APHIS has cooperated with the Government of Mexico to control boll weevil in Mexican cotton fields adjacent to the U.S. border. Because of the success of the trial program and the relative success of the three cooperative programs, and the desire to instill more uniformity in the boll weevil eradication effort, APHIS proposes to implement a boll weevil eradiction effort that covers the entire Boll Weevil Belt. The scope of that program, and the multi-year nature of the endeavor, triggers the need for a comprehensive, programmatic EIS.

Alternatives

The following alternative methods of control for boll weevil are to be considered in the EIS: (1) No Action; (2) Sterile Insect Technique (SIT); (3) Cultural; (4) Chemical; (5) Integrated Pest Management (IPM); (6) Limited Federal intervention, such as provision of guidance for instruction to growers concerning management practices, including avoiding planting cotton near sensitive areas; (7) Direct Subsidy to cotton growers to control boll weevils with Federal guidance as to control practices; and (8) Boll weevil suppression.

Major Issues

The following are some of the major issues to be discussed in the EIS:

(1) Impacts of the alternatives on the biological environment, including target and nontarget species;

(2) Impacts of the alternatives on the physical environment, including soil, water quality, and air quality.

(3) Impacts of the alternatives on other aspects of the human environment, such as wilderness areas, domestic animals, recreation, public health and safety, the cultural environment, public attitudes, energy, and the economy.

Preparation of EIS

Following scoping, a draft programmatic EIS will be developed. A "notice of availability" will be published in a subsequent **Federal Register** notice.

Done in Washington, DC, this 19th day of July 1988.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-16675 Filed 7-21-88; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: August 12, 1988.

Place: Butler Square West, 5th Floor, 100 North Sixth Street, Minneapolis, Minnesota 55403.

Time: 8:30 a.m.

Purpose: To provide advice to the Administrator of the Federal Grain Inspection Service on the efficient and economical implementation of the U.S. Grain Standards Act of 1976 and to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) Grandy Amendment concerning export condition of grain; (2) end-use value report; (3) updates on oil and protein content in soybeans, CuSum, and wheat classification; (4) Grain Insect Interagency Task Force report; (5) financial matters; (6) FGIS mission and strategic planning; and (7) other matters.

The meeting will be open to the public. Public participation will be limited to written statements unless otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting or submit written statements before or at the meeting should contact W. Kirk Miller, Administrator, FGIS, U.S. Department of Agriculture, P.O. Box 96454, Washington, DC 20090-6454, telephone (202) 382-0219.

Dated: July 18, 1988.

W. Kirk Miller,

Administrator.

[FR Doc. 88-16601 Filed 7-21-88; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

Kenai Management Area Analysis

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service will prepare an environmental impact statement for proposed activities to occur under Management Area Analysis for the Kenai Management Areas on the Chugach National Forest, Alaska.

DATE: Comments concerning the scope of the analysis should be received by September 12, 1988.

ADDRESSES: Written comments and suggestions concerning the scope of the analysis must be sent to Dalton Du Lac, Forest Supervisor, Chugach National Forest, 201 E. Ninth Avenue, Anchorage, AK 99501.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and environmental impact statement should be directed to Fred Patten, Forest Planner, Chugach National Forest 201 E. Ninth Avenue, Anchorage, Alaska 99501, phone 907–271–2557.

SUPPLEMENTARY INFORMATION: The Chugach National Forest Land and Resource Management Plan was completed in July 1984. A Settlement Agreement to the appeal of the Forest Plan was signed November 26, 1985. That Settlement Agreement requires completion of Management Area Analysis for each of the nine management areas in the Forest Plan. The Settlement Agreement called for Management Area Analysis to be tiered to the Forest Plan EIS, be consistent with the terms of the Agreement, and may result in an amendment or revision of the Forest Plan pursuant to 36 CFR 219.10 (e), (f) or (g) (1987).

Management Area Analysis will further specify if, how, when and where management activities specified by area in the Forest Plan are to be implemented for the life of the current Plan. Resource information needed to manage these Forest lands will be evaluated and updated where possible and appropriate so that cumulative effects of proposed management activities can be estimated.

Specific topics to be addressed in the Management Area Analysis include; minerals area management, recreation opportunities, timber management including salvage of beetle killed trees, wildlife and fisheries habitat improvement opportunities, subsistence requirements set forth in section 810 of ANILCA, transportation planning, effects of land selections on the Management Areas, additional standards and guidelines and environmental impacts of proposed activities.

A range of alternatives for the Management Area will be considered. One of them will be no further development in the area. Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, state, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement (DEIS). The scoping process will include:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternative (i.e. direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.

The draft environmental impact statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by September 1, 1989. At that time EPA will publish a notice of availability of the DEIS in the **Federal Register.**

The comment period on the draft environmental impact statement (DEIS) will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register.** It is very important that reviewers participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality (CEQ) Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition Federal Court decisions have established that reviewers of DEIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). NEPA case law supports the proposition that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement (FEIS). *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

After the comment period ends, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by December 1988. The Forest Service is required to respond in the FEIS to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and rationale in the Record of Decision. That decision will be subject to appeal under 36 CFR 211.18.

Date: July 13, 1988.

Jan Deleo,

Acting Forest Supervisor.

[FR Doc. 88–16507 Filed 7–21–88; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronic Instrumentation Technical Advisory Committee; Partially Close Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held August 17 and 18, 1988, in the Herbert C. Hoover Building, 14th & Constitution Avenue NW., Washington, DC.

The August 17 meeting will convene in Room B–841 at 9:00 a.m. On August 18, the meeting will reconvene at 9:00 a.m. and continue to its conclusion in Room B–841 of the Herbert C. Hoover Building. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls

applicable to electronics and related equipment and technology.

General Session

1. Opening remarks by the Chairman.

2. Presentation of papers or comments by the public.

3. Public discussion on any other matters related to activities of the Electronic Instrumentation Technical Advisory Committee.

Comments should consider the need for revision (strengthening, relaxation or decontrol) of the current regulations based on technological trends, foreign availability and national security.

Executive Session

4. Discussion on matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to pubic meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes, contact Betty Anne Ferrell, (202) 377–2583.

Dated: July 18, 1988.

Betty Anne Ferrell,

Acting Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 88–16511 Filed 7–21–88; 8:45 a.m]

BILLING CODE 3510–DT–M

International Trade Administration

[A–428–801 et al.]

Postponement of Preliminary Antidumping Duty Determinations; Antifriction Bearings, and Parts Thereof, From the Federal Republic of Germany, France, Italy, Japan, Romania, Singapore, Sweden, Thailand, and the United Kingdom

In the matter of A–428–801, A–427–801, A–475–801, A–588–804, A–485–801, A–559–801, A–401–801, A–549–801, and A–412–801.

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is postponing its preliminary determinations in the antidumping duty investigation of antifriction bearings, and parts thereof, (antifriction bearings) from The Federal Republic of Germany, France, Italy, Japan, Romania, Singapore, Sweden, Thailand, and The United Kingdom. The statutory deadline for issuing these preliminary determinations is no later than October 27, 1988.

EFFECTIVE DATE: July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman (202–377–2438) or Gary Taverman (202–377–0161), Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On April 20, 1988, the Department initiated antidumping duty investigations of antifriction bearings from The Federal Republic of Germany, France, Italy, Japan, Romania, Singapore, Sweden, Thailand, and The United Kingdom. The notices stated that we would issue our preliminary determinations on or before September 7, 1988 (53 FR 15073–15082, April 27, 1988).

We determine that these cases are extraordinarily complicated because they involve unusually large numbers of sales transactions, there are an extraordinarily large number of different products involved, there is further processing by the respondents' U.S. subsidiaries before sale to an unrelated party, and because we are investigating allegations that home market sales are being made below the cost of production. We have determined that the parties concerned are cooperating and that additional time is necessary to make preliminary antidumping duty determinations.

For these reasons, we determine that these investigations are extraordinarily complicated in accordance with section 733(c)(1)(B)(i) of the Tariff Act of 1930, as amended (the Act), and that additional time is necessary to make these preliminary determinations in accordance with section 733(c)(1)(B)(ii) of the Act. The statutory deadline for issuing these preliminary determinations is no later than October 27, 1988.

This notice is published pursuant to section 733(c)(2) of the Act.

July 15, 1988.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 88–16564 Filed 7–21–88; 8:45 am]

BILLING CODE 3510–DS–M

[C–122–803]

Preliminary Negative Countervailing Duty Determination; Thermostatically Controlled Appliance Plugs and Internal Probe Thermostats Therefor From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Canada of thermostatically controlled appliance plugs and internal probe thermostats therefor (the subject merchandise) as described in the "Scope of Investigation" section of this notice. We have notified the U.S. International Trade Commission (ITC) of our determination. If this investigation proceeds normally, we will make a final determination by October 3, 1988.

EFFECTIVE DATE: July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Carole Showers or Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–3217 or 377–0161.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation, we preliminarily determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers,

or exporters in Canada of the subject merchandise.

Case History

Since the publication of the Notice of Initiation in the **Federal Register** (53 FR 16751, May 11, 1988), the following events have occurred. On May 24, 1988, we sent a questionnaire to the Government of Canada in Washington, DC, concerning petitioner's allegations. On June 10, 1988, ATCO Controls, Inc. (ATCO), the respondent company in this investigation, filed a timely request for exclusion from any countervailing duty order (*see* section on exclusion request below). On June 23, 1988, we received a response from the Government of Canada, the Province of Ontario, and ATCO. On July 11, 1988, we sent a deficiency questionnaire to the government, the province, and the respondent company, and received a response to this questionnaire on July 15, 1988.

Since Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Canada materially injure, or threaten material injury to, a U.S. industry. On May 31, 1988, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of the subject merchandise (53 FR 21532, June 8, 1988).

On June 16, 1988, the petitioner filed a request that the preliminary determination be postponed for seven days. Pursuant to section 703(c)(1)(A) of the Act, we postponed the preliminary determination to no later than July 18, 1988 (53 FR 24990, July 1, 1988).

Exclusion Request

On June 10, 1988, in accordance with § 355.38 of the Commerce regulations (19 CFR 355.38), ATCO, the only known producer and exporter of the subject merchandise in Canada, requested exclusion from any possible countervailing duty order which might result from this investigation. In its exclusion request, ATCO claimed not to have benefitted from any of the subsidy programs under investigation during the review period. On June 30, 1988, we sent a letter to the Embassy of Canada explaining the requirements for government certification of an exclusion request. We confirmed that a company would be eligible for exclusion if it either did not benefit, or benefitted only at a *de minimis* level overall, in the programs under investigation. We also informed the Canadian government that it was required to certify either non-use by the company of the alleged subsidy programs, or that the overall net benefit received under these programs during the review period was *de minimis*. We received the government certification on July 15, 1988.

Based upon our analysis of the response submitted by ATCO and of the government certification, we preliminarily determine that ATCO would qualify for exclusion. However, exclusion is only relevant within the context of an affirmative determination for which there would be an estimated net subsidy rate and corresponding provisional measures from which to be excluded. In this investigation, since ATCO is the only respondent company and, according to its response, it did not receive any benefits under any of the alleged subsidy programs, we have found the preliminary estimated net subsidy to be zero. Therefore, for purpose of this preliminary negative determination, the exclusion provision does not apply.

Scope of Investigation

The products covered by this investigation are thermostatically controlled appliance plugs and internal probe thermostats therefor. For purposes of this investigation, the term thermostatically controlled appliance plug refers to any device designed to connect an electrical outlet (typically a common wall receptable) 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 internal 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. The products are currently provided for under *Tariff Schedules of the United States Annotated* item numbers 711.7820 and 711.7840 and under Harmonized System item numbers 9032.10.00, 9032.20.00, 9032.89.60, 9032.90.60, and 9033.00.00.

Analysis of Programs

Consistent with our practice in preliminary determinations, when a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses, however, are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

For purposes of this preliminary determination, the period for which we are measuring subsidies (the review period) is August 1, 1986 to July 31, 1987 (ATCO's fiscal year). Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that manufacturers, producers, or exporters in Canada of the subject merchandise did not apply for, claim, or receive benefits during the review period for exports of the subject merchandise to the United States under the following programs:

A. Federal Programs

2. *Certain Types of Investment Tax Credits.* There are several categories of investment tax credits in Canada. A basic seven percent tax credit is available throughout Canada for qualified property, and transportation and construction equipment acquired before 1987. Additional tax credits are available to encourage investment in certain designated regions of Canada and for investment in scientific research and industrial research and development.

2. *Community-based Industrial Adjustment Program.* The community-based industrial adjustment program (CIAP) was established to encourage firms to undertake viable capital projects in designated communities that were affected by serious industrial relocation. Assistance was provided in the form of grants or loans covering a certain percentage of the costs associated with the CIAP project. According to the response, the program was terminated in 1984.

3. *Programs for Export Market Development and Promotional Projects.* The Program for Export Market Development (PEMD) has two major components: (1) Industry-initiated support for export market development, and (2) government-initiated support in

organizing and sponsoring international trade fairs and missions. Assistance is provided in the form of interest-free loans. According to the response, the Promotional Projects Program was the predecessor of PEMD.

4. *Regional Development Incentives Program.* The Regional Development Incentives Program (RDIP) was established to stimulate increased economic activity, industrial expansion, and employment opportunities in certain designated areas of Canada. Assistance was provided in the forms of grants and loan guarantees. According to the response, the program was terminated in 1983.

5. *Industrial and Regional Development Program.* The Industrial and Regional Development Program (IRDP) replaced previous programs of support such as RDIP. It was established to promote industrial development in certain designated regions of Canada. Assistance is provided in the forms of grants or loans, with the amount of the benefit varying between regions.

6. *Export Credit Financing.* The Export Development Corporation provides export credit financing of Canadian exporters and foreign buyers in order to facilitate and develop export trade.

B. Joint Federal-Provincial Programs

1. *Agricultural and Rural Development Agreements.* Agricultural and Rural Development Agreements (ARDA) (both regular and special) are joint federal/provincial efforts to promote economic development and to alleviate conditions of social and economic disadvantage in certain rural areas. ARDA assistance is provided in the form of grants.

2. *General Development Agreements.* General Development Agreements (GDA) enabled the federal government to work with provincial governments in formulating a basic strategy for economic development by establishing various programs, delineating administrative procedures, and setting our relative funding commitments. Assistance was provided in the form of grants. According to the response, all GDAs expired in 1984.

3. *Economic and Regional Development Agreements.* Economic and Regional Development Agreements (ERDA) are essentially a continuation of the GDAs. ERDA assistance, which is provided in the form of grants, is directed at providing or improving the infrastructure needed to encourage private sector investment and to create employment opportunities.

c. Provincial Program

Ontario Development Corporation (ODC). The Ontario Development Corporation (ODC) was established to assist in the development and diversification of industry in Ontario. Assistance is provided in the forms of loans (including export loans), loan guarantees, and grants.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 75 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 355.35, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination on September 7, 1988, at 3:00 p.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Assistant Secretary for Import Administration, Room B-099, at the above address within ten days of the publication of this notice in the **Federal Register.**

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of the business proprietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Assistant Secretary by August 31, 1988. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 355.34, written views will be considered if received not less than 30 days before the final determination is due or, if a hearing is held, within seven days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

July 18, 1988.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 88-16565 Filed 7-21-88; 8:45 am]

BILLING CODE 3510-DS-M

[C-557-802]

Preliminary Negative Countervailing Duty Determination; Thermostatically Controlled Appliance Plugs and Internal Probe Thermostats Therefor From Malaysia

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that no benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Malaysia of thermostatically controlled appliance plugs and internal probe thermostats therefor (the subject merchandise) as described in the "Scope of Investigation" section of this notice. If this investigation proceeds normally, we will make our final determination on or before October 3, 1988.

EFFECTIVE DATE: July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-0187 or 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation, we preliminarily determine that no benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Malaysia of the subject merchandise.

Case History

Since the publication of the Notice of Initiation in the **Federal Register** (53 FR 16753, May 11, 1988), the following

events have occurred. On May 18, 1988, we presented a questionnaire to the Government of Malaysia in Washington, DC, concerning petitioner's allegations. On June 20, 1988, we received a response from the Government of Malaysia and a response from Power Electronics Sdn. Bhd. (Power Electronics). On July 1, 1988, we delivered a supplemental/deficiency questionnaire to the Government and the respondent company, and received a response on July 8, 1988.

On June 16, 1988, the petitioner filed a request that the preliminary determination be postponed for seven days. Pursuant to section 703(c)(1)(A) of the Act, we postponed the preliminary determination to no later than July 18, 1988 (53 FR 24990, July 1, 1988).

Scope of Investigation

The products covered by this investigation are thermostatically controlled appliance plugs and internal probe thermostats therefor. For purposes of this investigation, the term thermostatically controlled appliance plug refers to any device designed to connect an electrical outlet (typically a common wall receptacle) 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 internal 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. The products are currently provided for under *Tariff Schedules of the United States Annotated* item numbers 711.7820 and 711.7840 and under Harmonized System item numbers 9032.10.00, 9032.20.00, 9032.89.60, 9032.90.60, and 9033.00.00.

Analysis of Programs

Consistent with our practice in preliminary determinations, when a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses, however, are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a bounty or grant in the final determination.

For purposes of this preliminary determination, the period for which we are measuring bounties or grants ("the review period") is calendar year 1987, which corresponds to the fiscal year of the respondent company. Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that manufacturers, producers, or exporters in Malaysia of the subject merchandise did not apply for, claim or receive benefits during the review period for exports of the subject merchandise to the United States under the following programs:

A. Export Tax Incentives

1. Abatement of Taxable Income Based on the Ratio of Export Sales to Total Sales and an Abatement of Five Percent of the Value of Indigenous Materials Used in Exports. The Investment Incentives Act of 1968 provided for an abatement of taxable income based on the ratio of export sales to total sales. This law was repealed effective January 1, 1986, and replaced by the Promotion of Investments Act of 1986. Among other incentives, the new law provides for an abatement of adjusted income for exports. The amount of adjusted income to be abated is: (a) A rate equivalent to 50 percent of the ratio of export sales to total sales; and (2) five percent of the value of indigenous Malaysian materials incorporated in the manufacture of exported products. This program is not available to companies still participating in programs under the repealed Investment Incentives Act of 1968, including pioneer status, or to companies granted pioneer status or an investment tax allowance under the Promotion of Investments Act of 1986.

2. Allowance of Taxable Income of Five Percent for Trading Companies Exporting Malaysian-made Products. Under the Promotion of Investments Act of 1986, an allowance of five percent of the F.O.B. value of export revenues is available to trading companies and agricultural companies exporting Malaysian-made products. This program is not available to companies still participating in programs under the repealed Investment Incentives Act of 1968, including Pioneer Status, or to companies granted pioneer status or an investment tax allowance under the Promotion of Investments Act of 1986.

3. Double Deduction for Export Credit Insurance Payments. The Income Tax Act of 1967, as amended, provides for a deduction to be taken on a company's tax return for the cost of export credit insurance in addition to a similar deduction allowed on a company's financial statement.

4. Double Deduction for Export Promotion Expenses. Section 41 of the Promotion of Investments Act of 1986 allows companies to deduct expenses related to the promotion of exports twice, once on the financial statement and again on the income tax form.

5. Allowance of a Percentage of Net Taxable Income Based on the F.O.B. Value of Export Sales. Effective in 1984, section 29 of the Investment Incentives Act of 1968 was amended to allow for a flat deduction of five percent of export revenues (based on F.O.B. value) from taxable income. Due to the enactment of the Promotion of Investments Act of 1986, this program currently applies only to trading companies and agricultural companies. This program is not available to companies still participating in programs under the repealed Investment Incentives Act of 1968, including pioneer status, or to companies granted pioneer status or an investment tax allowance under the Promotion of Investments Act of 1986.

6. Industrial Building Allowance. Sections 63–66 of the Income Tax Act of 1967, as amended, allow an income tax deduction for a percentage of the value of constructed or purchased buildings used in manufacturing. In 1984, this allowance was extended to include buildings used as warehouses to store finished goods ready for export or imported inputs to be incorporated into exported goods.

B. Other Export Incentives

1. Export Credit Refinancing. The Bank Negara Malaysia, the central bank of Malaysia, provides pre- and post-shipment financing of exports through commercial banks for periods of up to 120 and 180 days, respectively. The Bank offers order-based financing on specific shipments, as well as "certificate of performance" financing, which is a credit line based on the previous 12 months' export performance.

2. Export Insurance Program. Export credit insurance is provided by Malaysian Export Credit Insurance, Bhd. (MECIB). Established under the Malaysian Companies Act of 1965,

MECIB is owned jointly by the Government of Malaysia (53. 6 percent) and by commercial banks and insurance companies (46.4 percent). MECIB provides insurance only to cover commercial and political risks.

C. Other Tax Incentives

1. Pioneer Status Under the Investment Incentives Act of 1968. Pioneer status under this Act, as amended, is available to companies producing a product (1) with favorable prospects for further development, including development for export, or (2) currently being produced in insufficient quantities to meet the development needs of Malaysia, including export. Benefits granted under pioneer status include exemptions on the portion of income derived from sales of the pioneer product from the following: (1) The 40 percent corporate income tax; (2) the five percent development tax; (3) the three percent excess profits tax; and (4) the 40 percent dividend tax. Pioneer status benefits are available for a period of up to five years and may be extended for up to an additional three years. This program is not available to companies granted pioneer status under the Promotion of Investments Act of 1986.

2. Pioneer Status Under the Promotion of Investments Act of 1986. As stated above, the Promotion of Investments Act of 1986 replaced the Investment Incentives Act of 1968. The primary changes in the pioneer status program under the new law are as follows: (1) The initial grant of pioneer status is five years for all companies, regardless of their level of investment; (2) the product must be on the "promoted product" or "promoted activities" list; (3) specific one-year extensions for location, priority products, and Malaysian content have been eliminated; (4) extensions are now granted for five years if the product is on the "promoted product" list for extensions and the company meets certain investment, employment, or development criteria; and (5) pioneer status may also be provided to non-corporate entities such as cooperative societies, associations, etc. This program is not available to companies granted pioneer status under the Investment Incentives Act of 1968.

3. Investment Tax Allowance. The Promotion of Investments Act of 1986 provides for an investment tax allowance, limited by the amount of actual expenses, for qualifying capital expenditures. This program is not available to companies granted pioneer status under the Investment Incentives Act of 1986 or under the Promotion of Investments Act of 1986.

4. Accelerated Depreciation Allowance. The Income Tax Act of 1967, as amended in 1979, provides for an accelerated depreciation allowance of 40 percent for qualifying expenditures. This program is not available to companies granted pioneer status under the Investment Incentives Act of 1968 or under the Promotion of Investments Act of 1986.

5. Reinvestment Allowance. The Income Tax Act of 1967, as amended in 1979, provides for a reinvestment allowance of 25 percent for capital expenditures on a factory, plant or machinery. This program is not available to companies granted pioneer status under the Investment Incentives Act of 1968 or under the Promotion of Investments Act of 1986.

D. Medium- and Long-term Government Financing

Medium- and long-term financing is provided by the following institutions:

- The Industrial Development Bank of Malaysia (IDBM).
- The Development Bank of Malaysia (DBM).
- The Borneo Development Corporation (BDC).
- The Sabah Development Bank (SDB).

IDBM, which is wholly owned by the Government of Malaysia, provides financing primarily to the shipping industry, whereas the main objective of DBM is to promote businesses owned by Bumitputras (native Malaysians not of Chinese or Indian descent). BDC was established to promote industrial development in the Sabah and Sarawak states; each state has a 50 percent ownership in the bank. SDB, wholly owned by the State of Sabah, was established to promote economic development in that state.

E. Reduction in the Cost of State Land for New Industry

Certain states may reduce the price of state land in order to attract investment and development.

F. Preferential Financing for Bumiputras

The DBM provides medium- and long-term financing as well as guarantees for industrial equipment loans to Bumiputras.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

Public Comment

In accordance with 19 CFR 355.35, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination on September 7, 1988, at 1:00 p.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Assistant Secretary for Import Administration, Room B–099, at the above address within ten days of the publication of this notice in the **Federal Register**.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of the business proprietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Assistant Secretary by August 31, 1988. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 355.34, written views will be considered if received not less than 30 days before the final determination is due or, if a hearing is held, within seven days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

July 18, 1988.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 88–16566 Filed 7–21–88; 8:45 am]

BILLING CODE 3510–DS–M

[C–583–802]

Preliminary Affirmative Countervailing Duty Determination; Thermostatically Controlled Appliance Plugs and Internal Probe Thermostats Therefor From Taiwan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Taiwan of thermostatically controlled appliance plugs and internal probe thermostats therefore, as described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 8.80 percent *ad valdorem.*

We have notified the U.S. International Trade Commission (ITC) of our determination. We are directing

the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Taiwan, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and to require a cash deposit or bond on entries of these products in the amount equal to the estimated net subsidy. If this investigation proceeds normally, we will make our final determination on or before October 3, 1988.

EFFECTIVE DATE: July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation, we preliminarily determine that there is reason to believe or suspect that benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers or exporters in Taiwan of the subject merchandise. For purposes of this investigation, the following programs are preliminarily found to confer subsidies:

- Preferential Export Financing.
- Export Loss Reserves.
- Accelerated Depreciation and Tax Holidays.
- Preferential Income Tax Rate Ceiling of 25 Percent for Big Trading Companies.
- Duty Exemptions and Deferrals on Imported Equipment.
- Preferential Income Tax Rate Ceiling of 22 Percent.
- Overrebate of Duty Drawback on Imported Materials Physically Incorporated in Export Merchandise.
- Rebate of Import Duties and Indirect Taxes on Imported Materials not Physically Incorporated in Export Merchandise.

We preliminarily determine the estimated net subsidy for the subject merchandise to be 8.80 percent *ad valorem*. As discussed in the "Analysis of Programs" section below, this rate is based on best information available.

Case History

Since the publication of the Notice of Initiation in the **Federal Register** (53 FR 16754, May 11, 1988), the following events have occurred. On May 23, 1988, we presented a questionnaire to the American Institute in Taiwan in Washington, DC and requested that it forward the questionnaire to the Taiwan authorities. We requested a response to our questionnaire by June 22, 1988. On May 26, 1988, the Taiwan authorities requested an extension of the questionnaire response due date. We informed the American Institute in Taiwan that the request for an extension of the due date should be in writing. At that time, we indicated that an extension until June 27, 1988 was possible. We did not receive a written request for an extension, and we did not receive a response from either the Taiwan authorities or the manufacturers, producers, or exporters of the subject merchandise in Taiwan by the June 27, 1988 extension date. On July 1, 1988, we sent a letter to Taiwan authorities through the American Institute in Taiwan, explaining that if we did not receive questionnaire responses from the Taiwan authorities and the companies which export the subject merchandise to the United States by July 6, 1988, we may be required to use the best information available to make our determination in accordance with § 355.39 of our regulations (19 CFR 355.39). We have not received questionnaire responses or any other correspondence to date.

On June 24, 1988 we received a letter from Henslee, Bradley and Robertson, P.C. stating that Etowah Taiwan Enterprises, Ltd., (ETECO) did not export the subject merchandise to the United States during the review period and is not currently exporting the subject merchandise to the United States. On July 8, 1988, we responded to this letter explaining that we will not require ETECO to submit a response for this investigation and that if the company decides to export the subject merchandise to the United States, it will be subject to any countervailing duties that are in effect, if this investigation results in a countervailing duty order.

Since Taiwan is a "country under the Agreement" within the meaning of section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Taiwan materially injure, or threaten material injury to, a U.S. industry. On May 31, 1988, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Taiwan of the subject merchandise (53 FR 21532, June 8, 1988).

Scope of Investigation

The products covered by this investigation are thermostatically controlled appliance plugs and internal probe thermostats therefor. For purposes of this investigation, the term thermostatically controlled appliance plug refers to any device designed to connect an electrical outlet (typically a common wall receptacle) 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 internal 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. The products are currently provided for under *Tariff Schedules of the United States Annotated* item numbers 711.7820 and 711.7840 and under the Harmonized System item numbers 9032.10.00, 9032.20.00, 9032.89.60, 9032.90.60, 9033.00.00.

Analysis of Programs

Because we did not receive responses to our questionnaire, we are using the best information available as required under § 355.39 of our regulations (19 CFR 355.39), adversely inferring countervailability and receipt of benefits based on the absence of responses. As best information available, we used the highest estimated net subsidy found for each program in any past countervailing duty final determination involving Taiwan. For programs which have been alleged, but which were determined not used in all previous cases, the petitioner was unable to provide information as to whether and to what degree the manufacturers, producers, or exporters of the subject merchandise receive countervailable benefits under these programs. Therefore, we are inferring countervailability of these programs and are using, as the best information available, the highest rate applied to a subsidy program in this investigation.

Based upon our analysis of the petition and the past final countervailing duty determinations involving imports from Taiwan, we preliminarily determine the following:

I. Programs Preliminarily Determined To Confer Subsidies

A. Preferential Export Financing

Petitioner alleges that under the Export Financing Program, registered exporters, upon presentation of a letter of credit to authorized foreign currency banks, are eligible for below-market financing covering up to 85 percent of an export transaction. The Central Bank then arranges an interest rate accommodation with the participating banks. The most recent investigation in which this program was determining to be countervailable was the *Final Negative Countervailing Duty Determination: Porcelain-on-Steel Cooking Ware from Taiwan* (51 FR 36453, October 10, 1986) (*Porcelain-on-Steel Cooking Ware*). We have received no further information on the preferential export financing program in this investigation. Therefore, as best information available, we preliminarily determine that exporters of the subject merchandise in Taiwan benefit from this program.

The highest estimated net subsidy for this program in any previous final countervailing duty determination is 0.10 percent *ad valorem*, which is the rate found in the *Final Negative Countervailing Duty Determination: Oil Country Tubular Goods from Taiwan* (51 FR 19583, May 30, 1986).

B. Export Loss Reserves

Petitioner alleges that Article 31 of the Statute for Encouragement of Investment (SEI) allows firms to set aside a reserve of up to one percent of the previous year's export sales to be used for compensation of export losses. Petitioner alleges that this reserve is treated as a deduction from taxable income and allows firms to shelter significant amounts of revenue from taxation. The most recent investigation in which this program was determined to be countervailable was the *Final Affirmative Countervailing Duty Determination: Stainless Steel Cooking Ware from Taiwan* (51 FR 4289, November 26, 1986) (*Stainless Steel Cooking Ware*). We have received no further information on the export loss revenue program in this investigation. Therefore, as best information available, we preliminarily determine that exporters of the subject merchandise from Taiwan benefit from this program.

The highest estimated net subsidy for this program in any previous final countervailing duty determination is 0.02 percent *ad valorem*, which is the rate found in the *Final Negative Countervailing Duty Determination: Welded Carbon Steel Line Pipe from Taiwan* (50 FR 53363, December 31, 1985).

C. Preferential Income Tax Rate Ceiling of 25 Percent for Big Trading Companies

Petitioner alleges that Article 15 of the SEI permits certain business firms to pay no more than 25 percent in corporate income tax rather than the standard 35 percent. We determined in *Stainless Steel Cooking Ware*, the most recent investigation in which this program was determined to be countervailable, that the 25 percent income tax ceiling granted to big trading companies is based on export performance; therefore, it confers an export subsidy. We have received no further information on the preferential income tax rate ceiling of 25 percent for big trading companies program in this investigation, Therefore, as best information available, we preliminarily determine that manufacturers, producers or exporters of the subject merchandise from Taiwan benefit from this program.

The highest estimated net subsidy for this program in any previous final countervailing duty determination is 0.16 percent *ad valorem*, which is the rate found in *Porcelain-on-Steel Cooking Ware*.

D. Overrebate of Duty Drawback on Imported Materials Physically Incorporated in Export Merchandise

Taiwan authorities give duty drawback on imported materials physically incorporated in export products. Duty drawback is refunded on a shipment-by-shipment basis and is calculated by applying a pre-estimated duty drawback rate to the net weight of the finished product in each shipment. The most recent investigation in which this program was determined to be countervailable was *Stainless Steel Cooking Ware*. We have received no further information on the overrebate of duty drawback on imported materials physically incorporated in export merchandise program in this investigation. Thefore, as best information available, we preliminarily determine that exporters of the subject merchandise from Taiwan benefit from this program.

The highest estimated net subsidy for this program in any previous final countervailing duty determination is 2.13 percent *ad valorem*, which is the rate found in *Stainless Steel Cooking Ware*.

E. Rebate of Import Duties and Indirect Taxes on Imported Materials Not Physically Incorporated in Export Merchandise

Taiwan authorities approve rebates of imported duties and indirect taxes on imported materials not physically incorporated in export merchandise. The most recent investigation in which this program was determined to be countervailable was *Stainless Steel Cooking Ware*. We have received no further information on the rebate of import duties and indirect taxes on imported materials not physically incorporated in export merchandise program in this investigation. Therefore, as best information available, we preliminarily determine that exporters of the subject merchandise from Taiwan benefit from this program.

The highest estimated net subsidy for this program in any previous final countervailing duty determination is 0.002 percent *ad valorem*, which is the rate found in *Stainless Steel Cooking Ware*.

F. Other Tax and Rebate Programs

The following progarms were found to be not used in all previous countervailing duty determinations involving imports from Taiwan. Since respondents did not provide a response in this case, and the petitioner was unable to provide information as to whether and to what degree the manufacturers, producers, or exporters of the subject merchandise receive countervailable benefits under these programs, we are inferring countervailability of these programs and are using, as best information available, the highest rate applied to a subsidy program in this investigation. Therefore, the estimated net subsidy for each of the three programs listed below is 2.13 percent *ad valorem*, which is the rate applied in the "Overrebate of Duty Drawback on Imported Materials Physically Incorporated in Export Merchandise" program in this investigation.

1. *Accelerated Depreciation and Tax Holidays.* Petitioner alleges that Article 6 of the SEI gives newly established "productive enterprises" the right to accelerate depreciation on fixed assets, machinery and equipment or to select a five-year holiday on corporate income taxes. In addition, expanding firms may select a four-year holiday on income derived from increased capacity or a rapid depreciation of newly purchased buildings or equipment.

2. *Duty Exemptions and Deferrals on Imported Equipment.* Petitioner alleges that Article 21 of the SEI allows productive enterprises to pay import duties and dues on selected capital equipment not manufactured domestically in a series of installments beginning one year from the date of importation. In addition, qualified

enterprises may be exempted from paying import duties on machinery or equipment to be used for the establishment or expansion of an approved project or for research and development.

3. *Preferential Income Tax Rate Ceiling of 22 Percent.* Article 15 of the SEI permits firms designated by the Taiwan authorities as "important" productive enterprises to pay a marginal tax rate of 22 percent as opposed to the standard income tax rate of 35 percent.

Verification

In accordance with section 776(a) of the Act, if we receive complete responses in a timely manner, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Taiwan which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each entry in the amount of 8.80 percent *ad valorem*. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 120 days after the Department makes its preliminary affirmative determination, or 45 days after the Department makes its final determination, whichever is later.

Public Comment

In accordance with § 355.35 of the Commerce Regulations (19 CFR 355.35), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination on September 7, 1988, at 3:00 p.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Assistant Secretary for Import Administration, Room B–099, at the above address within ten days of the publication of this notice in the **Federal Register**.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the the reason for attending; and (4) a list of the issues to be discussed. In addition, at least ten copies of the business proprietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Assistant Secretary by August 31, 1988. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 353.33(d) and 19 CFR 355.34, all written views will be considered if received not less than 30 days before the final determination is due, or, if a hearing is held, within seven days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671(f)).

July 18, 1988.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 88–16567 Filed 7–21–88; 8:45 am]

BILLING CODE 3510–DS–M

Department of Energy, Argonne National Laboratory, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 88–110

Applicant: U.S. Department of Energy, Argonne National Laboratory, Argonne, IL 60439–4812. Instrument: Tribometer. Manufacturer: Centre Suisse D'electronique et de Microtechnique, S.A., Switzerland. Intended Use: See notice at 53 FR 15101, April 27, 1988. Reasons for this Decision: The foreign instrument provides: (1) A load range from 10 to 2000 grams, (2) sliding speeds from 0.006 to 100 cm/s, and (3) direct output of the friction coefficient. Advice Submitted by: The National Bureau of Standards, June 8, 1988.

Docket Number: 88–172

Applicant: California Institute of Technology, Pasadena, CA 91125. Instrument: Mass Spectrometer System, Model THQ. Manufacturer: Finnigan MAT, West Germany. Intended Use. See notice at 53 FR 18330, May 23, 1988. Reason for this Decision: The foreign instrument provides automated multiple sample analysis combining thermionic ionizations for isotopic ratio determinations and isotopic dilutions for trace element analysis. Advice Submitted by: The National Bureau of Standards.

Comments

None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Bureau of Standards advised that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 88–16568 Filed 7–21–88; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

[Docket No. 70221–8099]

National Fish and Seafood Promotional Council; Nominations

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

ACTION: Notice of reopening of request for nominations.

SUMMARY: The Fish and Seafood Promotion Act of 1986 (FSPA), established a National Fish and Seafood Promotional Council composed of the Secretary of Commerce and fifteen voting members. This notice reopens requests for nominations for the remaining position of member-at-large on the National Council with

demonstrated expertise in fresh-water and inland commercial fisheries.

DATE: Nominations should be received by August 22, 1988.

ADDRESS: Nominations may be mailed to the Director, Office of Trade and Industry Services, National Marine Fisheries Service, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Shirley V. Smith, (202) 673–5371.

SUPPLEMENTARY INFORMATION: The National Council develops annual plans and budgets for generic marketing and promotion of fisheries products, including consumer education, research, and other appropriate activities. NOAA issued notices (52 FR 4926, February 18, 1987 and 52 FR 12044, April 14, 1987) for all interested parties to submit the names of nominees for membership on the National Council with biographical data. Members of the National Council are appointed for a term of four years. They receive no salary, but are reimbursed for reasonable travel costs and expenses incurred in performing their duties as Council members. Fourteen of the 15 members of the Council were appointed by the Secretary of Commerce in October 1987.

On June 27, 1988, the FSPA was amended to modify the restriction that precluded the consideration of those who reside in the Alaska, Pacific, Southeast, or Northeast Regions for the two members-at-large with demonstrated expertise in fresh water and inland commercial fisheries. Pursuant to this amendment, only one, rather than both of these members-at-large, is subject to such residency restriction. One member-at-large has been appointed who resides in an inland State. The remaining position on the National Council may therefore be filled by any qualified person without regard to any residency restriction.

Eligibility Requirements

To be eligible for the unfilled member-at-large position applicants must have demonstrated expertise in fresh-water and inland commercial fisheries.

Selection Criteria

In addition to the eligibility requirements defined above, the appointment will be based upon: (1) Length, breadth, and recent experience in freshwater and inland commercial fisheries; (2) overall knowledge of U.S. fisheries and the industry; and (3) other special qualifications, e.g., experience in and/or knowledge of market research and promotion, product development, public relations, and consumer education; positions of leadership in the fishing industry, relevant education, etc.

Submission of Nominations: Nominations for this position should be accompanied by biographical information relevant to the above considerations. Nominations already submitted for this position as a result of earlier solicitations will be considered and need not be resubmitted.

(16 U.S.C. 4001–4017)

Dated: July 18, 1988.

[FR Doc. 88–16598 Filed 7–21–88; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Permitting Entry of Certain Textile Products Exported From Taiwan

July 19, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs permitting entry of certain shipments.

EFFECTIVE DATE: July 26, 1988.

Authority

Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Brian Fennessy, Commodity Industry Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–3400.

SUPPLEMENTARY INFORMATION: Shipments of textiles and textile products exported from Taiwan on or before August 1, 1988, will be permitted entry if accompanied by the old visa form.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see Federal Register notice 52 FR 47745, published on December 16, 1987). Also see 53 FR 22202, published on June 14, 1988.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 19, 1988.

Commissioner, Department of the Treasury, Washington, DC. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on June 9, 1988, by the Chairman, Committee for the Implementation of Textile Agreements. You were directed to permit entry from Taiwan of shipments of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products which are accompanied by the new visa form and visa and exempt certification stamps issued by Taiwan on or after July 1, 1988.

Effective on July 26, 1988, you are directed further to permit entry of shipments of textiles and textile products exported from Taiwan on or before August 1, 1988 which are accompanied by the old visa form.

Goods exported from Taiwan after August 1, 1988 must be accompanied by either the new visa form and stamp or a visa waiver.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–16557 Filed 7–21–88; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Thailand

July 19, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: July 26, 1988.

AUTHORITY: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6581. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION: The current limit for Category 369–L is being increased for carryover.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States

Annotated (see **Federal Register** notice 52 FR 47745, published on December 16, 1987. Also see 53 FR 60, published on January 4, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 19, 1988.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 29, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand and exported during the period which began on January 1, 1988 and extends through December 31, 1988.

Effective on July 26, 1988, the directive of December 29, 1987 is amended to increase to 2,520,000 pounds [1] the current limit for cotton textile products in Category 369–L [2] as provided under the provisions of the current bilaterial agreement between the Governments of the United States and Thailand.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–16558 Filed 7–21–88; 8:45 am]

BILLING CODE 3510–DR–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1988 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: August 22, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: E.R. Alley, Jr. (703) 557–1145.

SUPPLEMENTARY INFORMATION: On February 12 and May 16, 1988, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (53 FR 4200 and 53 FR 17238) of proposed addition to Procurement List 1988, December 10, 1987 (52 FR 46926).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to provide the commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1988:

Commodities

Bedspread

7210–00–728–0180
7210–00–728–0181
7210–00–728–0182
7210–00–728–0183
7210–00–728–0184
7210–00–728–0185

Services

Parts Sorting

Robins Air Force Base, Georgia.
Kelly Air Force Base, Texas.

Restocking Parts

Kelly Air Force Base, Texas.

E.R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 88–16559 Filed 7–21–88; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1988; Proposed Addition and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1988 services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: August 22, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: E.R. Alley, Jr. (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Addition

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1988, December 10, 1987 (52 FR 46926):

Grounds Maintenance and Sprinkler System Maintenance Buildings 2500, 2665, 3535, 5600, 5602, 5603, 5604, 5605, 6445, 6447, 420, Desert Villa Complex, 6000, 7220, 2421 and 5211, Edwards Air Force Base, California

Deletions

It is proposed to delete the following services from Procurement List 1988, December 10, 1987 (52 FR 46926):

Furniture Rehabilitation

Spokane, Washington, plus 30-mile radius

Janitorial/Custodial

Federal Building, Moultrie, Georgia.

U.S. Customs House, 8 McKinley Square, Boston, Massachusetts.

Defense Mapping Agency, 175 Brookside Avenue, West Warwick, Rhode Island.

Mailing Service

Department of the Treasury, Bureau of Public Debt, 14th & C Streets, SW., Washington, DC.

E.R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 88–16560 Filed 7–21–88; 8:45 am]

BILLING CODE 6820–33–M

[1] The limit has not been adjusted to account for any imports exported after December 31, 1987.

[2] In Category 369–L, only TSUSA numbers 706.3210, 706.3650 and 706.411.

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange Proposed Option Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the Terms and Conditions of Proposed Commodity Option Contract.

SUMMARY: The New York Futures Exchange ("NYFE" or "Exchange") has applied for designation as a contract market in options on Commodity Research Bureau (CRB) Futures Price Index futures. The Director of the Division of Economic Analysis ("Division") of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

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

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the NYFE CRB futures option contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254–7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the NYFE in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested is submitting written data, views or arguments on the terms and conditions of the proposed futures option contract, or with respect to other materials submitted by the NYFE in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on July 19, 1988.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 88–16589 Filed 7–21–88; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Armed Forces Epidemiological Board; Open Meeting

1. 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 Committee: Armed Forces Epidemiological Board, DOD.

Date of Meeting: September 29, 1988.

Time: 0830–1700.

Place: Parson's Island, Chester, Maryland.

Proposed Agenda: Preventive Medicine Officer Reports, hepatitis B, tuberculosis, rheumatic fever, service AIDS updates, Army cardiovascular screening followup.

2. This meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB, Skyline Six, 5109 Leesburg Pike, Room 667, Falls Church, Virginia 22041–3258.

Dated: July 8, 1988.

Robert A. Wells,

COL, USA, MSC, Executive Secretary.

[FR Doc. 88–16535 Filed 7–21–88; 8:45 am]

BILLING CODE 3710–08–M

Armed Forces Epidemiological Board; Open Meeting

1. 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 Committee: Armed Forces Epidemiological Board, DOD.

Date of Meeting: September 30, 1988.

Time: 0800–1100.

Place: Parson's Island, Chester, Maryland.

Proposed Agenda: Ambulatory care date update, Armor health environmental issues update, worldwide disease prioritization strategy.

2. This meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB, Skyline Six, 5109 Leesburg Pike, Room 667, Falls Church, Virginia 22041–3258.

Dated: July 8, 1988.

Robert A. Wells,

COL, USA, MSC, Executive Secretary.

[FR Doc. 88–16536 Filed 7–21–88; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education

Intent To Repay to the Hawaii State Board of Vocational Education Funds Recovered as a Result of a Final Audit Determination

AGENCY: Department of Education.

ACTION: Intent to award Grantback funds

SUMMARY: Under section 456 of the General Education Provisions Act (GEPA), (20 U.S.C. 1234e), the Secretary of Education (Secretary) intends to repay to the Hawaii State Board of Vocational Education (State Board) under a grantback arrangement an amount equal to 75 percent of funds recovered by the Department of Education as a result of a final audit determination. This notice describes the State Board's plans for the use of funds which the Secretary intends to repay and the terms and conditions under which the Secretary intends to make these funds available and invites comments on the proposed grantback.

DATE: All written comments should be received on or before August 22, 1988.

ADDRESS: All written comments should be submitted to Dr. Thomas L. Johns, Acting Director, Policy Analysis Staff, Office of Vocational and Adult Education, U.S. Department of Education, (Room 620, Reporters Building), 400 Maryland Avenue SW., Washington, DC 20202–5609.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas L. Johns, (202) 732–2237.

SUPPLEMENTARY INFORMATION:

A. Background

In December 1986, the Department of Education recovered $37,312 from the State Board in satisfaction of an audit, covering the period from July 1, 1977 to June 30, 1980. The auditors examined the accounting procedures, and system of internal controls of the State Board in expending funds under the Vocational Education Act of 1963 (VEA), as amended, 20 U.S.C. 2301 *et seq.* (1976).

The auditors issued the following monetary findings under which funds were recovered:

(1) Disadvantaged funds set aside under section 110(b) of the VEA were used statewide in a program in which the same occupational training was given to non-disadvantaged and disadvantaged students at the same time and not for excess costs of special services for disadvantaged students. Also, funds appropriated under section 140 of the VEA were not used as mandated for special programs for the disadvantaged but were used primarily to pay the salaries for regular occupational course instructors.

(2) The State Board did not maintain verifiable documentation to support secondary school costs claimed against Federal vocational guidance and counseling funds.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the State agency affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this so-called "grantback" arrangement if the Secretary determines that—

(1) The practices and procedures of the State Board that resulted in the audit determination have been corrected, and that the State Board, in all other respects, is in compliance with the requirements of the applicable program;

(2) The State Board has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) The use of the funds to be awarded under the grantback arrangement in accordance with the State Board's plan would serve to achieve the purposes of the program under which funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Agreement

Pursuant to section 456(a)(2) of GEPA, the State Board has applied for a grantback of $27,984 and has submitted a plan to use the proposed grantback funds consistently with section 201 of the Carl D. Perkins Vocational Education Act (Perkins Act), 20 U.S.C. 2301 *et. seq.* (Supp. IV 1986). The audit findings against the State Board resulted from improper expenditures of VEA funds. However, since the Perkins Act has superseded the VEA, the State Board's proposal reflects the requirements of the Perkins Act.

The State Board proposes to use grantback funds to pay the supplemental costs of equipment, supplies, and travel for disadvantaged students as well as travel to in-service training sessions for instructors involved in a Pre-Industrial preparation program to be conducted at Molokai High and Intermediate School. These costs will be matched by State costs for instructor and counselor salaries and in-kind expenditures for these special classes during the program year. The State Board's plan is available on request from the Department of Education contact person listed above.

D. The Secretary's Determination

The Secretary has carefully reviewed the request for repayment of funds, the plan, and other information submitted by the State Board. Based upon that review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

E. Notice of the Secretary's Intent to Enter into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least thirty days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the Federal Register a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with the requirement of section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the Hawaii State Board of Vocational Education under a grantback arrangement. The grantback award would be in the amount of $27,984 which is 75 percent of the $37,312 recovered by the Department as a result of the audit settlement.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Will Be Made

The State Board agrees to comply with the following terms and conditions under which payments under a grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements; and

(b) The plan that was submitted in conjunction with the grantback request dated April 29, 1987, as amended on September 25, 1987, and any other amendments to that plan that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be expended not later than September 30, 1990, in accordance with section 456(c) of GEPA and the State Board's plan.

(3) The State Board must, not later than December 30, 1990, submit a report to the Secretary which—

(a) Indicates how the funds awarded under the grantback have been used;

(b) Shows that the funds awarded under the grantback have been liquidated; and

(c) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

(Catalog of Federal Domestic Assistance Number 84.048, Basic State Grants for Vocational Education)

Dated: June 23, 1988.

William J. Bennett,

Secretary of Education.

[FR Doc. 88-16556 Filed 7-21-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 87-53-NG]

Tennessee Gas Pipeline Co.; Order Approving Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting authorization to import certain quantities of natural gas from Canada and conditionally authorizing import of certain additional quantities.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order in ERA Docket No. 87-53-NG granting authorization to Tennessee Gas Pipeline Company (Tennessee) to import from TransCanada PipeLines, Limited, progressively increasing quantities of Canadian natural gas—from 5,000 to 25,000 Mcf per day—for a scheduled term from November 1, 1987, to October 31, 2002. Except for the first 10,100 Mcf per day to be imported through existing facilities, the order is conditioned upon the completion and approval by the DOE of an environmental review of the construction of the new facilities needed to transport the additional quantities authorized for import during the later years of the term.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, July 18, 1988.

Constance L. Buckley,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-16602 Filed 7-21-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 10441-000]

County of Aspen, CO; Availability of Environmental Assessment

July 20, 1988.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for minor license for the proposed Maroon Creek Hydroelectric Project and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 1000, of the Commission's offices at 825 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-16578 Filed 7-21-88; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5466-004]

New York City; Availability of Environmental Assessment

July 20, 1988.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for exemption for the proposed Croton Hydroelectric Project on the Croton River in Croton-on-Hudson, Westchester County; the Titicus River in Purdy's Station, Westchester County; the West Branch Croton River in Brewster, Putnam County; and on the East Branch Croton River in Brewster, Putnam County, New York; and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate 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 Public Reference Branch, Room 1000, of the Commission's offices at 825 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-16579 Filed 7-21-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST88-3392-000, et al.]

Sunflower Electric Coop., Inc., et al.; Self-Implementing Transactions

July 20, 1988

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's Regulations.

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a motion to intervene with the Secretary of the Commission on or before August 8, 1988.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" "G(LS)" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

Lois D. Cashell,

Acting Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3392	Sunflower Electric Cooperative, Inc	Northern Natural Gas Co	05-02-88	C	09-29-88	23.00
ST88-3393	Natural Gas Pipeline Co. of America	Associated Intra. Pipeline Co., et al	05-02-88	B		
ST88-3394	United Texas Transmission Co.	Neches Gas Distribution Co	05-02-88	C		
ST88-3395	Sandy Hook Pipeline Inc	United Gas Pipe Line Co	05-02-88	C		
ST88-3396	Seagull Shoreline System	Northern Natural Gas Co	05-02-88	C	09-29-88	30.00
ST88-3397	Transcontinental Gas Pipe Line Corp	Yankee Taft Co	05-02-88	B		
ST88-3398	Transcontinental Gas Pipe Line Corp	Wintershall Louisiana Corp	05-02-88	B		
ST88-3399	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co	05-02-88	B		
ST88-3400	Transcontinental Gas Pipe Line Corp	Bay State Gas Co., et al	05-02-88	B		
ST88-3401	Transcontinental Gas Pipe Line Corp	Corning Natural Gas Co., et al	05-02-88	B		
ST88-3402	Transcontinental Gas Pipe Line Corp	North Carolina Gas Service Co	05-02-88	B		
ST88-3403	Transcontinental Gas Pipe Line Corp	Bay State Gas Co., et al	05-02-88	B		
ST88-3404	Transcontinental Gas Pipe Line Corp	Bishop Pipeline Corp	05-02-88	B		
ST88-3405	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	05-02-88	B		
ST88-3406	Transcontinental Gas Pipe Line Corp	New Jersey Natural Gas Co	05-02-88	B		
ST88-3407	Tennessee Gas Pipeline Co	Mississippi Fuel Co	05-02-88	B		
ST88-3408	Tennessee Gas Pipeline Co	Berkshire Gas Co	05-02-88	B		
ST88-3409	Tennessee Gas Pipeline Co	CNG Transmission Corp	05-02-88	G		
ST88-3410	Tennessee Gas Pipeline Co	UER Marketing Co	05-02-88	G-S		
ST88-3411	Northernn Natural Gas Co	Mobil Oil Corp	05-02-88	G-S		
ST88-3412	Northernn Natural Gas Co	Northern Illinois Gas Co	05-02-88	B		
ST88-3413	Northernn Natural Gas Co	Northern Natural Gas Supply Co	05-02-88	G-S		
ST88-3414	ANR Pipeline Co	Apache Transmission Co	05-02-88	B		
ST88-3415	ANR Pipeline Co	Great River Gas Co	05-02-88	B		
ST88-3416	ANR Pipeline Co	St. Joseph Light & Power Co	05-02-88	B		
ST88-3417	ANR Pipeline Co	Northern Indiana Public Service Co	05-02-88	B		
ST88-3418	ANR Pipeline Co	Michigan Gas Co	05-02-88	B		
ST88-3419	ANR Pipeline Co	Michigan Consolidated Gas Co	05-02-88	B		
ST88-3420	United Gas Pipe Line Co	Midcon Marketing Gas Co	05-02-88	G-S		
ST88-3421	United Gas Pipe Line Co	Clarke-Mobile Counties Gas District	05-02-88	B		
ST88-3422	United Gas Pipe Line Co	Mobil Oil Exp. & Producing SE, Inc	05-02-88	G-S		
ST88-3423	United Gas Pipe Line Co	Clajon Industrial Gas, Inc	05-02-88	B		
ST88-3424	United Gas Pipe Line Co	Amalgamated Pipeline Co	05-02-88	B		
ST88-3425	United Gas Pipe Line Co	Access Energy Pipeline Corp	05-02-88	B		
ST88-3426	United Gas Pipe Line Co	Midcon Marketing Corp	05-02-88	G-S		
ST88-3427	United Gas Pipe Line Co	United Texas Transmission Co	05-02-88	B		
ST88-3428	United Gas Pipe Line Co	Extex, Inc	05-02-88	B		
ST88-3429	United Gas Pipe Line Co	Texas Southern Pipeline, Inc	05-02-88	B		
ST88-3430	United Gas Pipe Line Co	Wellhead Ventures Corp	05-02-88	B		
ST88-3431	United Gas Pipe Line Co	Enmark Gas Corp	05-02-88	B		
ST88-3432	United Gas Pipe Line Co	Amalgamated Pipeline Co	05-02-88	B		
ST88-3433	Panhandle Eastern Pipe Line Co	Consumers Power Co	05-02-88	B		
ST88-3434	Panhandle Eastern Pipe Line Co	Columbia Gas of Ohio, Inc	05-02-88	B		
ST88-3435	Panhandle Eastern Pipe Line Co	Columbia Gas of Ohio, Inc., et al	05-02-88	B		
ST88-3436	Panhandle Eastern Pipe Line Co	Ohio Gas Co	05-02-88	B		
ST88-3437	Panhandle Eastern Pipe Line Co	Battle Creek Gas Co	05-02-88	B		
ST88-3438	Panhandle Eastern Pipe Line Co	Citizens Gas Fuel Co	05-02-88	B		
ST88-3439	Panhandle Eastern Pipe Line Co	Louisiana State Gas Corp	05-02-88	B		
ST88-3440	Southern Natural Gas Co	Southeast Alabama Gas District	05-02-88	B		
ST88-3441	Southern Natural Gas Co	South Carolina Pipeline Corp	05-02-88	B		
ST88-3442	Southern Natural Gas Co	Llano, Inc	05-02-88	B		
ST88-3443	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3444	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-02-88	B		
ST88-3445	Southern Natural Gas Co	City of Boaz	05-02-88	B		
ST88-3446	Southern Natural Gas Co	Alabama Gas Corp	05-02-88	B		
ST88-3447	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-02-88	B		
ST88-3448	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3449	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3450	Southern Natural Gas Co	Dalton Utilities	05-02-88	B		
ST88-3451	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3452	Southern Natural Gas Co	City of Ashville	05-02-88	B		
ST88-3453	Southern Natural Gas Co	City of Piedmont	05-02-88	B		
ST88-3454	Southern Natural Gas Co	City of Dublin	05-02-88	B		
ST88-3455	Southern Natural Gas Co	SNG Intrastate Pipeiine, Inc	05-02-88	B		
ST88-3456	Southern Natural Gas Co	Sun Gas Transmission Co., Inc	05-02-88	B		
ST88-3457	Southern Natural Gas Co	Alabama Gas Corp	05-02-88	B		
ST88-3458	Southern Natural Gas Co	City of Andersonville	05-02-88	B		
ST88-3459	Southern Natural Gas Co	City of Fultondale	05-02-88	B		
ST88-3460	Southern Natural Gas Co	City of Oneonta	05-02-88	B		
ST88-3461	Southern Natural Gas Co	City of Cartersville	05-02-88	B		
ST88-3462	Southern Natural Gas Co	City of Alabaster	05-02-88	B		
ST88-3463	Southern Natural Gas Co	City of Meigs	05-02-88	B		
ST88-3464	Southern Natural Gas Co	Lynchburg Gas Co., et al	05-02-88	B		
ST88-3465	Southern Natural Gas Co	City of Summerville	05-02-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3466	Southern Natural Gas Co	Bishop Pipeline Corp	05-02-88	B		
ST88-3467	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-02-88	B		
ST88-3468	Southern Natural Gas Co	Bishop Pipeline Corp	05-02-88	B		
ST88-3469	Southern Natural Gas Co	City of Trussville	05-02-88	B		
ST88-3470	Southern Natural Gas Co	South Carolina Pipeline Corp	05-02-88	B		
ST88-3471	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3472	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3473	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3474	Southern Natural Gas Co	City of Cartersville	05-02-88	B		
ST88-3475	Southern Natural Gas Co	Decatur Count Board of Comm	05-02-88	B		
ST88-3476	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3477	Southern Natural Gas Co	Lland, Inc	05-02-88	B		
ST88-3478	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3479	Southern Natural Gas Co	City of Dadeville	05-02-88	B		
ST88-3480	Southern Natural Gas Co	Alabama Gas Corp	05-02-88	B		
ST88-3481	Southern Natural Gas Co	Texas Industrial Energy Co	05-02-88	B		
ST88-3482	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3483	Southern Natural Gas Co	City of Union Springs	05-02-88	B		
ST88-3484	Southern Natural Gas Co	City of Pleasant Grove	05-02-88	B		
ST88-3485	Southern Natural Gas Co	Texas Industrial Energy Co	05-02-88	B		
ST88-3486	Southern Natural Gas Co	Access Energy Pipeline Corp	05-02-88	B		
ST88-3487	Southern Natural Gas Co	City of Ragland	05-02-88	B		
ST88-3488	Southern Natural Gas Co	Wisconsin Gas Co., et al	05-02-88	B		
ST88-3489	Southern Natural Gas Co	New York State Elect. & Gas Corp., et al.	05-02-88	B		
ST88-3490	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-02-88	B		
ST88-3491	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-02-88	B		
ST88-3492	Southern Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3493	Southern Natural Gas Co	City of Lafayette	05-02-88	B		
ST88-3494	South Georgia Natural Gas Co	Atlanta Gas Light Co	05-02-88	B		
ST88-3495	South Georgia Natural Gas Co	City of Meigs	05-02-88	B		
ST88-3496	South Georgia Natural Gas Co	City of Andersonville	05-02-88	B		
ST88-3497	South Georgia Natural Gas Co	Texas Industrial Energy Co	05-02-88	B		
ST88-3498	South Georgia Natural Gas Co	Texas Industrial Energy Co	05-02-88	B		
ST88-3499	South Georgia Natural Gas Co	Decatur Count Board of Comm	05-02-88	B		
ST88-3500	ANR Pipeline Co	National Fuel Gas Distribution Corp	05-03-88	B		
ST88-3501	ANR Pipeline Co	Consumers Power Co	05-03-88	B		
ST88-3502	ANR Pipeline Co	Wisconsin Gas Co	05-03-88	B		
ST88-3503	ANR Pipeline Co	Coastal States Gas Transmission Co.	05-03-88	B		
ST88-3504	ANR Pipeline Co	Iowa Electric Light & Power Co	05-03-88	B		
ST88-3505	ANR Pipeline Co	Wisconsin Power and Light Co	05-03-88	B		
ST88-3506	ANR Pipeline Co	Central Illinois Light Co	05-03-88	B		
ST88-3507	ANR Pipeline Co	Michigan Consolidated Gas Co	05-03-88	B		
ST88-3508	ANR Pipeline Co	Wisconsin Power and Light Co	05-03-88	B		
ST88-3509	ANR Pipeline Co	Coastal States Gas Transmission Co.	05-03-88	B		
ST88-3510	Tennessee Gas Pipeline Co	Boston Gas Co	05-03-88	B		
ST88-3511	Tennessee Gas Pipeline Co	Central Hudson Gas and Electric Co.	05-03-88	B		
ST88-3512	Tennessee Gas Pipeline Co	Niagara Mohawk Power Corp., et al	05-03-88	B		
ST88-3513	Tennessee Gas Pipeline Co	LTV Steel Co	05-03-88	G-S		
ST88-3514	Tennessee Gas Pipeline Co	Pennsylvania Gas and Water Co	05-03-88	B		
ST88-3515	Tennessee Gas Pipeline Co	Berkshire Gas Co	05-03-88	B		
ST88-3516	Tennessee Gas Pipeline Co	Southern Connecticut Gas Co	05-03-88	B		
ST88-3517	Tennessee Gas Pipeline Co	Tejas Power Corp	05-03-88	G-S		
ST88-3518	Tennessee Gas Pipeline Co	Central Ill. Public Service, et al	05-03-88	B		
ST88-3519	Tennessee Gas Pipeline Co	Colonial Gas Corp	05-03-88	B		
ST88-3520	Tennessee Gas Pipeline Co	North Penn Co	05-03-88	B		
ST88-3521	Tennessee Gas Pipeline Co	Intercon Gas, Inc	05-04-88	G-S		
ST88-3522	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	05-04-88	B		
ST88-3523	Northern Border Pipeline Co	Northern Natural Gas Co	05-03-88	G		
ST88-3524	Trunkline Gas Co	Consumers Power Co	05-04-88	B		
ST88-3525	Williams Natural Gas Co	Mobil Oil Corp	05-04-88	G-S		
ST88-3526	Williams Natural Gas Co	Gastrak Corp	05-04-88	G-S		
ST88-3527	Natural Gas Pipeline Co of America	Central Illinois Public Service Co	05-04-88	B		
ST88-3528	Natural Gas Pipeline Co. of America	Iowa Electric Light & Power Co	05-04-88	B		
ST88-3529	Colorado Interstate Gas Co	Acess Pipeline Co	05-05-88	B		
ST88-3530	Northern Natural Gas Co	Houston Pipe Line Co	05-04-88	B		
ST88-3531	Questar Pipeline Co	Northwest Natural Gas Co	05-05-88	B		
ST88-3532	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	05-05-88	B		
ST88-3533	Natural Gas Pipeline Co. of America	Peoples Gas Light & Coke Co	05-05-88	B		
ST88-3534	Natural Gas Pipeline Co. of America	Nrothern Illinois Gas Co	05-05-88	B		
ST88-3535	Natural Gas Pipeline Co. of America	Wisconsin Southern Gas., Inc	05-05-88	B		
ST88-3536	Natural Gas Pipeline Co. of America	Northern Indiana Public Service Co	05-05-88	B		
ST88-3537	United Gas Pipe Line Co	Enmark Gas Corp	05-05-88	B		
ST88-3538	United Gas Pipe Line Co	Endevco Pipeline Co	05-05-88	B		
ST88-3539	United Gas Pipe Line Co	Clarke-Mobile Counties Gas District	05-05-88	B		
ST88-3540	United Gas Pipe Line Co	Sun Gas Transmission Co . Inc	05-05-88	B		
ST88-3541	United Gas Pipe Line Co	Entex, Inc	05-05-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3542	United Gas Pipe Line Co	OXY Cities Service NGL, Inc	05-05-88	G-S		
ST88-3543	United Gas Pipe Line Co	Llano, Inc	05-05-88	B		
ST88-3544	United Gas Pipe Line Co	Atlanta Gas Light Co	05-05-88	B		
ST88-3545	United Gas Pipe Line Co	Olympic Pipeline Co	05-05-88	B		
ST88-3546	United Gas Pipe Line Co	Cities Service Oil & Gas Corp	05-05-88	G-S		
ST88-3547	United Gas Pipe Line Co	Baltimore Gas & Elect. Co., et al	05-05-88	B		
ST88-3548	United Gas Pipe Line Co	City of Vicsburg	05-05-88	B		
ST88-3549	ANR Pipeline Co	Memphis Light, Gas and Water Division.	05-05-88	B		
ST88-3550	Texas Gas Transmission Corp	Louisville Gas & Electric Co	05-05-88	B		
ST88-3551	Texas Gas Transmission Corp	Mississippi Valley Gas Co	05-05-88	B		
ST88-3552	Texas Gas Transmission Corp	Mississippi Valley Gas Co	05-05-88	B		
ST88-3553	Columbia Gas Transmission Corp	Citizens Gas Supply Corp	05-05-88	G-S		
ST88-3554	Tennessee Gas Pipeline Co	Public Service Elect. & GS Co., et al.	05-05-88	B		
ST88-3555	Tennessee Gas Pipeline Co	Hydrocarbon Development Corp	05-05-88	B		
ST88-3556	United Gas Pipe LIne Co	Bridge Gas System	05-06-88	B		
ST88-3557	United Gas Pipe LIne Co	Associated Intrastate Pipeline Co	05-06-88	B		
ST88-3558	Natural Gas Pipeline Co of America	North Shore Gas Co	05-06-88	B		
ST88-3559	Northwest Pipeline Corp	Corpus Christi Industrial Pipeline Co.	05-06-88	B		
ST88-3560	Northwest Pipeline Corp	Quivira Gas Co	05-06-88	B		
ST88-3561	Northern Natural Gas Co	Peoples Gas Light & Coke Co	05-06-88	B		
ST88-3562	Colorado Interstate Gas Co	Lovera Pipeline Co	05-06-88	B		
ST88-3563	Mississippi Fuel Co	Transcontinental Gas Pipe Line Corp.	05-06-88	C	10-03-88	33.12
ST88-3564	Trunkline Gas Co	Consumers Power Co	05-06-88	B		
ST88-3565	Trunkline Gas Co	Consumers Power Co	05-06-88	B		
ST88-3566	Trunkline Gas Co	Citizens Gas and Coke Utility	05-06-88	B		
ST88-3567	Trunkline Gas Co	Consolidated Fuel Supply, Inc	05-06-88	G-S		
ST88-3568	Trunkline Gas Co	Amoco Production Co	05-06-88	G-S		
ST88-3569	Trunkline Gas Co	Union Gas Limited	05-06-88	B		
ST88-3570	Trunkline Gas Co	Columbia Gas of Ohio, Inc	05-06-88	B		
ST88-3571	Texas Gas Transmission Corp	Mississippi Valley Gas Co	05-05-88	B		
ST88-3573	Natural Gas Pipeline Co of America	Monarch Gas Co	05-09-88	B		
ST88-3574	Natural Gas Pipeline Co of America	Northern Illinois Gas Co	05-09-88	B		
ST88-3575	Natural Gas Pipeline Co of America	Iowa-Illinois Gas & Electric Co	05-09-88	B		
ST88-3576	Natural Gas Pipeline Co of America	Alabama-Tenn. Natural Gas Co., et al.	05-09-88	B		
ST88-3577	Natural Gas Pipeline Co of America	Brighton Municipal Gas Systems, et al.	05-09-88	B		
ST88-3578	Panhandle Eastern Pipe LIne Co	Indiana Gas Co., Inc	05-09-88	B		
ST88-3579	Panhandle Eastern Pipe LIne Co	Consumers Power Co	05-09-88	B		
ST88-3580	Panhandle Eastern Pipe LIne Co	Consumers Power Co	05-09-88	B		
ST88-3581	Panhandle Eastern Pipe LIne Co	Michigan Gas Utilities Co	05-09-88	B		
ST88-3582	Tennessee Gas Pipeline Co	Bienville Gas Marketing Inc	05-09-88	G-S		
ST88-3583	Tennessee Gas Pipeline Co	Columbia Gulf Transmission Co	05-09-88	G		
ST88-3584	Tennessee Gas Pipeline Co	Niagara Mohawk Power Corp., et al	05-09-88	B		
ST88-3585	Arkla Energy Resources	Wisconsin Public Service Co	05-09-88	B		
ST88-3586	Trunkline Gas Co	Amoco Production Co	05-03-88	G-S		
ST88-3587	Trunkline Gas Co	Sun Operating Limited Partnership	05-03-88	G-S		
ST88-3588	Trunkline Gas Co	Panhandle Trading Co	05-03-88	G-S		
ST88-3589	Trunkline Gas Co	Consumers Power Co	05-03-88	B		
ST88-3590	Trunkline Gas Co	Panhandle Trading Co	05-03-88	G-S		
ST88-3591	Trunkline Gas Co	Tejas Power Corp	05-03-88	G-S		
ST88-3592	Trunkline Gas Co	City of Byhalia	05-03-88	B		
ST88-3593	Northwest Pipeline Corp	Cascade Natural Gas Corp	05-09-88	B		
ST88-3594	Tennessee Gas Pipeline Co	Coastal States Gas Transmission Co.	05-09-88	B		
ST88-3595	Northern Natural Gas Co	Peoples Natural Gas Co	05-09-88	B		
ST88-3596	ANR Pipeline Co	Indiana Gas Co., Inc	05-09-88	B		
ST88-3597	ANR Pipeline Co	Wisconsin Gas Co	05-09-88	B		
ST88-3598	ANR Pipeline Co	Columbia Gas of Ohio, Inc	05-09-88	B		
ST88-3599	El Paso Natural Gas Co	Southern California Gas Co	05-10-88	B		
ST88-3600	Natural Gas Pipeline Co of America	Pacific Gas & Elect., et al	05-10-88	B		
ST88-3601	Natural Gas Pipeline Co of America	PSI, Inc	05-11-88	G-S		
ST88-3602	Delhi Gas Pipeline Corp	Northern Natural Gas Co	05-11-88	C	10-08-88	35.00
ST88-3603	Oasis Pipe Line Co	Natural Gas Pipeline Co. of America.	05-11-88	C		
ST88-3604	Houston Pipe Line Co	Natural Gas Pipeline Co. of America.	05-11-88	C		
ST88-3605	Houston Pipe Line Co	Seagull Interstate Corp	05-11-88	C		
ST88-3606	Houston Pipe Line Co	Northern Natural Gas Co	05-11-88	C		
ST88-3607	Houston Pipe Line Co	Transcontinental Gas Pipe Line Corp.	05-11-88	C		
ST88-3608	Houston Pipe Line Co	Tennessee Gas Pipeline Co	05-11-88	C		
ST88-3609	Oasis Pipe Line Co	Transcontinental Gas Pipe Line Corp.	05-11-88	C		
ST88-3610	Oasis Pipe Line Co	Tennessee Gas Pipeline Co	05-11-88	C		
ST88-3611	ONG Transmission Co	Panhandle Eastern Pipe Line Co	05-11-88	C	10-08-88	24.32
ST88-3612	Natural Gas Pipeline Co of America	Chevron U.S.A.	05-11-88	G-S		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3613	Natural Gas Pipeline Co of America	Consumers Power Co., et al	05-11-88	B		
ST88-3614	Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	05-11-88	B		
ST88-3615	Transcontinental Gas Pipe Line Corp	Atlanta Gas Light Co	05-11-88	B		
ST88-3616	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	05-11-88	B		
ST88-3617	Transcontinental Gas Pipe Line Corp	Long Island Lighting Co	05-11-88	B		
ST88-3618	Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	05-11-88	B		
ST88-3619	Transcontinental Gas Pipe Line Corp	South Jersey Gas Co	05-11-88	B		
ST88-3620	Transcontinental Gas Pipe Line Corp	UGI Corp	05-11-88	B		
ST88-3621	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	05-11-88	B		
ST88-3622	Transcontinental Gas Pipe Line Corp	Clinton Newberry Nat. Gas Authority.	05-11-88	B		
ST88-3623	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co	05-11-88	B		
ST88-3624	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	05-11-88	B		
ST88-3625	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	05-11-88	B		
ST88-3626	Columbia Gulf Transmission Co	Pennsylvania Gas and Water Co	05-11-88	B		
ST88-3627	CNG Transmission Corp	Niagara Mohawk Power Corp	05-11-88	B		
ST88-3628	CNG Transmission Corp	New York State Electric and Gas Co.	05-11-88	B		
ST88-3629	CNG Transmission Corp	Niagara Mohawk Power Corp	05-11-88	B		
ST88-3630	CNG Transmission Corp	Peoples Natural Gas Co	05-11-88	B		
ST88-3631	CNG Transmission Corp	Peoples Natural Gas Co	05-11-88	B		
ST88-3632	CNG Transmission Corp	Rochester Gas and Electric Corp	05-11-88	B		
ST88-3633	CNG Transmission Corp	Rochester Gas and Electric Corp	05-11-88	B		
ST88-3634	CNG Transmission Corp	Corning Natural Gas Corp	05-11-88	B		
ST88-3635	CNG Transmission Corp	New York State Electric and Gas Co.	05-11-88	B		
ST88-3636	CNG Transmission Corp	Niagara Mohawk Power Corp	05-11-88	B		
ST88-3637	CNG Transmission Corp	Niagara Mohawk Power Corp	05-11-88	B		
ST88-3638	CNG Transmission Corp	East Ohio Gas Co	05-11-88	B		
ST88-3639	CNG Transmission Corp	Niagara Mohawk Power Corp	05-11-88	B		
ST88-3640	CNG Transmission Corp	East Ohio Gas Co	05-11-88	B		
ST88-3641	Natural Gas Pipeline Co. of America	North Shore Gas Co	05-12-88	B		
ST88-3642	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	05-12-88	B		
ST88-3643	Natural Gas Pipeline Co. of America	Peoples Gas Light & Coke Co	05-12-88	B		
ST88-3644	Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	05-12-88	B		
ST88-3645	Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	05-12-88	B		
ST88-3646	Natural Gas Pipeline Co. of America	Baltimore Gas & Elect. Co., et al	05-12-88	B		
ST88-3647	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	05-12-88	B		
ST88-3648	Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	05-12-88	B		
ST88-3649	Trunkline Gas Co	Chevron U.S.A	05-12-88	G-S		
ST88-3650	Valero Transmission, L.P	Valero Interstate Transmission Co	05-12-88	C		
ST88-3651	Delhi Gas Pipeline Corp	Northern Natural Gas Co	05-12-88	C	10-09-88	35.00
ST88-3652	Tennessee Gas Pipeline Co	Niagara Mohawk Power Corp	05-12-88	B		
ST88-3653	Tennessee Gas Pipeline Co	CNG Transmission Corp	05-12-88	G		
ST88-3654	Tennessee Gas Pipeline Co	Colonial Gas Corp	05-12-88	B		
ST88-3655	Tennessee Gas Pipeline Co	Access Energy Pipeline Corp	05-12-88	B		
ST88-3656	Tennessee Gas Pipeline Co	Pennsylvania Gas and Water Co	05-12-88	B		
ST88-3657	Tennessee Gas Pipeline Co	Elizabethtown Gas Co., et al	05-12-88	B		
ST88-3658	Colorado Interstate Gas Co	Southern California Gas Co	05-12-88	B		
ST88-3659	Texas Eastern Transmission Corp	Midwest Natural Gas Corp	05-13-88	B		
ST88-3660	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	05-13-88	B		
ST88-3661	Texas Eastern Transmission Corp	Elizabethtown Gas Co	05-13-88	B		
ST88-3662	Texas Eastern Transmission Corp	City of Lafayette	05-13-88	B		
ST88-3663	Texas Eastern Transmission Corp	City of Crossville	05-13-88	B		
ST88-3664	Texas Eastern Transmission Corp	Central Illinois Public Service Co	05-13-88	B		
ST88-3665	Texas Eastern Transmission Corp	Associated Natural Gas Co	05-13-88	B		
ST88-3666	Texas Eastern Transmission Corp	City of Flora	05-13-88	B		
ST88-3667	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	05-13-88	B		
ST88-3668	Texas Eastern Transmission Corp	Nashville Gas Co	05-13-88	B		
ST88-3669	Texas Eastern Transmission Corp	Oxford Natural Gas Co	05-13-88	B		
ST88-3670	Texas Eastern Transmission Corp	City of Batesville	05-13-88	B		
ST88-3671	Texas Eastern Transmission Corp	City of Bude	05-13-88	B		
ST88-3672	Texas Eastern Transmission Corp	New Jersey Natural Gas Co	05-13-88	B		
ST88-3673	Texas Eastern Transmission Corp	Consumers Gas Co	05-13-88	B		
ST88-3674	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	05-13-88	B		
ST88-3675	Texas Eastern Transmission Corp	Elizabethtown Gas Co	05-13-88	B		
ST88-3676	Texas Eastern Transmission Corp	Long Island Lighting Co	05-13-88	B		
ST88-3677	Texas Eastern Transmission Corp	Huntingburg Municipal Gas System	05-13-88	B		
ST88-3678	Texas Eastern Transmission Corp	New Jersey Natural Gas Co	05-13-88	B		
ST88-3679	Texas Eastern Transmission Corp	City of Anna	05-13-88	B		
ST88-3680	Texas Eastern Transmission Corp	City of Bernie	05-13-88	B		
ST88-3681	Texas Eastern Transmission Corp	Fall River Gas Co	05-13-88	B		
ST88-3682	Texas Eastern Transmission Corp	City of Meadville	05-13-88	B		
ST88-3683	Texas Eastern Transmission Corp	Lawrenceburg Gas Co	05-13-88	B		
ST88-3684	Texas Eastern Transmission Corp	City of Lebanon	05-13-88	B		
ST88-3685	Texas Eastern Transmission Corp	Community Natural Gas Co., Inc	05-13-88	B		
ST88-3686	Texas Eastern Transmission Corp	United Cities Gas Co	05-13-88	B		
ST88-3687	Texas Eastern Transmission Corp	Mt. Carmel Public Utility Co	05-13-88	B		
ST88-3688	Texas Eastern Transmission Corp	Mississippi Gas Corp	05-13-88	B		
ST88-3689	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	05-13-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3690	Texas Eastern Transmission Corp	Philadelphia Electric Co	05-13-88	B		
ST88-3691	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	05-13-88	B		
ST88-3692	Texas Eastern Transmission Corp	City of Tompkinsville	05-13-88	B		
ST88-3693	Texas Eastern Transmission Corp	Union Electric Co	05-13-88	B		
ST88-3694	Texas Eastern Transmission Corp	City of Tamms	05-13-88	B		
ST88-3695	Texas Eastern Transmission Corp	City of Pulaski Natural Gas Dept	05-13-88	B		
ST88-3696	Texas Eastern Transmission Corp	City of Cairo	05-13-88	B		
ST88-3697	Texas Eastern Transmission Corp	City of Cobden	05-13-88	B		
ST88-3698	Texas Eastern Transmission Corp	National Gas and Oil Corp	05-13-88	B		
ST88-3799	Texas Eastern Transmission Corp	Columbia Gas of Kentucky, Inc	05-13-88	B		
ST88-3700	Tennessee Gas Pipeline Co	Bay State Gas Co., et al	05-13-88	B		
ST88-3701	Natural Gas Pipeline Co of America	Southern California Gas Co	05-16-88	B		
ST88-3702	Tennessee Gas Pipeline Co	NGC Intrastate Pipeline Co	05-16-88	B		
ST88-3703	ANR Pipeline Co	Suburban Fuel Gas Corp	05-13-88	B		
ST88-3704	ANR Pipeline Co	Northern Indiana Public Service Co	05-13-88	B		
ST88-3705	Arkla Energy Resources	Arkansas Louisiana Gas Co	05-13-88	B		
ST88-3706	Arkla Energy Resources	Arkansas Louisiana Gas Co	05-13-88	B		
ST88-3707	Texas Gas Transmission Corp	Lawrenceburg Gas Co	05-13-88	B		
ST88-3708	Texas Gas Transmission Corp	Cincinnati Gas and Electric Co	05-13-88	B		
ST88-3709	Natural Gas Pipeline Co of America	Louisiana Resources Co	05-13-88	B		
ST88-3710	Trunkline Gas Co	Austell Gas System, et al	05-13-88	B		
ST88-3711	Northern Border Pipeline Co	ANR Pipeline Co	05-13-88	G		
ST88-3712	Northern Border Pipeline Co	Natural Gas Pipeline Co of America	05-13-88	G		
ST88-3713	Northern Border Pipeline Co	Tennessee Gas Pipeline Co	05-13-88	G		
ST88-3714	Northern Border Pipeline Co	Transcontinental Gas Pipe Line Corp.	05-13-88	G		
ST88-3715	El Paso Natural Gas Co	Southern California Gas Co	05-16-88	B		
ST88-3716	Sea Robin Pipeline Co	Stellar Gas Co	05-16-88	B		
ST88-3717	Sea Robin Pipeline Co	Bishop Pipeline Corp	05-16-88	B		
ST88-3718	Sea Robin Pipeline Co	Bridgeline Gas Distribution Co., et al.	05-16-88	B		
ST88-3719	Sea Robin Pipeline Co	Enmark Gas Corp	05-16-88	B		
ST88-3720	United Gas Pipe Line Co	Sabine-Desoto Pipeline Co., Inc	05-16-88	B		
ST88-3721	United Gas Pipe Line Co	Mississippi Valley Gas Co	05-16-88	B		
ST88-3722	United Gas Pipe Line Co	City of Vicksburg	05-16-88	B		
ST88-3723	Northwest Pipeline Corp	Greeley Gas Co	05-16-88	B		
ST88-3724	Southern Natural Gas Co	City of Fultondale	05-16-88	B		
ST88-3725	Southern Natural Gas Co	City of Lafayette	05-16-88	B		
ST88-3726	Southern Natural Gas Co	City of Pleasant Grove	05-16-88	B		
ST88-3727	Southern Natural Gas Co	City of Trussville	05-16-88	B		
ST88-3728	Southern Natural Gas Co	Atlanta Gas Light Co	05-16-88	B		
ST88-3729	Southern Natural Gas Co	City of Oneonta	05-16-88	B		
ST88-3730	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-16-88	B		
ST88-3731	Southern Natural Gas Co	City of Piedmont	05-16-88	B		
ST88-3732	Southern Natural Gas Co	Atlanta Gas Light Co	05-16-88	B		
ST88-3733	Southern Natural Gas Co	South Carolina Pipeline Corp	05-16-88	B		
ST88-3734	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-16-88	B		
ST88-3735	Southern Natural Gas Co	The Gas Board of the Town of Sumiton.	05-16-88	B		
ST88-3736	Southern Natural Gas Co	City of Dadeville	05-16-88	B		
ST88-3727	Southern Natural Gas Co	City of Boaz	05-16-88	B		
ST88-3738	Southern Natural Gas Co	City of Ashville	05-16-88	B		
ST88-3739	Southern Natural Gas Co	City of Ragland	05-16-88	B		
ST88-3740	South Georgia Natural Gas Co	SNG Intrastate Pipeline, Inc	05-16-88	B		
ST88-3741	South Georgia Natural Gas Co	SNG Intrastate Pipeline, Inc	05-16-88	B		
ST88-3742	Southern Natural Gas Co	City of Union Springs	05-16-88	B		
ST88-3743	Southern Natural Gas Co	Alabaster Water & Gas Board	05-16-88	B		
ST88-3744	Natural Gas Pipeline Co of America	Illinois Power Co	05-18-88	B		
ST88-3745	Natural Gas Pipeline Co of America	Central Illinois Light Co	05-18-88	B		
ST88-3746	Tarpon Transmission	Bridgeline Gas Dist. Co., Et Al	05-18-88	B		
ST88-3747	Valero Transmission L.P	Transwestern Pipeline Co	05-18-88	B		
ST88-3748	Transcontinental Gas Pipe Line Corp	Cincinnati Gas & Elect. Co., Et Al	05-19-88	B		
ST88-3749	Transcontinental Gas Pipe Line Corp	Union Gas Co	05-19-88	B		
ST88-3750	Transcontinental Gas Pipe Line Corp	Union Gas Co	05-19-88	B		
ST88-3751	Transcontinental Gas Pipe Line Corp	Exxon Gas System, Inc	05-19-88	B		
ST88-3752	Tennessee Gas Pipeline Co	Northeast Ohio Natural Gas Corp	05-20-88	B		
ST88-3753	Tennessee Gas Pipeline Co	Public Service Electric and Gas Co	05-20-88	B		
ST88-3754	Tennessee Gas Pipeline Co	Union Texas Petroleum Corp	05-20-88	G-S		
ST88-3755	Natural Gas Pipeline Co of America	Bridgeline Gas Distribution Co	05-20-88	B		
ST88-3756	Natural Gas Pipeline Co of America	Bridgeline Gas Distribution Co	05-20-88	B		
ST88-3757	Gas Co. of NM (Div. Public Serv. Co. NM)	El Paso Natural Gas Co	05-20-88	G(HT)		
ST88-3758	Arkla Energy Resources, (La Intra. Seg.)	Arkansas Louisiana Gas Co	05-20-88	C	10-17-88	85.80
ST88-3759	Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	05-20-88	B		
ST88-3760	Transcontinental Gas Pipe Line Corp	Delmarva Power and Light Co	05-20-88	B		
ST88-3761	Transcontinental Gas Pipe Line Corp	Coastal States Gas Transmission Co.	05-20-88	B		
ST88-3762	Transcontinental Gas Pipe Line Corp	City of Lexington	05-20-88	B		
ST88-3763	Transcontinental Gas Pipe Line Corp	Boston Gas Co., Et Al	05-20-88	B		
ST88-3764	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electronic Co	05-20-88	B		
ST88-3765	Transcontinental Gas Pipe Line Corp	North Carolina Natural Gas Corp	05-20-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3766	Transcontinental Gas Pipe Line Corp	Piedmont Natural Gas Co	05-20-88	B		
ST88-3767	Transcontinental Gas Pipe Line Corp	Union Gas Co	05-20-88	B		
ST88-3768	Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of NY, Inc	05-20-88	B		
ST88-3769	Transcontinental Gas Pipe Line Corp	City of Lexington	05-20-88	B		
ST88-3770	El Paso Natural Gas Co	MGTC, Inc	05-20-88	B		
ST88-3771	Kentucky West Virginia Gas Co	Columbia Gas Transmission Corp	05-23-88	G		
ST88-3772	Delhi Gas Pipeline Corp	Panhandle Eastern Pipe Line Co	05-23-88	C	10-20-88	35.00
ST88-3773	Natural Gas Pipeline Co. of America	Nagasco Marketing, Inc	05-23-88	GS		
ST88-3774	Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	05-23-88	B		
ST88-3775	Transcontinental Gas Pipe Line Corp	Louisiana Gas Marketing Co	05-23-88	B		
ST88-3776	Transcontinental Gas Pipe Line Corp	Piedmont Natural Gas Co	05-23-88	B		
ST88-3777	El Paso Natural Gas Co	Southern California Gas Co	05-23-88	B		
ST88-3778	El Paso Natural Gas Co	Intersearch Gas Corp	05-23-88	B		
ST88-3779	Valero Transmission, L.P	Natural Gas Pipeline Co. of America.	05-23-88	C		
ST88-3780	Wintershall Pipeline Corp	Georgia-Pacific Corp	05-23-88	C		
ST88-3781	Natural Gas Pipeline Co. of America	Panhandle Trading Co	05-23-88	G-S		
ST88-3782	Texas Eastern Transmission Corp	Southeastern Natural Gas Co				
ST88-3783	Texas Eastern Transmission Corp	Huntingburg Municipal Gas System	05-23-88	B		
ST88-3784	Texas Eastern Transmission Corp	City of Kennett	05-23-88	B		
ST88-3785	Texas Eastern Transmission Corp	Tejas Gas Corp	05-23-88	B		
ST88-3786	Texas Eastern Transmission Corp	Excel Intrastate Pipeline Co	05-23-88	B		
ST88-3787	Texas Eastern Transmission Corp	Associated Natural Gas Co	05-23-88	B		
ST88-3788	Texas Eastern Transmission Corp	Mt. Carmel Public Utility Co	05-23-88	B		
ST88-3789	Texas Eastern Transmission Corp	Philadelphia Electric Co	05-23-88	B		
ST88-3790	Texas Eastern Transmission Corp	Chambersburg Gas Dept., Chambersburg.	05-23-88	B		
ST88-3791	Texas Eastern Transmission Corp	Connecticut Light & Power Co	05-23-88	B		
ST88-3792	Texas Eastern Transmission Corp	City of Cario	05-23-88	B		
ST88-3793	Texas Eastern Transmission Corp	Bay State Gas Co	05-23-88	B		
ST88-3794	Texas Eastern Transmission Corp	Elizabethtown Gas Co	05-23-88	B		
ST88-3795	Texas Eastern Transmission Corp	City of Pulaski Natural Gas Dept	05-23-88	B		
ST88-3796	Texas Eastern Transmission Corp	Southern Connecticut Gas Co	05-23-88	B		
ST88-3797	Texas Eastern Transmission Corp	City of Utica	05-23-88	B		
ST88-3798	Texas Eastern Transmission Corp	Providence Gas Co	05-23-88	B		
ST88-3799	Texas Eastern Transmission Corp	Commonwealth Gas Co	05-23-88	B		
ST88-3800	Texas Eastern Transmission Corp	Connecticut Light & Power Co	05-23-88	B		
ST88-3801	Texas Eastern Transmission Corp	Middleborough Gas & Electric Dept	05-23-88	B		
ST88-3802	Texas Eastern Transmission Corp	Texas Southeastern Gas Co	05-23-88	B		
ST88-3803	Texas Eastern Transmission Corp	Consumers Gas Co	05-23-88	B		
ST88-3804	Tennessee Gas Pipeline Co	Varibus Corp	05-23-88	B		
ST88-3805	Northwest Pipeline Corp	Northwest Natural Gas Co	05-23-88	B		
ST88-3806	Northwest Pipeline Corp	Coastal States Gas Transmission Co.	05-23-88	B		
ST88-3807	ANR Pipeline Co	Wisconsin Power and Light Co	05-23-88	B		
ST88-3808	ANR Pipeline Co	Community Natural Gas Co., Inc	05-23-88	B		
ST88-3809	ANR Pipeline Co	Wisconsin Gas Co	05-23-88	B		
ST88-3810	Transcontinental Gas Pipe Line Corp	North Carolina Natural Gas Corp	05-24-88	B		
ST88-3811	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	05-24-88	B		
ST88-3812	Valero Transmission, L.P	Valero Interstate Transmission Co	05-24-88	C		
ST88-3813	Valero Transmission, L.P	Tennessee Gas Pipeline Co	05-24-88	C		
ST88-3814	Valero Interstatre Transmission Co	Valero Transmission, L.P	05-24-88	B		
ST88-3815	Natural Gas Pipeline Co. of America	Acacia Pipeline Corp	05-24-88	B		
ST88-3816	Natural Gas Pipeline Co. of America	Texaco Producing, Inc	05-24-88	G-S		
ST88-3817	Natural Gas Pipeline Co. of America	Peoples Gas Light & Coke Co	05-25-88	B		
ST88-3818	Natural Gas Pipeline Co. of America	Quivira Gas Co	05-25-88	B		
ST88-3819	Natural Gas Pipeline Co. of America	Wisconsin Co	05-25-88	B		
ST88-3820	Tennessee Gas Pipeline Co	Mid Louisiana Gas Co	05-26-88	G		
ST88-3821	Colorado Interstate Gas Co	Consumers Power Co	05-23-88	B		
ST88-3822	Colorado Interstate Gas Co	Southern California Gas Co	05-26-88	B		
ST88-3823	Colorado Interstate Gas Co	Coastal States Gas Transmission Co.	05-26-88	B		
ST88-3824	Williams Natural Gas Co	Kansas Power & Light Co	05-26-88	G-S		
ST88-3825	Williams Natural Gas Co	Golden Gas Energies, Inc	05-26-88	G-S		
ST88-3826	Northern Natural Gas Co	N-Gas, Inc	05-26-88	G-S		
ST88-3827	Northern Natural Gas Co	Lone Star Gas Co	05-26-88	B		
ST88-3828	Texas Eastern Transmission Corp	Columbia Gas of Virginia, Inc	05-26-88	B		
ST88-3829	Texas Eastern Transmission Corp	Columbia Gas of Ohio, Inc	05-26-88	B		
ST88-3830	Texas Eastern Transmission Corp	Colubia Gas of New York, Inc	05-26-88	B		
ST88-3831	Texas Eastern Transmission Corp	Columbia Gas of Maryland, Inc	05-26-88	B		
ST88-3832	Texas Eastern Transmission Corp	North Attleboro Gas Co	05-26-88	B		
ST88-3833	Texas Eastern Transmission Corp	City of Jonesboro	05-26-88	B		
ST88-3834	Texas Eastern Transmission Corp	City of Bernie	05-26-88	B		
ST88-3835	Texas Eastern Transmission Corp	City of Jasper	05-26-88	B		
ST88-3836	Texas Eastern Transmission Corp	Allied Gas Co	05-26-88	B		
ST88-3837	Texas Eastern Transmission Corp	Washington Gas Light Co	05-26-88	B		
ST88-3838	Texas Eastern Transmission Corp	Philadelphia Electric Co	05-26-88	B		
ST88-3839	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	05-26-88	B		
ST88-3840	Texas Eastern Transmission Corp	Bay State Gas Co	05-26-88	B		
ST88-3841	Texas Eastern Transmission Corp	Colonial Gas Corp	05-26-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3842	Texas Eastern Transmission Corp	Public Service Gas and Electric Co	05-26-88	B		
ST88-3843	Texas Eastern Transmission Corp	Corpus Christi Industrial Pipeline Co	05-26-88	B		
ST88-3844	Texas Eastern Transmission Corp	Consumers Gas Co	05-26-88	B		
ST88-3845	Texas Eastern Transmission Corp	Providence Gas Co	05-26-88	B		
ST88-3846	Texas Eastern Transmission Corp	Fall River Gas Co	05-26-88	B		
ST88-3847	Texas Eastern Transmission Corp	Philadelphia Electric Co	05-26-88	B		
ST88-3848	Texas Eastern Transmission Corp	City of Norwich	05-26-88	B		
ST88-3849	Texas Eastern Transmission Corp	Dayton Power and Light Co	05-26-88	B		
ST88-3850	Texas Natural Gas Pipeline Co. of America	North Shore Gas Co	05-26-88	B		
ST88-3851	United Gas Pipe Line Co	Bridgeline Gas Distribution Co	05-27-88	B		
ST88-3852	United Gas Pipe Line Co	Chunchula Energy Corp	05-27-88	B		
ST88-3853	United Gas Pipe Line Co	Wisconsin Public Service Corp., et al.	05-27-88	B		
ST88-3854	United Gas Pipe Line Co	Clarke-Mobile Counties Gas District	05-27-88	B		
ST88-3855	United Gas Pipe Line Co	Dow Intrastate Gas Co	05-27-88	B		
ST88-3856	United Gas Pipe Line Co	Transamerican Gas Transmission Corp.	05-26-88	B		
ST88-3857	United Gas Pipe Line Co	DOW Intrastate Gas Co	05-26-88	B		
ST88-3858	El Paso Natural Gas Co	Wyoming Gathering and Production	05-26-88	B		
ST88-3859	Valero Transmission, L.P	Tennessee Gas Pipeline Co	05-27-88	C		
ST88-3860	Sandy Hook Pipeline Inc	United Gas Pipe Line Co	05-27-88	C		
ST88-3861	ANR Pipeline Co	Michigan Consolidated Gas Co	05-27-88	B		
ST88-3862	ANR Pipeline Co	Michigan Consolidated Gas Co	05-27-88	B		
ST88-3863	El Paso Natural Gas Co	Southwest Gas Corp	05-27-88	B		
ST88-3864	El Paso Natural Gas Co	Southwest Gas Corp	05-27-88	B		
ST88-3865	Oasis Pipe Line Co	Transwestern Pipeline Co	05-27-88	C		
ST88-3866	Houston Pipe Line Co	Texas Eastern Transmission Corp	05-27-88	C		
ST88-3867	Oasis Pipe Line Co	Transwestern Pipeline Co	05-27-88	C		
ST88-3868	Houston Pipe Line Co	Transwestern Pipeline Co	05-27-88	C		
ST88-3869	Houston Pipe Line Co	Transwestern Pipeline Co	05-27-88	C		
ST88-3870	Houston Pipe Line Co	Transwestern Pipeline Co	05-27-88	C		
ST88-3871	Texas Eastern Transmission Corp	Providence Gas Co	05-27-88	B		
ST88-3872	Texas Eastern Transmission Corp	T.W. Phillips Gas & Oil Co	05-27-88	B		
ST88-3873	Texas Eastern Transmission Corp	Union Light, Heat & Power	05-27-88	B		
ST88-3874	Texas Eastern Transmission Corp	City of Belmont	05-27-88	B		
ST88-3875	Texas Eastern Transmission Corp	City of Smyrna	05-27-88	B		
ST88-3876	Texas Eastern Transmission Corp	City of Anna	05-27-88	B		
ST88-3877	Texas Eastern Transmission Corp	Mt. Carmel Public Utility Co	05-27-88	B		
ST88-3878	Texas Eastern Transmission Corp	Philadelphia Electric Co	05-27-88	B		
ST88-3879	Texas Eastern Transmission Corp	City of Kennett	05-27-88	B		
ST88-3880	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	05-27-88	B		
ST88-3881	Texas Eastern Transmission Corp	Orange and Rockland Utilities, Inc	05-27-88	B		
ST88-3882	Texas Eastern Transmission Corp	Commonwealth Gas Co	05-27-88	B		
ST88-3883	Texas Eastern Transmission Corp	Central Hudson Gas and Electric Co.	05-27-88	B		
ST88-3884	Texas Eastern Transmission Corp	Boston Gas Co	05-27-88	B		
ST88-3885	Texas Eastern Transmission Corp	Bay State Gas Co	05-27-88	B		
ST88-3886	Texas Eastern Transmission Corp	Boston Gas Co	05-27-88	B		
ST88-3887	Texas Eastern Transmission Corp	City of Tamms	05-27-88	B		
ST88-3888	Texas Eastern Transmission Corp	Pottsville Gas Co	05-27-88	B		
ST88-3889	Texas Eastern Transmission Corp	Southern Connecticut Gas Co	05-27-88	B		
ST88-3890	Texas Eastern Transmission Corp	City of Lawrenceburg	05-27-88	B		
ST88-3891	Texas Eastern Transmission Corp	City of Red Bay	05-27-88	B		
ST88-3892	Texas Eastern Transmission Corp	City of Lebanon	05-27-88	B		
ST88-3893	Texas Eastern Transmission Corp	Columbia Gas of Pennsylvania, Inc	05-27-88	B		
ST88-3894	Texas Eastern Transmission Corp	Colonia Gas Corp	05-27-88	B		
ST88-3895	Texas Eastern Transmission Corp	City of Harrisburg	05-27-88	B		
ST88-3896	Texas Eastern Transmission Corp	Southern Connecticut Gas Co	05-27-88	B		
ST88-3897	Tennessee Gas Pipeline Co	Bishop Pipeline Corp	05-31-88	B		
ST88-3898	Southern Natural Gas Co	Oceana Heights Gas Co	05-31-88	B		
ST88-3899	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3900	Southern Natural Gas Co	South Carolina Pipeline Corp	05-31-88	B		
ST88-3901	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3902	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3903	Southern Natural Gas Co	Dekalb-Cherokee Counties Nat. Gas Dist.	05-31-88	B		
ST88-3904	Southern Natural Gas Co	Olympic Pipeline Co	05-31-88	B		
ST88-3905	Southern Natural Gas Co	Bishop Pipeline Corp	05-31-88	B		
ST88-3906	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3907	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3908	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3909	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3910	Southern Natural Gas Co	Pontchartrain Natural Gas System	05-31-88	B		
ST88-3911	Southern Natural Gas Co	Chattanooga Gas Co	05-31-88	B		
ST88-3912	Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	05-31-88	B		
ST88-3913	Southern Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3914	Southern Natural Gas Co	Bishop Pipeline Corp	05-31-88	B		
ST88-3915	Southern Natural Gas Co	United Cities Gas Co	05-31-88	B		
ST88-3916	South Georgia Natural Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3917	South Georgia Natural Gas Co	SNG Intrastate Pipeline, Inc	05-31-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3918	Trunkline Gas Co	Bishop Pipeline Corp	05-31-88	B		
ST88-3919	Trunkline Gas Co	Loutex Energy, Inc	05-31-88	G-S		
ST88-3920	Trunkline Gas Co	Unicorp Energy, Inc	05-31-88	G-S		
ST88-3921	Trunkline Gas Co	Consumers Power Co	05-31-88	B		
ST88-3922	Trunkline Gas Co	Exxon Corp	05-31-88	G-S		
ST88-3923	Trunkline Gas Co	Exxon Corp	05-31-88	G-S		
ST88-3924	Trunkline Gas Co	Central Illinois Public Service Co	05-31-88	B		
ST88-3925	Trunkline Gas Co	Consumers Power Co	05-31-88	B		
ST88-3926	Trunkline Gas Co	Atlanta Gas Light Co	05-31-88	B		
ST88-3927	Trunkline Gas Co	Archer Daniels Midland Co	05-31-88	G-S		
ST88-3928	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	05-31-88	B		
ST88-3929	Panhandle Eastern Pipe Line Co	W.A. Sadler Resources, Inc	05-31-88	G-S		
ST88-3930	Panhandle Eastern Pipe Line Co	Columbia Gas of Kentucky, Inc	05-31-88	B		
ST88-3931	Panhandle Eastern Pipe Line Co	Consumers Power Co	05-31-88	B		
ST88-3932	Panhandle Eastern Pipe Line Co	Reliance Pipeline Co	05-31-88	B		
ST88-3933	Panhandle Eastern Pipe Line Co	City of Morton	05-31-88	B		
ST88-3934	Panhandle Eastern Pipe Line Co	Quivira Gas Co	05-31-88	B		
ST88-3935	Panhandle Eastern Pipe Line Co	Consumers Power Co	05-31-88	B		
ST88-3936	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	05-31-88	B		
ST88-3937	Panhandle Eastern Pipe Line Co	Bishop Pipeline Corp	05-31-88	B		
ST88-3938	Panhandle Eastern Pipe Line Co	Indiana Gas Co	05-31-88	B		
ST88-3939	Panhandle Eastern Pipe Line Co	Kansas Power and Light Co	05-31-88	B		
ST88-3940	Panhandle Eastern Pipe Line Co	Golden Gas Energies, Inc	05-31-88	B		
ST88-3941	Panhandle Eastern Pipe Line Co	Columbia Gas of Virginia, Inc	05-31-88	B		
ST88-3942	Panhandle Eastern Pipe Line Co	Amarillo Natural Gas Co., Inc	05-31-88	B		
ST88-3943	Panhandle Eastern Pipe Line Co	Columbia Gas of Maryland, Inc	05-31-88	B		
ST88-3944	Panhandle Eastern Pipe Line Co	Great River Gas Co	05-31-88	B		
ST88-3945	Panhandle Eastern Pipe Line Co	Columbia Gas of Ohio, Inc	05-31-88	B		
ST88-3946	Panhandle Eastern Pipe Line Co	Columbia Gas of New York, Inc	05-31-88	B		
ST88-3947	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	05-31-88	B		
ST88-3948	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	05-31-88	B		
ST88-3949	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	05-31-88	B		
ST88-3950	ONG Transmission Co	ANR Pipeline Co	05-31-88	C	10-28-88	24.32
ST88-3951	Sabine Pipe Line Co	Southern Indiana Gas & Elect. Co., et al.	05-31-88	B		
ST88-3952	Williams Natural Gas Co	Williams Gas Marketing Co	05-31-88	G-S		
ST88-3953	Williams Natural Gas Co	Enron Gas Marketing	05-31-88	G-S		
ST88-3954	Williams Natural Gas Co	Mountain Iron & Supply Co	05-27-88	G-S		
ST88-3955	Sabine Pipe Line Co	Virginia Natural Gas Co	05-31-88	B		
ST88-3956	Northern Natural Gas Co	Transcontinental Gas Pipe Line Corp.	05-31-88	G		
ST88-3957	Northern Natural Gas Co	Peninsular Gas Co	05-31-88	B		
ST88-3958	Northern Natural Gas Co	Graettinger Municipal Gas	05-31-88	B		
ST88-3959	Algonquin Gas Transmission Co	Southern Connecticut Gas Co	05-31-88	B		
ST88-3960	Gas Co. of NM (Div. Public Serv. Co. NM)	El Paso Natural Gas Co	06-01-88	G(HT)		
ST88-3961	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	05-31-88	B		
ST88-3962	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	05-31-88	G		
ST88-3963	Tennessee Gas Pipeline Co	Commonwealth Gas Co	05-31-88	B		
ST88-3964	Tennessee Gas Pipeline Co	American Natural Gas Corp	05-31-88	B		
ST88-3965	Tennessee Gas Pipeline Co	Tejas Gas Corp	05-31-88	G-S		
ST88-3966	Tennessee Gas Pipeline Co	National Fuel Gas Distribution Corp	05-31-88	B		
ST88-3967	Tennessee Gas Pipeline Co	CNG Transmission Corp	05-31-88	G		
ST88-3968	Tennessee Gas Pipeline Co	Pargon Gas Corp	05-31-88	G-S		
ST88-3969	Tennessee Gas Pipeline Co	Mississippi Fuel Co	05-31-88	B		
ST88-3970	Tennessee Gas Pipeline Co	Citizens Gas Supply Corp	05-31-88	G-S		
ST88-3971	Tennessee Gas Pipeline Co	Fuel Service Group	05-31-88	G-S		
ST88-3972	Tennessee Gas Pipeline Co	National Fuel Gas Supply Corp	05-31-88	G		
ST88-3973	Tennessee Gas Pipeline Co	Union Texas Petroleum Corp	05-31-88	G-S		
ST88-3974	Tennessee Gas Pipeline Co	Catamount Natural Gas, Inc	05-31-88	G-S		
ST88-3975	Tennessee Gas Pipeline Co	Gulf Energy Pipeline Co	05-31-88	B		
ST88-3976	Tennessee Gas Pipeline Co	Louisiana State Gas Corp	05-31-88	B		
ST88-3977	Tennessee Gas Pipeline Co	Tejas Power Corp	05-31-88	G-S		
ST88-3978	Tennessee Gas Pipeline Co	Commonwealth Gas Co	05-31-88	B		
ST88-3979	Tennessee Gas Pipeline Co	Berkshire Gas Co	05-31-88	B		
ST88-3980	Tennessee Gas Pipeline Co	United Gas Pipe Line Co	05-31-88	G		
ST88-3981	Tennessee Gas Pipeline Co	Woodward Marketing, Inc	05-31-88	G-S		
ST88-3982	Tennessee Gas Pipeline Co	Southern Connecticut Gas Co	05-31-88	B		
ST88-3983	Tennessee Gas Pipeline Co	CNG Transmission Corp	05-31-88	G		
ST88-3984	Tennessee Gas Pipeline Co	Commonwealth Gas Co	05-31-88	B		
ST88-3985	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	05-31-88	G		
ST88-3986	Texas Gas Transmission Corp	Mississippi Valley Gas Co	05-31-88	B		
ST88-3987	Texas Gas Transmission Corp	Wintershall Pipeline Corp	05-31-88	B		
ST88-3988	Texas Gas Transmission Corp	CSX Intrastate Gas Co	05-31-88	B		
ST88-3989	Texas Gas Transmission Corp	CSX Intrastate Gas Co	05-31-88	B		
ST88-3990	Texas Gas Transmission Corp	Western Kentucky Gas Co	05-31-88	B		
ST88-3991	Texas Gas Transmission Corp	Western Kentucky Gas Co	05-31-88	B		
ST88-3992	Texas Gas Transmission Corp	City of Danville, et al	05-31-88	B		
ST88-3993	Transcontinental Gas Pipe Line Corp	North Carolina Gas Corp	05-31-88	B		
ST88-3994	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co	05-31-88	B		
ST88-3995	Transcontinental Gas Pipe Line Corp	Baltimore Gas & Elect., et al	05-31-88	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date[2]	Transportation rate (¢/MMBTU)
ST88-3996	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	05-31-88	B		
ST88-3997	Transcontinental Gas Pipe Line Corp	City of Laurens	05-31-88	B		
ST88-3998	Transcontinental Gas Pipe Line Corp	City of Shelby	05-31-88	B		
ST88-3999	Transcontinental Gas Pipe Line Corp	Kings Mountain	05-31-88	B		
ST88-4000	Transcontinental Gas Pipe Line Corp	Spindletop Gas Distribution System	05-31-88	B		
ST88-4001	Transcontinental Gas Pipe Line Corp	North Carolina Natural Gas Corp	05-31-88	B		
ST88-4002	Transcontinental Gas Pipe Line Corp	Wintershall Pipeline Corp	05-31-88	B		
ST88-4003	Transcontinental Gas Pipe Line Corp	Philadelphia Gas Works	05-31-88	B		
ST88-4004	Transcontinental Gas Pipe Line Corp	Memphis Light, Gas and Water Division.	05-31-88	B		
ST88-4005	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	05-31-88	B		
ST88-4006	Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	05-31-88	B		
ST88-4007	Transcontinental Gas Pipe Line Corp	Memphis Light, Gas and Water Division.	05-31-88	B		
ST88-4008	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	05-31-88	B		
ST88-4009	Texas Gas Transmission Corp	Indiana Gas Co., Inc	05-31-88	B		

[1] Notice of transactions does not constitute a determination that filings comply with Commission regulations in accordance with order No. 436 (Final Rule and Notice Requesting Supplemental comments, 50 FR 42372, 10/18/85).
[2] The intrastate pipeline has sought commission approval of its transportation rate pursuant to section 294.123(B)(2) of the commission's regulations (18 CFR 284.123(B)(2). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.

[Docket No. EL87-9-000]

Electric Consumers Protection Act; Availability Of Final Staff Report

July 19, 1988.

In accordance with section 8(d) of the Electric Consumers Protection Act of 1986, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has prepared a final staff report entitled "PURPA Benefits at New Dams and Diversions." The study evaluates the environmental and economic effects of applying benefits of section 210 of the Public Utility Regulatory Policies Act to hydroelectric projects at new dams and diversions. The final study report will be part of the record from which the Commission will make its recommendation to Congress on the continuation of PURPA benefits to projects at new dams and diversions.

Copies of the final staff report are available from the Commission's Public Reference and Files Maintenance Branch, Room 1000, 825 N. Capitol Street, NE., Washington, DC 20426.

For further information, please contact Alan Mitchnick at 202-376-9111.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-16576 Filed 7-21-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP63-272-000, et al.]

CNG Transmission Corp.; Redesignation

July 20, 1988.

On April 26, 1988, CNG Transmission Corporation filed in Docket No. CP63-272-000, *et al.*, a petition requesting that it be designated as holder of all certificate, rate, tariff and other proceedings relating to Consolidated Gas Transmission Corporation.

Accordingly, the authorizations issued by this Commission and by the Federal Power Commission, the proceedings currently pending before the Commission, the FERC Gas Tariff on file and any other records or proceedings relating to Consolidated Gas Transmission Corporation are hereby redesignated as those of CNG Transmission Corporation.

A listing of authorizations and pending proceedings is set forth in the appendix.

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Lois D. Cashell,

Acting Secretary.

Appendix

CP63-272
CP63-285
CP63-302
CP63-311
CP64-35
CP64-56
CP65-394
CP66-45
CP66-225
CP66-250
CP66-290
CP66-343
CP67-6
CP67-40
CP67-212
CP67-254
CP67-307
CP67-328
CP67-372
CP68-9
CP68-113
CP68-260
CP68-281
CP68-298
CP68-315
CP69-17
CP69-78
CP69-87
CP69-92
CP69-120
CP69-207
CP69-235
CP69-242
CP69-253
CP69-264
CP69-274
CP69-286
CP69-292
CP69-308
CP70-31
CP70-170
CP70-215
CP70-227
CP70-250
CP70-263
CP71-17
CP71-46
CP71-100
CP71-101
CP71-102
CP71-103
CP71-104
CP71-105
CP71-212
CP71-251
CP72-40
CP72-173
CP72-183
CP72-203
CP72-213
CP72-249
CP72-250
CP72-300
CP72-303
CP73-146
CP73-206
CP73-242
CP73-288
CP73-313
CP74-9
CP74-34
CP74-113
CP74-168
CP74-229
CP74-249
CP74-268
CP74-312
CP75-4
CP75-5
CP75-8
CP75-22
CP75-72
CP75-158
CP75-233
CP75-245
CP75-259
CP75-260
CP75-317
CP75-318
CP75-319
CP75-320
CP76-5
CP76-180
CP76-194
CP76-260
CP76-265
CP76-294
CP76-295
CP76-396
CP77-144
CP77-189
CP77-201
CP77-205
CP77-211
CP77-257
CP77-325
CP77-336
CP77-355
CP77-372
CP77-444
CP77-538
CP77-585
CP78-22
CP78-55
CP78-141
CP78-143
CP78-161
CP78-225
CP78-269
CP78-288
CP78-289
CP78-394
CP78-479
CP78-506
CP78-529
CP79-14
CP79-26
CP79-92
CP79-132
CP79-190
CP79-193
CP79-272
CP79-319
CP79-333
CP79-419
CP79-441
CP80-44
CP80-121
CP80-208
CP80-223
CP80-260
CP80-266
CP80-292
CP80-293
CP80-296
CP80-299
CP80-307
CP80-330
CP80-375
CP80-385
CP80-410
CP80-442
CP80-455
CP80-486
CP81-31
CP81-69
CP81-179
CP81-187
CP81-188
CP81-244
CP81-268
CP81-277
CP81-284
CP81-285
CP81-289
CP81-385
CP81-407
CP81-441

CP81-447
CP81-452
CP81-464
CP81-490
CP81-519
CP81-528
CP82-10
CP82-11
CP82-61
CP82-113
CP82-135
CP82-162
CP82-187
CP82-191
CP82-195
CP82-277
CP82-353
CP82-381
CP82-400
CP82-415
CP82-531
CP82-537
CP82-557
CP83-3
CP83-52
CP83-82
CP83-87
CP83-176
CP83-177
CP83-338
CP83-382
CP83-386
CP83-403
CP83-410
CP84-52
CP84-126
CP84-127
CP84-274
CP84-280
CP84-298
CP84-300
CP84-306
CP84-520
CP84-526
CP84-575
CP85-52
CP85-85
CP85-97
CP85-110
CP85-246
CP85-354
CP85-355
CP85-480
CP85-564
CP85-651
CP85-693
CP85-756
CP86-3
CP86-42
CP86-45
CP86-148
CP86-208
CP86-227
CP86-277
CP86-311
CP86-312
CP86-319
CP86-320
CP86-344
CP86-625
CP86-626
CP86-694
CP86-729
CP87-5
CP87-32
CP87-195
CP87-203
CP87-285
CP87-313
CP87-314
CP87-371
CP87-428
CP87-447
CP88-69
CP88-96
CP88-128
CI87-401
CI87-416
GP86-9
RP85-169
RP85-179
RP86-118
RP88-10
TA87-2-22, *et al*
TA87-3-22, *et al*

[FR Doc. 88-16577 Filed 7-21-88; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of May 27, 1988 Through June 3, 1988

During the Week of May 27 through June 3, 1988, the appeal and the applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regualtions, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

July 15, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of May 27 through June 3, 1988]

Date	Name and location of applicant	Case No.	Type of submission
May 27, 1988	Pennzoil/West Virginia, Charleston, WV	RM10-110	Request for Modification/Rescission. If granted: The January 29, 1988, Decision and Order issued to West Virginia (Case No. RQ10-392) would be modified regarding the state's application in the Pennzoil second stage refund proceeding, and the state would be granted permission to fund programs that were not included in the January 29 determination.
May 31, 1988	Amoco/Caribou Four Corners, Inc., Salt Lake City, UT.	RR21-5	Request for Modfiication/Rescission. If granted: The April 22, 1988 Decision and Order issued to Caribou Four Corners, Inc. (Case No. RR21-4) would be modified regarding the firm's application in the Amoco refund proceeding and the firm would receive a refund.
June 3, 1988	Conoco/Piasa Motors Fuels, Inc., Washington, DC	RR220-1	Request for Modification/Rescission. If granted: The May 23, 1988 Decision and order issued to Piasa Motor Fuels, Inc. (Case No. RF220-246) would be modified regarding the firm's application in the Conoco, Inc. refund proceeding, and the firm would receive a larger refund.
June 3, 1988	William R. Bowling, II, Rolla, MO	KFA-0191	Appeal of an Information Request Denial. If granted: The April 28, 1988 Freedom of Information Request Denial issued by the Executive Secretariat would be rescinded and William R. Bowling, II would receive access to information concerning a meeting of the Atomic Energy Commission held at Los Alamos on October 26, 1953.

Refund Applications Received

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/24/88	Vickers/Wisconsin	RQ1-454
4/25/88	Amoco/Colorado	RQ251-455
5/31/88	Ohio/Amoco II/ Ohio.	RQ241-457
5/31/88	Ohio/Coline/Ohio	RQ2/458
5/31/88	Ohio/National Helium/Ohio.	RQ3/459
5/31/88	Oho/Pennzoil/Ohio	RQ10/460
5/31/88	Ohio/Perry Gas/ Ohio.	RQ183-461
5/31/88	Ohio/Windham Gas/Ohio.	RQ43-462

Refund Applications Received—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/31/88	Vickers/Arkansas	RQ-456
6/1/88	Vickers/North Dakota.	RQ1-463
5/27/88 through 6/3/88.	Crude oil refund applications received.	RF272-58084 through RF272-58783
5/27/88 through 6/3/88.	Gulf oil refund applications received.	RF300-7062 through RF300-7177

Refund Applications Received—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/27/88 through 6/3/88.	ARCO refund applications received.	RF304-2622 through RF304-2652
5/24/88	Saville's Skelly	RF265-2661
5/24/88	Hop & Sack Convenience Stores.	RF265-2662
5/24/88	Twelve Mile Skelgas Service.	RF265-2663
5/24/88	Lehnus Oil Co.	RF265-2664

REFUND APPLICATIONS RECEIVED—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/24/88	Torrid Gas Co., Inc	RF265-2665
5/31/88	Francis Sales & Service.	RF265-2666
5/31/88	Francis Sales & Service.	RF265-2667
5/31/88	Lampe Hardware, Inc.	RF265-2668
5/31/88	J-D Oil Co	RF265-2669
5/19/88	Beaulier Oil Co	RF225-11028
5/31/88	Wardair Canada, Inc.	RD272-19369
5/31/88	Cunard Line Limited	RD272-19928
5/31/88	Skaarup Shipping Corp.	RD272-20516
5/31/88	Coulouthros, Ltd	RD272-20528
5/31/88	Team Tankers A/S	RD272-22390
5/31/88	Admiral Cruises, Inc	RD272-23225
5/31/88	Atlantic Cargo Services.	RD272-23534
5/31/88	Norwegian Caribbean Lines.	RD272-23818
5/31/88	Contishipping Div. Cont.	RD272-25150
5/31/88	Vrontados Naftiki Etairia.	RD272-25262
5/31/88	Almare Di Navigazionne S.P.A.	RD272-25507
5/31/88	Empresa Lineas Maritimas Arg.	RD272-25979
5/31/88	Home Lines, Inc	RD272-27325
5/31/88	Saleninvest A.B	RD272-27768
5/31/88	Pacific Far East Line, Inc.	RD272-27769
5/31/88	Matson Navigation Co., Inc.	RD272-27772
5/31/88	Reefer Express Lines Pty., Ltd.	RD272-27773
5/31/88	Japan Air Lines Co., Ltd.	RD272-27774
5/31/88	Compagnie Nationale Air France.	RD272-27775
5/31/88	Lan-Chile Airlines	RD272-27776
5/31/88	Sitmar Cruises	RD272-27787
5/31/88	Sicula Oceanica S.P.A.	RD272-29349
5/31/88	Irving Goldman	RD272-29774
5/31/88	Aeronaves DeMexico, S.A.	RD272-29799
5/31/88	G & H Towing Co	RD272-38002
5/31/88	Belships Company Limited Skids.	RD272-38242
5/31/88	Broadwall Management Corp.	RD272-38416
5/31/88	Totem Ocean Trailer Express.	RD272-41453
5/31/88	Zim Israel Navigation Co. Ltd.	RD272-42764
5/31/88	Seagroup, Inc	RD272-44156
5/31/88	Puerto Rico Marine Mgt., Inc.	RD272-44657
5/31/88	C.E. Mills Construction.	RD272-17844
5/31/88	Bituminous Materials, Inc.	RD272-18001
5/31/88	Ulland Bros., Inc	RD272-18069
5/31/88	South Texas Construction.	RD272-18427
5/31/88	Yonkers Contracting Co.	RD272-18474
5/31/88	Brasel & Sims Construction.	RD272-18588

REFUND APPLICATIONS RECEIVED—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/31/88	E.T. Simonds Construction.	RD272-18747
5/31/88	W.W. Clyde & Co	RD272-19006
5/31/88	Santee Portland Cement Co.	RD272-19825
5/31/88	Hugo Schultz, Inc	RD272-19838
5/31/88	T.L. James & Co	RD272-20026
5/31/88	Frank Whitcomb Construction.	RD272-20945
5/31/88	Maclair Asphalt	RD272-21083
5/31/88	Rowe Construction	RD272-21520
5/31/88	Monarch Asphalt Co.	RD272-21860
5/31/88	Strain Bros., Inc	RD272-22536
5/31/88	The Brewer Co	RD272-22560
5/31/88	West Lake Quarry & Material.	RD272-23187
5/31/88	Thompson-McCully Co.	RD272-23494
5/31/88	Ideal Basic Industries.	RD272-23514
5/31/88	Heavy Constructors, Inc.	RD272-23949
5/31/88	Sundt Corp	RD272-23956
5/31/88	Hilde Construction	RD272-24803
5/31/88	Elf Aquitaine Asphalt.	RD272-25151
5/31/88	W.E. Blain & Sons	RD272-25368
5/31/88	Daley Corp	RD272-25971
5/31/88	Calaveras Cement Co.	RD272-25984
5/31/88	Vercellio & Grogan, Inc.	RD272-26747
5/31/88	W.A. Biba Engineering.	RD272-26852
5/31/88	Washington Construction.	RD272-27801
5/31/88	Washington Corporations.	RD272-27802
5/31/88	Fred McDowell, Inc	RD272-28146
5/31/88	Eastern Industries	RD272-32281
5/31/88	Saginaw Asphalt Paving.	RD272-32301
5/31/88	Calmat Co	RD272-34296
5/31/88	Gibbons and Redd Co.	RD272-35765
5/31/88	Northwood Stone & Asphalt.	RD272-35933
5/31/88	Staker Paving & Construction.	RD272-37012
5/31/88	The R.E. Hable Co	RD272-41153
5/31/88	Des Moines Asphalt & Paving.	RD272-42154
5/31/88	Allied Paving Corp	RD272-42610
5/31/88	B-Tu-Mix Construction.	RD272-43081
5/31/88	Summers-Taylor, Inc.	RD272-43741
5/31/88	Empire Asphalt	RD272-44574
7/21/88	Wilmarth Oil Co	RD225-11029
6/3/88	Paul & Wayne's, Inc	RD265-2671
6/2/88	Northwest Orient	RD269-24
5/31/88	American Biltrite, Inc.	RD272-26760
5/31/88	Enron Corp	RD272-27189
5/31/88	General Dynamics Corp.	RD272-27790
5/31/88	Escambia Treating Co.	RD272-27793
5/31/88	Offshore Log. Inc	RD272-27810
5/31/88	Santa Fe Drilling Co	RD272-28269
5/31/88	Kohler Co	RD272-29731
5/31/88	Bayonne Industries Inc.	RD272-29793

REFUND APPLICATIONS RECEIVED—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/31/88	MGF Drilling Company Midland.	RD272-31596
5/31/88	Big Three Indust. Inc.	RD272-31804
5/31/88	Wheless Drilling Co	RD272-32264
5/31/88	Garber Industries, Inc.	RD272-32272
5/31/88	Justiss Oil Co, Inc	RD272-32495
5/31/88	C & K Coal Co	RD272-32546
5/31/88	Shannon Coal Co	RD272-32547
5/31/88	TXP Operating Co	RD272-35992
5/31/88	Energy Center Partners.	RD272-37416
5/31/88	Harbert International Inc.	RD272-39409
5/31/88	Champion Enterprises Inc.	RD272-40800
5/31/88	J.M. Huber Corp	RD272-42024
5/31/88	Xerox Corp	RD272-42576
5/31/88	The Budd Co	RD272-43324
5/31/88	F.W. Woolworth	RD272-43997
5/31/88	Garden State Tanning.	RD272-44640
5/31/88	Bowater, Inc	RD272-18689
5/31/88	Brown Construction	RD272-22309
5/31/88	Valley Asphalt Corp	RD272-25379
5/31/88	Peckham Materials Corp.	RD272-28095
5/31/88	A. Duda and Sons, Inc.	RD272-41555
5/31/88	Service Corporation Intern'l.	RD272-17474
5/31/88	Lever Bros. Co	RD272-17754
5/31/88	Uniroyal Chemical Co.	RD272-18699
5/31/88	Amax Coal Co	RD272-18873
5/31/88	Wheaton Industries	RD272-18882
5/31/88	The Singer Co	RD272-19009
5/31/88	Air Products & Chemicals.	RD272-19034
5/31/88	The Stanley Works	RD272-19081
5/31/88	Revere Copper Products, Inc.	RD272-19662
5/31/88	General Motors Corp.	RD272-19929
5/31/88	Figgie Intern'l Inc	RD272-20153
5/31/88	DSM Chemicals Augusta, Inc.	RD272-20188
5/31/88	Exterior Drilling Co	RD272-21082
5/31/88	The Procter & Gamble Co.	RD272-21155
5/31/88	Eastman Kodak Co	RD272-21246
5/31/88	FMC Corp	RD272-21816
5/31/88	Drummond Co, Inc	RD272-22373
5/31/88	NCR Corp	RD272-22388
5/31/88	IMCO Services	RD272-22394
5/31/88	Halliburton Services	RD272-22395
5/31/88	Brown & Root, Inc	RD272-22396
5/31/88	The Walt Disney Co	RD272-22537
5/31/88	American Hoist & Derrick Co.	RD272-23005
5/31/88	Lithium Corporation of America.	RD272-23095
5/31/88	BASF Chemical Division.	RD272-23214
5/31/88	BASF Corp	RD272-23215
5/31/88	Two "R" Drilling Co, Inc.	RD272-23297
5/31/88	Peabody Coal Co	RD272-23241
5/31/88	Cook Paint and Varnish Co.	RD272-23366
5/31/88	Benjamin Moore & Co.	RD272-23375
5/31/88	Philip Morris Companies, Inc.	RD272-23536

REFUND APPLICATIONS RECEIVED—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/31/88	GAB Business Services, Inc.	RD272-23654
5/31/88	Delta U.S. Corp	RD272-23787
5/31/88	Gannett Co, Inc	RD272-23888
5/31/88	G.M.C. Delco Remy Division.	RD272-24129
5/31/88	Reliance Electric Co	RD272-24471
5/31/88	General Felt Industries.	RD272-24950
5/31/88	Mack Trucks, Inc	RD272-25002
5/31/88	General Electric Co	RD272-25357
5/31/88	Tidewater, Inc	RD272-25366
5/31/88	Loffland Bros. Co	RD272-25398
5/31/88	Asarco, Inc	RD272-25467
5/31/88	The Gillette Co	RD272-25506
5/31/88	E.W. Moran Drilling Co.	RD272-25632
5/31/88	Humana Incorporated.	RD272-24968
5/31/88	Guardian Industries Corp.	RD272-25974
5/31/88	Mooney's Inc	RD272-17493
5/31/88	Border States Paving.	RD272-17740
5/31/88	Okeelanta Corp	RD272-18009
5/31/88	Container Corp of America.	RD272-18024
5/31/88	The McCourt Construction Co.	RD272-18397
5/31/88	Merchants Fast Motor Lines.	RD272-18485
5/31/88	Longview Fibre Co	RD272-18497
5/31/88	Dahlen Transport, Inc.	RD272-18997
5/31/88	George A. Hormel & Co.	RD272-19873
5/31/88	W.J. Menefee Construction.	RD272-19918
5/31/88	Highway Materials, Inc.	RD272-20227
5/31/88	Tri-City Paving, Inc	RD272-20312
5/31/88	Roseburg Lumber Co.	RD272-20331
5/31/88	K.F. Jacobsen & Co	RD272-21980
5/31/88	Columbus Bituminous Concrete.	RD272-22415
5/31/88	Holloway Construction.	RD272-22635
5/31/88	Eli Lilly and Co	RD272-23220
5/31/88	The Stroh Brewery Co.	RD272-23367
5/31/88	Hercules Inc	RD272-24790
5/31/88	U.S. Sugar Corp	RD272-23812
5/31/88	Cone Mills Corp	RD272-23843
5/31/88	Midstate Contractors.	RD272-23990
5/31/88	Pike Industries	RD272-24810
5/31/88	S.D. Warren Co	RD272-24861
5/31/88	Crown Simpson Pulp Co.	RD272-24986
5/31/88	Heldenfels Brothers, Inc.	RD272-25223
5/31/88	Nashua Corp	RD272-25435
5/31/88	Komatz Construction.	RD272-25545
5/31/88	Masonite Corp	RD272-25593
5/31/88	Arthur L. Cooley	RD272-26039
5/31/88	Newton Falls Paper Mill, Inc.	RD272-26238
5/31/88	Meyer Construction	RD272-26582
5/31/88	Texas Fuel & Asphalt.	RD272-27159
5/31/88	Atlantic Coast Paperboard Corp.	RD272-27791
5/31/88	Spreckles Sugar Co	RD272-27796
5/31/88	Dole Fresh Fruit Co	RD272-27811
5/31/88	Adams Construction	RD272-28135
5/31/88	James C. Landdowne.	RD272-28359
5/31/88	Wyeth Laboratories, Inc.	RD272-29776
5/31/88	Russell Townsend	RD272-31072
5/31/88	McIntyre Construction.	RD272-31512
5/31/88	Brown & Williamson Tobacco.	RD272-31700
5/31/88	Delta Asphalt, Inc	RD272-31710
5/31/88	Empire Sand & Gravel.	RD272-31835
5/31/88	Iowa Road Builders	RD272-31046
5/31/88	Clayhyder Trucking Lines, Inc.	RD272-32457
5/31/88	I.A. Holding Corp	RD272-32569
5/31/88	Zack Burkett Co	RD272-33295
5/31/88	Industrial Asphalt	RD272-34209
5/31/88	Rohlin Construction	RD272-34219
5/31/88	Matich Corp	RD272-34343
5/31/88	Legrand Johnson Construction.	RD272-35869
5/31/88	Widing Transportation, Inc.	RD272-36219
5/31/88	Harris Farms, Inc	RD272-38152
5/31/88	General Mills, Inc	RD272-40849
5/31/88	Massey Sand and Rock Co.	RD272-41357
5/31/88	Hamakua Sugar Co, Inc.	RD272-41358
5/31/88	Constructors, Inc	RD272-41924
5/31/88	Alpha Construction	RD272-43910
5/31/88	Coastal Industries, Bulk Co.	RD272-44276
5/31/88	Clifford D. Hatle	RD272-44615
5/31/88	First Chemical Corp	RD272-28627
5/31/88	Firstmiss, Inc	RD272-29279
5/31/88	Chembond Corp	RD272-29724
5/31/88	General Chemical Corp.	RD272-29733
5/31/88	Faylor Middlecreek, Inc.	RD272-29838
5/31/88	W.R. Grace & Co	RD272-30836
5/31/88	G. Heileman Brewing Co, Inc.	RD272-32245
5/31/88	General Tire, Inc	RD272-32278
5/31/88	Broce Construction	RD272-32562
5/31/88	Central-Allied Enterprises.	RD272-32910
5/31/88	Superior Asphalt Co	RD272-34112
5/31/88	Montana Sulphur & Chemical Co.	RD272-36050
5/31/88	D.L. Gasser Construction.	RD272-38321
5/31/88	Henley-Lundgren Co.	RD272-40812
5/31/88	DeSoto, Inc	RD272-42446
5/31/88	Air Products & Chemicals, Inc.	RD272-43638
5/31/88	ICI Americas, Inc	RD272-44088
5/31/88	Occidental Chemical Corp.	RD272-44117
5/31/88	McLaughlin & Schultz, Inc.	RD272-19147
5/31/88	A.L. Blades & Sons	RD272-20176
5/31/88	Lauhoff Grain Co	RD272-20524
5/31/88	Bunge Corp	RD272-20571
5/31/88	John J. Hudson, Inc	RD272-21107
5/31/88	Ocean Spray Cranberries, Inc.	RD272-21442
5/31/88	Hershey Foods Corp.	RD272-22913
5/31/88	Alpha Beta Stores, Inc.	RD272-23617
5/31/88	Safeway Stores, Inc	RD272-23663
5/31/88	Nestle Foods Corp	RD272-24490
5/31/88	Star-Kist Foods, Inc	RD272-25303
5/31/88	Leeway Motor Freight, Inc.	RD272-25377
5/31/88	Liquid Transporters, Inc.	RD272-25552
5/31/88	Kraft, Inc	RD272-25982
5/31/88	The Stop & Shop Companies, Inc.	RD272-25983
5/31/88	R.J. Noble Co	RD272-27307
5/31/88	Carnation Co	RD272-27518
5/31/88	BOH Bros.	RD272-27532
5/31/88	Hawthorn Mellody, Inc.	RD272-28349
5/31/88	Conagra Poultry Co	RD272-28455
5/31/88	U.S. Gypsum-WCPD.	RD272-29509
5/31/88	Mid-State Construction.	RD272-29745
5/31/88	Popejoy Construction.	RD272-30950
5/31/88	Sahuaro Petroleum & Asphalt.	RD272-31580
5/31/88	Wildish Sand & Gravel.	RD272-32275
5/31/88	New Enterprise Stone & Line.	RD272-32283
5/31/88	George Brox, Inc	RD272-32564
5/31/88	Milne Truck Lines, Inc.	RD272-33602
5/31/88	Brox Paving Materials.	RD272-34390
5/31/88	Posillico Bros.	RD272-34433
5/31/88	Certified Grocers of California.	RD272-35794
5/31/88	Phillips & Jordan, Inc.	RD272-35800
5/31/88	Gilpatrick Construction.	RD272-35924
5/31/88	Sorco Products	RD272-36118
5/31/88	Standard Construction.	RD272-37241
5/31/88	Dole Packaged Foods Co.	RD272-37066
5/31/88	Grace Pacific Corp	RD272-37163
5/31/88	Transpo International, Inc.	RD272-38138
5/31/88	U.S. Gypsum Company ECPD.	RD272-42572
5/31/88	R.A. Cullinon & Son, Inc.	RD272-18159
5/31/88	Satterfield Construction.	RD272-18695
5/31/88	Cooperative of Florida.	RD272-20246
5/31/88	Tom Inman Trucking, Inc.	RD272-21125
5/31/88	Oregon Asphaltic Paving.	RD272-21551
5/31/88	Herzog Contracting	RD272-21581
5/31/88	Alexander & Baldwin, Inc.	RD272-22195
5/31/88	Skokie Valley Asphalt Co.	RD272-24474
5/31/88	Basic Resources	RD272-24800
5/31/88	Texas Industries	RD272-25498
5/31/88	Green Holdings, Inc	RD272-25553
5/31/88	Blue Rock Industries.	RD272-25221

REFUND APPLICATIONS RECEIVED—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/31/88	El Paso Sand Products.	RD272-25903
5/31/88	Giant Cement Co	RD272-26655
5/31/88	Young Bros., Inc	RD272-27446
5/31/88	Werner Construction.	RD272-27568
5/31/88	Summitt, Inc	RD272-27779
5/31/88	Puerto Rican Cement Co.	RD272-28145
5/31/88	Colonial Sand & Stone Co.	RD272-29832
5/31/88	Stoneco, Inc	RD272-31684
5/31/88	Morse Bros	RD272-31817
5/31/88	Ajax Paving	RD272-32277
5/31/88	Southwestern Portland Cement.	RD272-32478
5/31/88	Russell Industries	RD272-32575
5/31/88	Trumbull Corp	RD272-34072
5/31/88	Commercial Carrier Corp.	RD272-34106
5/31/88	Mathy Construction Co.	RD272-34389
5/31/88	Western Paving Construction.	RD272-35878
5/31/88	Hawaiian Cement	RD272-35909
5/31/88	West Virginia Paving.	RD272-35936
5/31/88	Gifford-Hill & Co	RD272-38282
5/31/88	Globe Industries	RD272-38383
5/31/88	Eaton Asphalt Paving Co.	RD272-37399
5/31/88	Tri-State Asphalt Corp.	RD272-41243
5/31/88	Rondo Sand & Gravel.	RD272-41325
5/31/88	Ameron, Inc	RD272-42426
5/31/88	Archer Daniels Midland.	RD272-43109
5/31/88	Plaza Materials Co	RD272-44723
5/31/88	Dover Equipment & Machine.	RD272-17724
5/31/88	G.M.M. Corp	RD272-18023
5/31/88	Mark Sand & Gravel.	RD272-18471
5/31/88	V.R. Dennis Construction.	RD272-18819
5/31/88	Goodyear Tire & Rubber Co.	RD272-20175
5/31/88	Churchill Construction Co.	RD272-20530
5/31/88	The Lubrizoil Corp	RD272-20947
5/31/88	Rieth-Riley Construction.	RD272-20952
5/31/88	Commercial Asphalt Co.	RD272-21181
5/31/88	Peltier Bros., Inc	RD272-21221
5/31/88	Scott Construction	RD272-21234
5/31/88	Geneva Rock Products.	RD272-22941
5/31/88	Asphalt Paving Co	RD272-23286
5/31/88	Eureka Stone Quarry.	RD272-23312
5/31/88	Jos. Schlitz Brewing Co.	RD272-23368
5/31/88	Shelly & Sands, Inc	RD272-23457
5/31/88	The B.F. Goodrich Co.	RD272-23465
5/31/88	West Point Pepperell.	RD272-23786
5/31/88	Harper Bros., Inc	RD272-24568
5/31/88	Howell Asphalt Co	RD272-24799
5/31/88	Du-Kane Asphalt Co.	RD272-24809
5/31/88	San Juan Cement Co.	RD272-25041

REFUND APPLICATIONS RECEIVED—Continued

[Week of May 27 through June 3, 1988]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/31/88	Metropolitan Asphalt Corp.	RD272-25153
5/31/88	Seneca Petroleum Co, Inc.	RD272-25544
5/31/88	Flatiron Paving Co of Greerly.	RD272-25573
5/31/88	Gerald A. Barrett, Inc.	RD272-25932
5/31/88	Barrett Paving Materials.	RD272-26801
5/31/88	Great Northern Paper Co.	RD272-27784
5/31/88	Griffith Co	RD272-28254
5/31/88	Engelhard Corp	RD272-28348

[FR Doc. 88-16603 Filed 7-21-88; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3419-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments Prepared July 4 Through 8, 1988

Availability of EPA comments prepared July 4, 1988 through July 8, 1988 pursuant to the Environmental Review process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5074.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 22, 1988 (53 FR 13318).

Draft EISs

ERP No. D-AFS-K67008-CA, Rating EC2, Black Diamond Mine Development, Plan of Operations Approval, Angeles National Forest, Tujunga Ranger District, Los Angeles County, CA.

Summary: EPA expressed environmental concerns over impacts to air and water quality and the project's potential to degrade riparian habitat.

ERP No. D-BLM-L67019-AK, Rating E02, Birch Creek Watershed, Placer Mining Management Plan, Approval and 404 Permit, Implementation, Steese National Conservation Area, Yukon-Tanana, AK.

Summary: EPA is concerned about the significant impacts to water quality, fish and wildlife habitat, vegetation, wetland functional values, and subsistence uses that would occur under the proposed action, given the limited mitigation incorporated into this alternative.

ERP No. D-SCS-E36162-MS, Rating LO, Whites Creek Watershed Protection and Flood Prevention Plan, Funding, Possible 404 Permit and Implementation, Webster County, MS.*Summary*: EPA has no objections to the project as proposed.

Note: The above summary should have appeared in the 07-15-88 FR Notice.

ERP No. FS-SFW-A86084-00, Sport Hunting of Migratory Birds, Issuance of Regulations.

Summary: EPA feels the Fish and Wildlife Service adequately responded to concerns raised on the draft supplemental EIS.

Dated: July 9, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-16607 Filed 7-21-88; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3419-1]

Environmental Impact Statements; Notice of Availability of Environmental Impact Statements Filed July 11, 1988, Through July 15, 1988

Responsible Agency: Office of Federal Activities, General Information (202) 382-5076 or (202) 382-5075.

EIS No. 880226, Final, FHW, OR, Airport Way Widening and Extension, I-205 to I-84, Funding, Multnomah County, OR, Due: August 21, 1988, Contact: Dale Wilken (503) 399-5749.

EIS No. 880227, Final, FHW, TX, TX-71/US 290 Improvements, R.M. 1826 to F.M. 973, Funding, Travis County, TX, Due: August 21, 1988, Contact: Gamaliel E. Olvera (512) 482-5966.

EIS No. 880228, Final, COE, ND, Souris Basin Flood Control Project, Floodwater Storage in Saskatchewan, Canada and Construction of Compatible Lake Darling Project Features, Implementation, Renville, Ward, McHenry, and Bottineau Counties, ND, Due: August 21, 1988, Contact: Charles Workman (612) 220-0264.

EIS No. 880229, Draft, COE, AL, Bayou La Batre Navigation Channel Improvements, Implementation, Mobile County, AL, Due: September 6, 1988, Contact: Susan Ivester (205) 690-2724.

EIS No. 880230, Final, COE, IL, MO, Mississippi River Locks and Dam 26 Replacement Construction, Second Lock, Implementation, Upper Mississippi and Illinois Rivers, Alton, Madison County, Illinois and St. Louis County, MO, Due: August 22, 1988, Contact: Daniel Ragland (314) 263-5711.

EIS No. 880231, Final, BLM, MT, WY, Billings Resource Area, Wilderness Study Areas (WSAs') Wilderness Recommendations, Designation or Nondesignation, Twin Coulee, Pryor Mountain, Burnt Timber Canyon and Big Horn Tack-On WSAs', Miles City District, Golden Valley and Carbon County, MT and Big Horn County, WY, Due: August 21, 1988, Contact: Billy McIlvain (406) 657–6262.

EIS No. 880232, Draft, DOE, CA, Lawrence Livermore National Laboratory, Nonactive, Mixed and Radioactive Waste Decontamination and Waste Treatment Facility, Construction and Operation, Implementation, Alameda County, CA, Due: September 6, 1988, Contract: William Holman (415) 273–6370.

Amended Notices

EIS No. 880102, Draft, AFS, CA, Black Diamond Mine Development, Plan of Operations Approval, Angeles National Forest, Tujunga Ranger District, Los Angeles County, CA, Due: July 31, 1988, Contact: Richard Borden (818) 574–5255.

Published FR 4–8–88—Review period extended.

EIS No. 880212, Final, AFS, Silver Fire Recovery Project Area, August thru November 1987 Silver Complex Fire Land Management Plan, Implementation, Siskiyou National Forest, Josephine and Curry Counties, OR, Contact: Richard Stern (503) 476–1425.

Published FR 7–8–88—The 30 day NEPA Review Period for this EIS has been *waived.* The Forest Service and the Director, Office of Federal Activities had negotiated arrangements for this 30 day waiver before the FEIS was officially made available in the EPA weekly Notice of Availability. A Due Date of 8–8–88 was inadvertently published in the 7–8–88 EPA/NOA.

Dated: July 19, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88–16606 Filed 7–21–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL HOME LOAN BANK BOARD

Farmers Savings, A Federal Savings and Loan Association; Davis, CA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5 (d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Farmers Savings, A Federal Savings and Loan Association, Davis, California on July 13, 1988.

Dated: July 18, 1988.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 88–16593 Filed 7–21–88; 8:45am]

BILLING CODE 6720–01–M

[FHLBB No. 5334; No. AC–729]

Mayflower Savings and Loan Association; Livingston, NJ; Final Action Approval of Conversion Application

Date: July 18, 1988.

Notice is hereby given that on July 7, 1988, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel of his designee, approved the application of Mayflower Savings and Loan Association, Livingston, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 88–16592 Filed 7–21–88; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on July 22, 1988.

Public Health Service

(Call Reports Clearance Officer on 202–245–2100 for copies of package)

Center for Disease Control

1. Third National Health And Nutrition Examination Survey (NHANES III)—NEW—The NHANES III will be conducted between 1988–1994. Respondents to the NHANES III are individuals and households. Respondents answer questionnaires and receive a free physical examination. Results will be used by a wide variety of public and private health organizations to analyze and describe the health status of the United States. Respondents: Individuals or households; Number of Respondents: 6,750; Frequency of Response: On Occasion; Estimated Annual Burden: 29,130 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Health Care Financing Administration

(Call Reports Clearance Officer on 301–594–1238 for copies of package)

1. Imposition of Cost Sharing Charges Under Medicaid—0938–0429—This collection of information requires the medicaid states to include in the state plan their provisions for imposition of cost sharing on the categorically and medically needy. Respondents: State or local governments; Number of Respondents: 54; Frequency of Response: On Occasion; Estimated Annual Burden: 2,700 hours.

2. Election to Recalculate Medicaid Reimbursement—0938–0482—Providers use this form to request that their fiscal intermediaries reopen one or more cost reports so that the provisions of 42 CFR 413.56, Malpractice Insurance Premium may be applied to settlement. Respondents: Business or other for-profit; Number of Respondents: 5,000; Frequency of Response: On Occasion; Estimated Annual Burden: 1,250 hours.

3. Information Collection Requirement in HSQ–109, Peer Review Organization Sanctions 42 CFR 1004.40, 1004.50, 1004.60 and 1004.70—0938–0444—PRO's are responsible for identifying violations and affording the affected party the opportunity to discuss them. These requirements describe the content of the notices sent and the report sent to OIG if violations are not resolved. Respondents: Business or other for-profit/Small business or organizations. Number of Respondents: 54; Frequency of Response: On Occasion; Estimated Annual Burden: 30,672 hours.

4. Organ Procurement Request for Certification—0938–0512—This form is a facility identification form used to initiate the certification or recertification process to determine if the provider is in compliance with the Medicare/Medicaid conditions of

participation. Respondents: Small business or organizations/State or local governments; Number of Respondents: 100; Frequency of Response: Annually; Estimated Annual Burden: 200 hours.

OMB Desk Officer: Allison Herron.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202–245–2100
HCFA: 301–594–1238
FSA: 202–245–0652
SSA: 301–965–4149
OS: 202–245–6511
OHDS: 202–472–4415

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Attn: Shannah Koss-McCallum.

Dated: July 18, 1988.

James V. Oberthaler,

Deputy Assistant Secretary, Information Resources Management.

[FR Doc. 88–16524 Filed 7–21–88; 8:45 am]

BILLING CODE 4150–04–M

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on July 22, 1988.

Public Health Service

(Call Reports Clearance Officer on 202–245–2100 for copies of package)

Food and Drug Administration

1. Medical Device listing—0910–0057—Section 510 of the FD&C Act requires manufacturers and other specified processors of Medical Devices to provide a list of all devices manufactured in any establishment which they can own or operate. Such information must be periodically updated as specified in 21 CFR 807.37. Respondents: Manufacturers and specified other specified processors of medical devices, business of other non-profit/small business organizations; Number of Respondents: 2,449; Frequency of Response: initially upon marketing, changes and discontinuance; Estimated Annual Burden: 6,613 hours. Burden: 6,613 hours.

Center for Disease Control

1. Feasibility of Surveying Hospices and Home Health Agencies (Concept Clearance)—NEW—The purpose of this project is to develop and field test data sets, data collection procedures and instruments for obtaining information about home health agencies and hospices and about their clients. The data are needed by the long term care community to assist in setting standards, planning and assessing the need for long-term care services. Respondents: Home health agencies and hospices, business or other for profit-non profit institutions; Number of Respondents: 1; Frequency of Response: On occasion; Estimated Annual Burden: 1 hour.

OMB Desk Officer: Shannah Koss-McCallum.

Family Support Administration

(Call Reports Clearance Officer on 202–245–0652 for copies of package)

Office of Family Assistance

1. Integrated Review Schedule—0035—State agencies are required to perform quality control reviews for AFDC, FNS and Medicaid. The Integrated Review Schedule was jointly designed and is being used by all three programs as a comprehensive data system form for all three programs as a comprehensive data system form for all three programs. Respondents: State or local governments; Number of Respondents: 73,866; Frequency of Response: 1; Estimated Annual Burden: 73,866 hours.

2. Corrective Action Plan and Progress report—0027—Corrective action plans and progress reports are a structured way for state agencies to plan, implement and evaluate corrective actions which are designed to reduce payment errors. OFA reviews the plans and makes recommendations for change and adjustments as needed. Respondents: State or local government; Number of Respondents: 54; Frequency of Response: 108; Estimated Annual Burden: 12,960 hours.

OMB Desk Officer: Shannah Koss-McCallum.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202–245–2100
HCFA: 301–594–1238
FSA: 202–245–0652
SSA: 301–965–4149
OS: 202–245–6511
OHDS: 202–472–4415.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Attn: Shannah Koss-McCallum.

Date: July 14, 1988.

James V. Oberthaler,

Deputy Assistant Secretary, Information Resources Management.

[FR. Doc. 88–16525 Filed 7–21–88; 8:45 am]

BILLING CODE 4150–04–M

Office of Inspector General; Office of the Secretary; Delegation of Authority

Notice is hereby given that on July 13, 1988, the Secretary of Health and Human Services delegated to the Inspector General, with authority to redelegate, the authority to propose civil money penalties under sections 1819(b)(3)(B)(ii), 1819(g)(2)(A)(i), 1819(h)(2), 1919(b)(3)(B)(ii), 1919(g)(2)(A)(i), and 1919(h)(3) of the Social Security Act, as amended. The Secretary also delegated to the Inspector General the authority to develop criteria under sections 1819(h)(2) and 1919(h)(3) governing how and when those civil money penalties should be applied. The authority to issue regulations was excluded from the delegation.

This delegation provides the Inspector General with the authority to propose civil money penalties against persons who make or cause to be made false certifications in resident assessments, to propose civil money penalties against persons who notify or cause to be notified Medicare or Medicaid nursing homes of the time or date of a scheduled inspection survey, and to propose civil money penalties against Medicare or Medicaid nursing homes which fail to meet requirements for participation.

Dated: July 13, 1988.

Otis R. Bowen,

Secretary.

[FR Doc. 88–16596 Filed 7–21–88; 8:45 am]

BILLING CODE 4120–03–M

Centers for Disease Control

Population Base Used for Distribution of Preventive Health and Health Services Block Funds for Rape Prevention and Services

AGENCY: Centers for Disease Control (CDC), Public Health Service (HHS).

ACTION: Notice of intent to update the population base used to calculate the distribution of Preventive Health and Health Services Block Grant funds for services to victims of rape and for rape prevention.

SUMMARY: The CDC proposes to use the annual estimated census figures as the population base used for calculating the distribution of Preventive Health and Health Services Block Grant funds for services to victims of rape and for rape prevention.

EFFECTIVE DATE: October 1, 1988 (FY 1989). Comments on this proposed change must be received on or before August 22, 1988.

ADDRESS: Comments may be mailed to Deputy Director, Center for Prevention Services, CDC, 1600 Clifton Road, Atlanta, Georgia 30333.

FOR FURTHER INFORMATION CONTACT: E. Jerry Spyke, Senior Public Health Advisor, Center for Prevention Services, CDC, Atlanta, Georgia 30333. Telephone: FTS 236–1800, Commercial: (404) 639–1800.

Purpose and Background

The Preventive Health and Health Services Block Grants were first authorized and funded in fiscal year 1982. Of the funds currently appropriated, $3.5 million is allocated to eligible recipients (States, Territories and the District of Columbia) for services to victims of rape and rape prevention. The amount allocated to each recipient is based on its population as a proportion of the total U.S. population. The authorizing legislation does not specify which population census is to be used for determining the allotments.

For the fiscal years 1982 through 1988, the Centers for Disease Control has used the 1980 census for calculation of rape fund distributions under the Block Grants. These figures were the most recent available at the initiation of the program in FY 1982 and remain the most recent complete census. The continued use of the *1980* census has been consistent with the distribution calculation for the rest of the block grant which is approximately $82 million. This distribution, as required by law, is based upon the amount of categorial grants (i.e., hypertension, fluoridation, emergency medical services, etc.) the States received for FY *1981*. These categorical grants became part ot the block grant. FY 1981 figures are still used for this purpose and Congress has not changed this method of calculation.

A review of estimated population figures for 1987 from the Bureau of the Census reveals increases and shifts of population which would change the distribution of the funds to the States for rape services and prevention. A table reflecting changes in the allotments from FY 1988 to FY 1989 using the 1980 and 1987 population figures respectively is provided.

In order to make allotments consistent with population changes, CDC proposes to base the distribution of the Preventive Health and Health Services Block Grant funds for services to victims of rape and for rape prevention on the most recent Bureau of the Census estimated annual census figures which will be updated annually. Population figures for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau will be provided by the respective entities since the Bureau of the Census no longer provides census coverage for these Pacific areas.

Dated: July 18, 1988.

Glenda S. Cowart,

Director, Office of Program Support, Centers for Disease Control.

DISTRIBUTION OF PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT FUNDS

[Amount for Rape, $3,500,000]

	Population for 1980	Population for 1987 [1]	Funding 1988	Funding 1989	Funding diff.	Percent change
1 Alabama	3,890,061	4,083,000	$59,182	$57,828	−$1354	−2.888
2 Alaska	400,481	525,000	6,093	7,436	1343	22.042
3 Am Samoa	32,395	37,300	493	528	35	7.099
4 Arizona	2,717,866	3,386,000	41,438	47,957	6609	15.984
5 Arkansas	2,285,513	2,388,000	34,771	33,822	−949	−2.729
6 California	23,668,562	27,663,000	360,083	391,796	31713	8.807
7 Colorado	2,888,834	3,296,000	43,949	46,682	2733	6.219
8 Connecticut	3,107,576	3,211,000	47,277	45,478	−1799	−3.805
9 Delaware	595,225	644,000	9,055	9,121	66	0.729
10 Dist of Colum	637,651	622,000	9,701	8,810	−891	−9.185
11 Florida	9,739,922	12,023,000	148,180	170,284	22104	14.917
12 Georgia	5,464,265	6,222,000	83,131	88,123	4992	6.005
13 Guam	105,821	126,800	1,610	1,796	186	11.553
14 Hawaii	965,000	1,083,000	14,681	15,339	658	4.482
15 Idaho	943,935	998,000	14,361	14,135	−226	−1.574
16 Illinois	11,418,461	11,582,000	173,716	164,038	−9678	−5.571
17 Indiana	5,490,179	5,531,000	83,525	78,337	−5188	−6.211
18 Iowa	2,913,387	2,843,000	44,323	40,266	−4057	−9.153
19 Kansas	2,363,208	2,476,000	35,953	35,068	−885	−2.462
20 Kentucky	3,661,433	3,727,000	55,703	52,786	−2917	5.237
21 Louisiana	4,203,972	4,461,000	63,957	63,182	−775	−1.212
22 Maine	1,124,660	1,187,000	17,110	16,812	−298	−1.742
23 Marshall Isl	30,873	38,044	470	539	69	14.681
24 Maryland	4,216,446	4,535,000	64,147	64,230	83	0.129
25 Massachusetts	5,737,037	5,855,000	87,281	82,925	−4356	−4.991
26 Michigan	9,258,344	9,200,000	140,852	130,301	−10551	−7.491
27 Micronesia	73,160	92,262	1,113	1,307	194	17.430
28 Minnesota	4,077,148	4,246,000	62,028	60,137	−1891	−3.049
29 Mississppi	2,520,638	2,625,000	38,348	37,178	−1170	−3.051
30 Missouri	4,917,444	5,103,000	74,812	72,275	−2537	−3.391
31 Montana	786,690	809,000	11,968	11,458	−510	−4.261
32 Nebraska	1,570,006	1,594,000	23,885	22,576	−1309	−5.480

DISTRIBUTION OF PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT FUNDS—Continued

[Amount for Rape, $3,500,000]

	Population for 1980	Population for 1987 [1]	Funding 1988	Funding 1989	Funding diff.	Percent change
33 Nevada	799,184	1,007,000	12,158	14,262	2104	17.305
34 New Hampshire	920,610	1,057,000	14,006	14,970	964	6.883
35 New Jersey	7,364,158	7,672,000	112,035	108,660	−3375	−3.012
36 New Mexico	1,299,968	1,500,000	19,777	21,245	1468	7.423
37 New York	17,557,288	17,825,000	267,111	252,458	−14653	−5.486
38 N. Carolina	5,874,429	6,413,000	89,371	90,829	1458	1.631
39 N. Dakota	652,695	672,000	9,930	9,518	−412	−4.149
40 N. Mariana Is.	16,860	19,700	257	279	22	8.560
41 Ohio	10,797,419	10,784,000	164,267	152,736	−11531	−7.020
42 Oklahoma	3,025,266	3,272,000	46,025	46,432	317	0.689
43 Oregon	2,632,663	2,724,000	40,052	38,581	−1471	−3.673
44 Palau	12,116	13,873	184	196	12	6.522
45 Pennsylvania	11,866,728	11,936,000	180,535	169,052	−11483	−6.361
46 Puerto Rico	3,186,076	3,274,000	48,472	46,370	−2102	−4.337
47 Rhode Island	947,154	986,000	14,410	13,965	−445	−3.088
48 S. Carolina	3,119,208	3,425,000	47,454	48,509	1055	2.23
49 S. Dakota	690,178	709,000	10,500	10,042	−458	−4.362
50 Tennessee	4,590,750	4,855,000	69,842	68,762	−1080	−1.546
51 Texas	14,228,383	16,789,000	216,465	237,786	21321	9.850
52 Utah	1,461,037	1,680,000	22,228	23,794	1566	7.045
53 Vermont	511,456	548,000	7,781	7,761	−20	−0.257
54 Virginia	5,346,279	5,904,000	81,336	83,619	2283	2.807
55 Virgin Islands	95,591	109,500	1,454	1,551	97	6.671
56 Washington	4,130,163	4,538,000	62,835	64,273	1438	2.289
57 W. Virginia	1,949,644	1,897,000	29,661	26,868	−2793	−9.416
58 Wisconsin	4,705,335	4,807,000	71,585	68,082	−3503	−4.893
59 Wyoming	470,816	490,000	7,163	6,940	−223	−3.113
U.S. TOTAL	230,057,717	247,119,479	3,500,000	3,500,000		

[1] NOTE 1: July 1, 1987 (Bureau of Census) estimated for all entities except the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.
NOTE 2: Marshalls—estimated 1986 census, Micronesia—actual 1985 census, Palau—actual 1986 census.

[FR Doc. 88-16530 Filed 7-21-88; 8:45 am]
BILLING CODE 4160-18-M

Health Care Financing Administration; Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Health Care Financing Administration (HCFA) (49 **Federal Register** 35247, dated September 6, 1984) is amended to include the Secretary's delegation of authority, to the Administrator, HCFA, to conduct a demonstration to determine the cost effectiveness of including influenza vaccine in the Medicare program as authorized under section 4071 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203.

The specific changes to Part F. are described below:

Section F.30., Delegations of Authority, is amended by adding paragraph Z. The new delegation of authority reads as follows:

Z. The authority under sections 4071(b) of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203, to conduct a demonstration of the provision of influenza vaccine as a service for Medicare beneficiaries in order to determine the cost effectiveness of including influenza vaccine in the Medicare program and the authority to expend $25,000,000 each year of the demonstration project for this purpose.

Reservation of Authority: The authority to make reports to Congress has been reserved by the Secretary and is not included in this delegation.

The authority herein delegated may be redelegated. This delegation of authority is effective immediately. In addition, I hereby affirm and ratify any actions taken by you which, in effect, involved the exercise of the subject authority prior to the effective date of this delegation.

Date: July 15, 1988.

Otis R. Bowen,

Secretary, Department of Health and Human Services.

[FR Doc. 88-16595 Filed 7-21-88; 8:45 am]
BILLING CODE 4120-03-M

Public Health Service

Office of the Assistant Secretary For Health; Patents And Inventions; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority by the Secretary under 45 CFR Part 6.2 (31 FR 12842), the Assistant Secretary of Health has delegated to the PHS Agency Heads the following authorities as they pertain to the functions of their respective agencies:

1. 35 U.S.C. 202(c)(7), Disposition of Rights, as amended:

The authority to permit a nonprofit organization to assign the rights to a subject invention in the United States to organizations which do not have as one of their primary functions the management of inventions.

2. 35 U.S.C. 202(d), Disposition of Rights, as amended:

The authority to permit a contractor to grant requests for retention of rights by the inventor.

3. 35 U.S.C. 202(e), Disposition of Rights, as amended:

The authority to transfer or assign whatever rights the PHS agency may acquire in the subject invention, in any case when an agency employee is a coinventor of any invention made under a funding agreement with a nonprofit organization or small business firm. Such rights may be transferred or assigned from the PHS agency employee to the contractor subject to the conditions set forth in this chapter.

4. 35 U.S.C. 203, March-in Rights, as amended:

The authority to require the contractor to grant nonexclusive, partially exclusive, or exclusive licenses to a responsible applicant(s), or the authority for PHS to grant such licenses, provided such action would be in the best interest of PHS, in accordance with all provisions of this section.

5. 35 U.S.C. 204, Preference for United States Industry, as amended:

The authority to waive the preference for United States industry requirement.

6. 35 U.S.C. 207(a), Domestic and Foreign Protection of Federally Owned Inventions, as amended:

The authority to (1) apply for, obtain, and maintain patents or other forms of protection in the United States and in foreign countries on inventions in which the Federal Government owns a right, title or interest; (2) grant nonexclusive, exclusive, or partially exclusive licenses under federally owned patent applications, patents, or other forms of protection obtained, royalty-free or for royalties or other consideration, and on such terms and conditions, including the grant to the licensee of the right of enforcement pursuant to the provisions of chapter 29 of this title as determined appropriate in the public interest; (3) undertake all other suitable and necessary steps to protect and administer rights to federally owned inventions on behalf of the Federal Government either directly or through contract; (4) transfer custody and administration, in whole or in part, to another Federal agency, of the right, title, or interest in any federally owned invention.

7. 45 CFR 7.3 and 7.7, Determination as to Domestic Rights and Notice to Employee of Determination, as amended.

Authority to (1) leave title to invention in the PHS employee inventor, where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein; and (2) notify the PHS employee inventor of the determination in writing.

This delegation of authority supplements the February 4, 1988 delegation of authority under the Stevenson-Wydler Technology Innovation Act of 1980 as amended by the Federal Technology Transfer Act of 1986. The delegated authorities are to be exercised in compliance with all existing rules and regulations regarding patent and invention rights and responsibilities.

Restriction

The authority under 35 U.S.C. 207(a) (item 6. above) is restricted to the extent that the Assistant Secretary for Health is to be notified of any significant invention, patent, or license, so that the Assistant Secretary for Health may decide whether or not documentation concerning any such invention, patent, or license should be submitted to the Assistant Secretary for Health for signature.

Redelegation

The following authority may not be redelegated:

Item 4.: 35 U.S.C. 203, as amended.

All other authorities may be redelegated to bureau and institute directors or officials at equivalent level.

Information and Guidance

35 U.S.C. 202–209; 37 CFR Part 4; and 45 CFR Parts 6 and 7.

Effective Date

the delegation of authority became effective on July 15, 1988.

Date: July 15, 1988.

Robert E. Windom.

Assistant Secretary for Health.

[FR Doc. 88–16562 Filed 7–21–88; 8:45 a.m.]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permits Issued for the Months of April, May, and June 1988

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to section 10 of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973, as amended.

Additional information on these permit actions may be requested by contacting the Office of Management Authority, P.O. Box 27329, Washington, DC, 20038–7239, telephone (202/343–4955) between the hours of 7:45 a.m. to 4:15 p.m. weekdays.

April

Moses, Robert Jr	724666	04/04/88
Moore, Robert	725169	04/04/88
Fedonick, Thelma June	724318	04/05/88
Newman, John	724557	04/06/88
Gladys Porter Zoo	725285	04/07/88
Brandenburger, Gordon H	725785	04/19/88
San Diego Zoological Society	725772	04/19/88
Hawthorn Circus Corporation	727101	04/28/88
Hawthorn Circus Corporation	726308	04/28/88
U.S. Fish & Wildlife Service, Anchorage, AK	690715	04/29/88

May

Darian, Mardy E	723962	05/03/88
Woodland Park Zoological Gardens	726028	05/04/88
Assistant Regional Director #1	725727	05/10/88
Peregrine Fund, Inc	686387	05/11/88
Gruenerwald, William	726239	05/11/88
Charles Panko	725559	05/13/88
Woodland Park Zoological Gardens	726407	05/12/88
Erickson, Lloyd	726667	05/16/88
Harrington, David	726690	05/16/88
Regional Director #5	726618	05/16/88
San Diego Zoological Society	726873	05/17/88
d'Elia, Serge M	726381	02/23/88
Greater Baton Rouge Zoo	726625	05/25/88
Regional Director #2	689914	05/26/88

June

Dallas Zoo	719822	06/02/88
Exotic Animals	704301	06/02/88
Wildlife Reserve of Western Canada	726976	06/02/88
Toledo Zoological Gardens	727201	06/03/88
San Antonio Zoological Gardens and Aquarium	721703	06/08/88
Little, Scott E	728648	06/09/88
San Diego Zoological Society	727417	06/13/88
American Museum of Natural History	727374	06/14/88
Bennett, Herman Alton	727703	06/17/88
Carlisi, Frank	727371	06/22/88
Texas A&M University	725379	06/22/88
Torgenson, Thomas B	727375	06/28/88

Date: July 14, 1988.

R.K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 88–16610 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–AN–M

Intent To Prepare an Environmental Assessment on the Proposed Reintroduction of the Florida Panther (Felis Concolor Coryi) Into Areas Within Its Historic Range

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service intends to gather information necessary for the preparation of an Environmental Assessment for the proposed reintroduction of the Florida panther (*Felis concolor coryi*) into areas within its historic range. This notice is being furnished as required by the National Environmental Policy Act Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the Environmental Assessment. Comments and

participation in this scoping process are solicited.

DATE: Written comments and information should be received by September 20, 1988.

ADDRESS: Comments should be addressed to: James W. Pulliam, Jr., Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Dennis B. Jordan, Florida Panther Coordinator, U.S. Fish and Wildlife Service, 117 Newins-Ziegler Hall, University of Florida, Gainesville, Florida 32611, telephone: 904/392–1861.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service, Department of the Interior, in cooperation with the Florida Game and Fresh Water Fish Commission, proposes to reintroduce the Florida panther (*Felis concolor coryi*) into portions of its historic range. The Florida panther originally ranged from eastern Texas eastward through Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, and parts of Tennessee and South Carolina.

Because of persecution, mainly through hunting and trapping, and habitat losses which started with the early settlers and have continued, the only known viable population of the Florida panther is found in the Big Cypress Swamp/Everglades region of south Florida. An estimated population of 30 to 50 animals is all that remains.

Because the Florida panther is listed as an endangered species under the provisions of the Endangered Species Act of 1973, as amended, a recovery plan has been prepared and was approved by the Fish and Wildlife Service in 1981. In conjunction with the plan's approval, the Florida Game and Fresh Water Fish Commission initiated several of the important panther studies identified as high priority needs in the plan. As a result of these studies, as well as other studies being conducted by the National Park Service, a great deal of information concerning the panther's habitat requirements, food habits, reproduction, population size and density, health conditions, etc., is becoming available. To better utilize and incorporate all of the current information into the recovery effort, the original recovery plan has been revised and was approved by the Fish and Wildlife Service on June 22, 1987.

The recovery objective as specified in the revised Florida Panther Recovery Plan is to achieve three viable, self-sustaining populations within the historic range. Only one population now exists according to the information which is currently available.

Consequently, population reestablishment through successful reintroductions will be crucial to achieving recovery for the Florida panther. The revised recovery plan contains a detailed outline and narrative section which addresses captive breeding and reintroduction plans for the Florida panther (pages 39 to 44). The process initially involves the use of nonendangered surrogate cougars as part of a feasibility study. This study is designed to test two different reintroduction techniques: the translocation and release of wild caught adults or subadults (two males and three females) into the reintroduction area, and the release of properly conditioned captive-raised offspring into the area. The two techniques, which will be tested separately, are scheduled to begin in June 1988 and extend for at least 1 year each. The animals will be sterilized and fitted with transmitter collars for intensive monitoring purposes. The feasibility study is being conducted by the Florida Game and Fresh Water Fish Commission. The experimental reintroduction area consists of approximately 1,180,800 acres comprised of Osceola National Forest, Okefenokee National Wildlife Refuge, and adjacent private/corporate lands in Baker and Columbia Counties in Florida, and Charlton, Clinch, and Ware Counties in Georgia. The area was selected by the Florida Game and Fresh Water Fish Commission after a comprehensive evaluation and ranking process of potential reintroduction sites in north and central Florida. A decision on the actual reintroduction of Florida panthers will not be made until a thorough examination and review of the results of the feasibility study and other relevant data. It is anticipated that this decision is at least 3 to 4 years away. In addition, any reintroduced Florida panthers would be designated and classified as nonessential experimental, as provided for under section 10(j) of the Endangered Species Act of 1973, as amended.

The environmental review of this project will be conducted in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500–1508), other appropriate Federal regulations, and Fish and Wildlife Service procedures for compliance with those regulations.

Date: July 11, 1988.

James W. Pulliam, Jr.,

Regional Director.

[FR Doc. 88–16561 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–55–M

Issuance of Permit for Marine Mammals; Carle Foundation Hospital, PRT 691972

On June 6, 1988, a notice was published in the **Federal Register** (Vol. 53, FR No. 108) that an application had been filed with the Fish and Wildlife Service by Carle Foundation Hospital (PRT #691972) for a permit to import polar bear (*Ursus maritimus*) serum, urine and adipose tissue samples.

Notice is hereby given that on July 8, 1988, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit subject to certain conditions set forth therein.

The permits are available for public inspection during normal business hours at the Office of Management Authority, Room 403, 1375 K Street NW., Washington, DC 20005.

Dated: July 14, 1988.

R.K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 88–16611 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–AN–M

Bureau of Land Management

[AZ–050–8–4212–11, A–23255]

Realty Action, Lease of Lands; Mohave County, AZ

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Notice of realty action—lease of lands, Mohave County Arizona.

SUMMARY: The following described lands and interests therein have been determined to be suitable to be classified for lease under the provisions of the *Recreation and Public Purposes Act* of June 14, 1926, as amended (43 U.S.C. 869 *et. seq.*) and the regulations established by 43 CFR Parts 2740 and 2910, as amended in the Final Rulemaking published in the **Federal Register** on December 10, 1985.

T. 20 N., R. 22 W., Gila and Salt River Meridian, Arizona, sec. 12, portion of Lots 5 and 6, containing 6.9 acres more or less

The Bullhead Area Chamber of Commerce has applied to lease the above described lands for a Chamber of Commerce building and boat launch ramp. These are existing facilities on Federal lands currently leased to Mohave County and subleased to the Chamber of Commerce. Mohave County proposes to relinquish their lease interest in the above lands to allow the

Chamber of Commerce to obtain a direct lease from the Bureau of Land Management.

These public lands are hereby segregated from appropriation under any public land laws, including the general mining laws, except for recreation and public purposes and Title V of the Federal Land Policy and Management Act of 1976.

DATES: For a period of up to and including September 6, 1988, interested parties may submit comments to the District Manager, 3150 Winsor Avenue, Yuma, Arizona 85365. Any 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 the Interior, effective September 20, 1988.

FOR FURTHER INFORMATION CONTACT: Mike Ford, Area Manager, Havasu Resource Area, Bureau of Land Management, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403, 602–855–8017.

Date: July 13, 1988.

Robert V. Abbey,

Acting District Manager.

[FR Doc. 88–16492 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–32–M

[NV–930–08–4212–13; N–47471]

Realty Actions; Exchange of Public and Private Lands; Washoe County;

ACTION: Notice of realty action.

SUMMARY: Exchange of public and private lands in Washoe County N–47471.

DATE: July 14, 1988.

The following described public lands, comprising 77.63 acres, have been determined to be suitable for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, Nevada

T. 33 N., R. 22 E.,
Sec. 3, lot 9, SE¼SW¼.

In exchange for these lands, the United States will acquire the following private lands from Bruno Selmi, which comprise 68.52 acres:

Mount Diablo Meridian, Nevada

T. 33 N., R. 22 E.,
Sec. 2, lot 3, excepting therefrom any portion of that certain parcel described below:

Beginning at the section Corner on the South common to Sections 34 and 35, Township 34 North, Range 22 East, M.D.B.&M.; thence Easterly along the Township Line common to Section 2, Township 33 North, Range 22 East, and Section 35, Township 34 North, Range 22 East, M.D.B.&M., for a distance of 1650.00 feet; thence South at right angles, a distance of 330.00 feet; thence Westerly and parallel to said Township Line, a distance of 1650.00 feet; thence Northerly at a right angle, for a distance of 330.00 feet, to the point of beginning.

T. 34 N., R. 22 E.,
Sec. 35, N½SE¼SW¼,E½SW¼S E¼SW¼, SE¼SE¼SW¼.

The mineral estates in the offered and selected lands will be exchanged.

The purpose of this exchange is to acquire the non-Federal lands which have high public values for wildlife habitat and municipal watershed. This exchange is consistent with Bureau of Land Management land use planning. The federal land is not needed for any federal program. The public interest will be served by completing the exchange.

The exchange will not result in the loss of AUM's to the grazing preference of the permittees in the Buffalo Hills allotment. No range improvements will be impacted by the exchange.

The values of the lands to be exchanged are approximately equal; full equalization of values will be achieved by payment of Department of Interior-BLM by Bruno Selmi of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

A patent, when issued, will contain the following reservation to the United States.

A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

And will be subject to:

Those rights for pipeline purposes which have been granted to Western Pacific Railroad, its successors or assigns, by right-of-way No. CC–017734, under the Act of February 15, 1901 (43 U.S.C. 959).

Upon publication of this Notice of Realty Action in the **Federal Register**, the federal land will be segregated from all other forms of appropriations under the public land laws, including the mineral leasing laws and the general mining laws. The segregative effect of the notice shall terminate upon issuance of patent or other document of conveyance to such land, upon publication in the **Federal Register** of a termination of the segregation or 2 years from the date of its publication, whichever occurs first.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the office of the Bureau of Land Management, Winnemucca District, 705 E. 4th Street, Winnemucca, Nevada 89445.

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 Winnemucca District Manager, at the above address.

Dated this 14th day of July, 1988.

Gerald P. Brandvold,

Acting District Manager, Winnemucca.

[FR Doc. 88–16506 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–HC–M

[OR–030–08–4212–13; GP8–188; OR 7920]

Realty Action; Exchange of Public Lands in Malheur County, OR

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 23 S., R. 38 E.:
Sec. 12, NE¼SE¼.
Sec. 24, NE¼SW¼.
Sec. 25, SE¼NE¼, SW¼, S½SE¼.
Sec. 26, E½SE¼.
T. 23 S., R. 39 E.:
Sec. 7, W½SE¼.
Sec. 16, S½.
Sec. 17, All.
Sec. 18, Lot 4, E½.
Sec. 19, Lots 1 to 10, NE¼, N½SE¼.
Sec. 20, N½, N½S½.
Sec. 21, N½, N½S½, SW¼SW¼.
Sec. 30, Lots 2 to 9, S½NE¼.

The area described above aggregates 3719.95 acres in Malheur County, Oregon.

In exchange for these lands, the Federal Government will acquire the following described private lands from Mary Arrien Cooper:

Willamette Meridian

T. 22 S., R. 38 E.:
Sec. 24, W½NW¼, SW¼, S½SE¼.
Sec. 25, E½.
T. 23 S., R. 38 E.:
Sec. 1, Lots 1, 2, 4, S½N½, S½.
Sec. 3, S½NW¼, SW¼.
Sec. 9, NE¼.
Sec. 10, W½, SE¼.
Sec. 12, W½E½, N½NW¼, SW¼NW¼, SE¼SW¼.
Sec. 13, NE¼NW¼.
Sec. 15, N½, SE¼.
Sec. 22, W½NE¼.
Sec. 23, NW¼NW¼, S½N½.
Sec. 24, NE¼NE¼, S½NE¼.

The area described above aggregates 3360.55 acres in Malheur County, Oregon.

The purpose of the land exchange is to facilitate resource management opportunities as identified in the Management Framework Plan for the

Northern Malheur Resource Area. The exchange is needed to effect a land tenure adjustment in which intermingling lands will be separated into solid ownership blocks. The tenure adjustment is prerequisite to intensive resource management and conservation treatment on the lands involved. The public interest will be highly served by making this exchange.

The exchange will be subject to:

1. The reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All other valid existing rights, including but not limited to any right, easement or lease of record.

Publication of this notice in the Federal Register segregates the public lands described above from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange, including the environmental analysis and record of public discussions, is available for review at the Vale District Office, 100 East Oregon Street, Vale, Oregon 97918.

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 Vale District Manager at the above address. 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 the Interior.

George D. House,

Acting District Manager.

[FR Doc. 88-16605 Filed 7-21-88; 8:45 am]

BILLING CODE 4310-33-M

[WY-040-08-4212-13; WYW-102169]

Realty Action; Exchange; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—exchange of public lands in Sweetwater County for private lands in Lincoln County. WYW-102169.

SUMMARY: The following public surface estate has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, (43 U.S.C. 1716).

Sixth Principal Meridian

T. 19. N., R. 105 W.,
Sec. 22: Lots 10, 11, 12, 13, 14, 15;
Sec. 28: Lots 2, 6, 7, 12.
The above land aggregates 401.91 acres.

In exchange, the United States proposes to acquire the following private surface estate from Frank A. Mau et al.

Sixth Principal Meridian

T. 23 N., R. 116 W.,
Portion of Lot 37;
Sec. 1: Lots 2, 3, 4, 5, 6, 7, SW¼NE¼, S½SW¼, W½SE¼;
Sec. 2: Lots 1, 2, 3, 4, 5, S½NW¼, SW½, S½SE¼;
Sec. 3: Lots 1, 2, SE½NE¼, NE¼SE¼;
Sec. 11: N½NE¼, NE¼NW¼;
Sec. 12: W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, NW¼SE¼.
T. 24 N., R. 116W.
Sec. 35: Portion of Lot 2.
The above land aggregates 1,666.77 acres.

The lands are also described and recorded in Lincoln County as the Bowie Wheat tracts 1-15, 20-45.

FOR FURTHER INFORMATION CONTACT: Ron Wenker, Area Manager, Kemmerer Resource Area, P.O. Box 632, Kemmerer, Wyoming 83101, (307) 877-3933.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire over 1666 acres of land highly valued for its historical, wetland and other wildlife resources. The exchange will be for an equal value amount of Federal surface. Values will be equalized with cash payment. The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. Segregative effect of this notice will terminate upon issuance of patent or in two years, which occurs first.

Conveyance of the above public lands will be subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. The reservation to the United States any identified mineral values on the Federal lands being transferred.

3. Valid existing rights of record. Specific information concerning these rights are on file at the Kemmerer Resource Area Office.

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with State and local officials. The public interest will be served by completion of this exchange.

For a period of forty-five (45) days from the date of issuance of this notice, interested parties may submit comments to the Bureau of Land Management, Area Manager, Kemmerer Resource Area Office, P.O. Box 632, Kemmerer, Wyoming 83101. Any adverse comments will be evaluated by the State Director, who may sustain, vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become final.

Ron Wenker,

Area Manager.

July 8, 1988.

[FR Doc. 88-16010 Filed 7-21-88; 8:45 am]

BILLING CODE 4310-22-M

[AK-932-08-4220-10; F-85316]

Termination of Segregative Effect on Proposed Withdrawal; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The segregative effect of the proposed withdrawal for the Bureau of Land Management of public lands near the Nigu River, Alaska, will terminate on July 23, 1988. The land has been, and pursuant to overlapping PLO No. 5179, the land will remain closed to all forms of appropriation under the public land laws and from location and entry under the mining laws, including metalliferous minerals.

DATE: July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, 907-271-3342.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the segregation imposed by the Notice of Proposed Withdrawal published July 22, 1986 (51 FR 26311), and corrected on September 5, 1986 (51 FR 31845), will terminate at 8:00 a.m., Alaska Daylight Time, on July 23, 1988. The lands will remain subject to the terms and conditions of PLO No. 5179 (37 FR 5579-5582).

Sue A. Wolf,

Chief, Branch of Land Resources.

[FR Doc. 88-16508 Filed 7-21-88; 8:45 am]

BILLING CODE 4310-JA-M

Bureau of Reclamation

Intent To Prepare Environmental Impact Statement; Delta-Mendota California Aqueduct Intertie Project, San Joaquin County, CA

AGENCY: Bureau of Reclamation (USBR), Department of the Interior.

ACTION: Notice of intent to prepare a draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Delta-Mendota California Aqueduct Intertie Project, Westlands Water District.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (as amended) and section 21002 of the California Environmental Quality Act, the USBR and Westlands Water District intend to prepare a joint EIR/EIS. The EIR/EIS will address the impacts from constructing and operating an intertie to convey 125,000 acre-feet of interim water annually from the Delta Mendota Canal to the California Aqueduct.

Meetings have been scheduled to solicit public input to determine alternatives to the proposed project, determine the scope of the EIR/EIS, and identify significant issues related to the proposed action.

DATE: The meetings will be held on August 8, 1988, at 7:30 p.m. in Fresno, California; and on August 9, 1988 at 7:30 p.m. in Sacramento, California.

ADDRESS: Hilton Hotel, 1055 Van Ness, Fresno, CA; Red Lion, 2001 Point West Way, Sacramento, CA.

FOR FURTHER INFORMATION CONTACT: Mr. John Brooks, Environmental Specialist, Mid-Pacific Region (MP–400), 2800 Cottage Way, Sacramento, CA 95825, telephone 916/978–5049. Please submit written comments by August 16, 1988 to Mr. John Brooks.

SUPPLEMENTARY INFORMATION: This project will transfer 125,000 acre-feet of water identified by the USBR as available for storage in San Luis Reservoir from the Delta-Mendota Canal to the California Aqueduct for 5–7 years commencing in the winter of 1989 for use in the 1990–1991 water year.

The water would be delivered from the Sacramento-San Joaquin Delta at the Tracy Pumping Plant and conveyed in the Delta-Mendota Canal to milepost 7. At that point, the water would be pumped from the canal and transferred to the California Aqueduct for conveyance to San Luis Reservoir. The 125,000 acre-feet of water would then be conveyed to Westlands Water District and used on farms in the district that have an irrigation water deficit. The proposed diversion complies with existing diversion permits at the Tracy Pumping Plant and various court decisions addressing irrigation water entitlements and will adhere to water quality standards in the Delta.

Alternatives presently under consideration include diverting the 125,000 acre-feet directly into the California Aqueduct, pumping ground water to meet the 125,000 acre-feet demand, and acquiring additional surface water from other sources.

Environmental effects to be addressed in the EIR/EIS include economic impacts caused by the irrigation water shortfalls, impacts on fish and wildlife from additional diversions from the Delta, consequences of groundwater pumping, agricultural drainage, and water quality impacts.

Date: July 20, 1988.

Sammie D. Guy,

Acting Commissioner.

[FR Doc. 88–16690 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–09–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan 30 CFR Part 780

Abstract: Sections 507(b), 508(a) and 515 (b) and (d) of Pub. L. 95–87 require applicants for surface mine permits to provide a description of each existing structure proposed to be used in the mining and reclamation operation and a compliance plan for structures proposed to be modified or constructed for use in the operation. This information is used by the regulatory authority in determining if the applicant can comply with the applicable performance and environmental standards.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Surface Coal Mining Operators.

Annual Responses: 1,570.

Annual Burden Hours: 581,133.

Average Burden Hours Per Response: 370.

Bureau Clearance Officer: Nancy Ann Baka (202) 343–5981.

Date: July 6, 1988.

Richard O. Miller,

Chief, Regulatory Development and Issues Management.

[FR Doc. 88–16537 Filed 7–21–88; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. Parent corporation and address of principal office: Little Caesars Enterprises, Inc., 24120 Haggerty Road, Farmington Hills, Michigan 48024, A Michigan Corporation.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: Blue Line Distributing, Inc., 24120 Haggerty Road, Farmington Hills, Michigan 48024, A Michigan Corporation.

B. 1. Parent corporation and address of principal office: Diversified Technologies Inc., P.O. Box 8, George, Iowa 51235.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) * * * Sudenga Industries Inc., George, Iowa.

(ii) * * * Ranger All Season Corporation, George, Iowa.

(iii) * * * Dur-A/Lift Inc., Emmetsburg, Iowa and George, Iowa.

(iv) * * * Ag Rec Inc., Emmetsburg, Iowa and George, Iowa.

Noreta R. McGee,

Secretary.

[FR Doc. 88–16275 Filed 7–21–88; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31295; Directed Service Order No. 1504]

The New York, Susquehanna and Western Railway Corp., Directed Service—the Delaware and Hudson Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Request for comments.

SUMMARY: By orders served June 22 and June 23, 1988, we authorized the New York, Susquehanna and Western Railway Corp. (NYS&W) to act as a directed rail carrier without federal subsidy or compensation under 49 U.S.C. 11125 over the lines of the Delaware and Hudson Railway Company (D&H), and in doing so to use D&H equipment (under a private compensation agreement). Directed service under these orders will expire on August 7, 1988. By this notice, the Commission seeks comment on various matters relating to the current situation and future plans.

DATE: Comments are due by August 1, 1988.

ADDRESS: An original and if possible 15 copies of comments referring to these docket numbers should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245, [TDD for hearing impaired: (202) 275–1721].

SUPPLEMENTARY INFORMATION:

The Commission seeks comment from affected parties, including localities and States, (including the D&H trustee in bankruptcy) on the following issues:

(1) D&H has not been relieved of its obligation to provide service. Does the D&H intend to resume service? If so, when?

(2) Should D&H not be prepared to resume service on August 8, 1988, what service alternatives are available as temporary replacement for service by the D&H?

(3) What are the intentions of the trustee regarding future service by the D&H or disposition of the property for continued operations by another service provider?

(4) Will NYS&W seek to extend the directed service period? If so, for how long?

(5) Is any other railroad interested in replacing NYS&W as the directed service operator? If so, under what terms?

(6) What is the position of D&H employees regarding resumption of service by the D&H, or the temporary or permanent replacement of that service by another carrier or carriers?

Comments are also invited on any other issues relevant to this proceeding.

This notice will be served on all parties to this proceeding including those listed in our June 22, 1988 decision, as well as the trustee in bankruptcy and the U.S. District Court for the District of Delaware (Bankruptcy Filing No. 88–3427).

Decided: July 15, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley. Commissioner Sterrett was absent and did not participate in the disposition of this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 88–16563 Filed 7–21–88; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 290; Sub–2]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Proposed revision of the methodology for calculation of the fuel component of the all inclusive index of railroad costs.

SUMMARY: The Commission is proposing to calculate the fuel component of the all inclusive index of railroad costs using data from the large railroads which participate in the market basket of materials and supplies. A monthly average price per gallon is proposed, and it is proposed to include the purchase price per gallon, discounts, refunds, rebates, the costs of transportation, taxes and handling.

DATES: Comments are due August 11, 1988.

ADDRESS: Send an original and 15 copies to: Office of the Secretary, Room 1324, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275–7354

or

Robert C. Hasek, (202) 275–0938 [TDD for hearing impaired (202) 275–1721].

SUPPLEMENTARY INFORMATION: On January 2, 1985, the Commission served a decision (Ex Parte No. 290 (Sub–No. 2), *Railroad Cost Recovery Procedures*, 50 FR 87, January 2, 1985) which adopted the all inclusive index of railroad costs currently used to calculate the quarterly rail cost adjustment factor. That index includes a fuel component which is calculated on both a forecasted and an actual basis. The forecasted fuel index develops a price per gallon which is estimated from a survey of railroad purchasing officers and an analysis of fuel price trends. The actual fuel index is calculated from a mid month price per gallon based on data provided by all Class I railroads.

On July 30, 1987 the Association of American Railroads filed a petition for modification of the methodology for calculating the fuel cost component of the all inclusive index of railroad costs. A reply was received from a shipper group.

The Commission is proposing that the methodology for calculating the fuel cost component of the all inclusive index of railroad costs be revised. Only the large railroads used for calculating the market basket of materials and supplies would supply data for the fuel cost calculation. The proposal would reduce the number of railroads providing data from sixteen to seven. The seven large railroads purchase in excess of 85 percent of the fuel used by Class I railroads. A monthly average price per gallon would be used which would reflect discounts, refunds, rebates, the costs of transportation, taxes and handling. Data used for calculation of the fuel component would be supported by adequate underlying records and would be subject to audit by both AAR's certified auditing firm and Commission staff. The proposed methodology shall be used to calculate the actual fuel cost index. The forecasting methodology currently used shall continue in place. No other aspects of the indexing methodology are proposed to be changed.

Assistance for the hearing impaired is available through TDD Services at (202) 275–1721.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Decided: July 13, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons and Lamboley. Commissioners Simmons, joined by Commissioner Lamboley concurred with a separate expression.

Noreta R. McGee,

Secretary.

Commissioner Simmons, joined by *Commissioner Lamboley*, concurring:

I do not object to seeking comments on the AAR proposal. Nevertheless, I do not believe we have sufficient information at this time to actually

propose to adopt the requested change. The shipper reply to the AAR petition identifies several issues which must be considered in analyzing the proposal. Parties filing comments, including the AAR, should address themselves to these issues.

[FR Doc. 88-16523 Filed 7-21-88; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31291]

Heartland Rail Corp., Acquisition, Lease and Operation Exemption; Rail Line of Chicago and North Western Transportation Co.

Heartland Rail Corporation (Heartland), a noncarrier, has filed a notice of exemption to acquire two segments of rail line from Midwestern Rail Properties, Inc. (MRPI), a wholly-owned subsidiary of Chicago and North Western Transportation Company (C&NW). Heartland previously obtained trackage rights over these same segments when MRPI purchased them in 1984 from the Chicago, Rock Island and Pacific Railroad Company. At that time Iowa Interstate Railroad, Ltd. (IIR) entered into a lease with Heartland to operate these and other segments. That lease and operation was exempted by the Commission by decision served October 1, 1984, in Finance Docket No. 30554, *Iowa Interstate Railroad, Ltd. Lease and Operate—Exemption.* After Heartland acquires the subject segments, IRR will continue to provide operations over them under that lease. The line segments located at or near Des Moines, Polk County, IA extend from Milepost 350.8 to Milepost 353.25 and from Milepost 355.89 to Milepost 358.568, a total distance of 5.128 miles. The transaction also involves incidental trackage rights over C&NW between C&NW Mileposts 355.89 and 356.0. While connecting track will also be constructed at Milepost 356.0, the new connecting track merely replaces and constitutes a relocation of existing connecting track located at Milepost 355.89. As a result, Commission approval or an exemption need not be obtained for that construction. *See Denver and R. Gr. W.R. Co. Joint Const. Pr.—Relocation over B.N. R. Co.*, 4 I.C.C.2d 95 (1987).

Comments must be filed with the Commission and served on: T. Scott Bannister, Hanson Bjork & Russell, 1300 Des Moines Building, Des Moines, IA 50309.

Heartland has certified that there are no historic properties located on the track segments to be transferred.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 5, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-16273 Filed 7-21-88; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31300]

Tennessee Southern Railroad Co., Inc., Acquisition and Operation Exemption; Certain Rail Line of Southern Railway Co.

Tennessee Southern Railroad Company, Inc. (TS) has filed a notice of exemption to acquire by purchase and to operate approximately 1.4 route miles of rail line of Southern Railway Company (SR) located at Florence, AL, and extending from milepost 7.0–MF to milepost 8.4–MF. The agreement for the transfer of this rail line between TS and SR was to be consummated approximately on or before July 8, 1988.

This transaction will also involve the issuance of securities by TS, which will be a Class III carrier. The issuance of these securities will be an exempt transaction under 49 CFR 1175.1.

Any comments must be filed with the Commission and served on: Mark M. Levin, Weiner, McCaffrey, Brodsky & Kaplan, P.C., Suite 800, 1350 New York Avenue NW., Washington, DC 20005–4797, and G. William Schafer III, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510.

TS has certified that the appropriate State Historic Preservation Officer has been notified that no sites or structures of any kind exist in the subject area.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 14, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-16274 Filed 7-21-88; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Judgment; Human Resources Administration, City of New York, et al.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on July 5, 1988, a proposed consent judgment in *United States v. Human Resources Administration of the City of New York, Department of General Services of the City of New York, and the City of New York*, Civil Action No. 88 Civ. 4624 (RJW), was lodged with the United States District Court for the Southern District of New York. This consent judgment settled a lawsuit filed July 5, 1988, pursuant to section 113 of the Clean Air Act (the "Act"), 42 U.S.C. 7413, for injunctive relief and for the assessment of civil penalties against the Human Resources Administration of the City of New York ("HRA"), the Department of General Services of the City of New York (DGS"), and the City of New York (the "City"). The complaint is based on, among other things, certain asbestos removal operations that were conducted by HRA between March and July, 1986, at a homeless shelter located in New York, New York. The complaint alleged that the asbestos removal operations constituted violations of sections 112, 113, and 114 of the Act, 33 U.S.C. 7412, 7413, and 7414, and the National Emission Standard for Hazardous Air Pollutants relating to asbestos codified at 40 CFR Part 61, Subpart M ("asbestos NESHAPS").

Under the terms of the proposed consent judgment, HRA is enjoined from violating the Clean Air Act, 42 U.S.C. 7401–7642, and the asbestos NESHAPS. HRA is also required to notify the Environmental Protection Agency ("EPA"), regarding any renovations or demolitions subject to the requirements of the Act and the asbestos NESHAPS at least ten (10) days before each renovation or demolition is scheduled to begin, except in certain emergency situations. Further, HRA is required to submit quarterly reports to EPA of any renovations, demolitions, or removals and to either certify that the Act and the asbestos NESHAPS have been compiled with or to report any violations thereof. In addition, the the proposed consent judgment requires the City to pay a civil penalty of $200,000 with respect to the violations of the Act and the asbestos NESHAPS alleged in the complaint.

The Department of Justice will receive comments relating to the proposed consent judgment for a period of thirty (30) days from the date of this

publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Washington, DC 20044–7611. All comments should refer to *United States v. Human Resources Administration of the City of New York, Department of General Services of the City of New York, and the City of New York*, D.J. Ref. 90–5–2–1–1160.

The proposed consent judgment may be examined at the following offices of the United States Attorney and the Environmental Protection Agency:

EPA Region II, Contact: Alexandra Callam, Office of the regional Counsel, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264–2211.

United States Attorney's Office, Contact: Gabriel W. Gorenstein, Assistant United States Attorney, Southern District of New York, One St. Andrews Plaza, New York, New York 10007, (212) 791–1979.

Copies of the proposed consent judgment may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1250, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20044–7611. A copy of the proposed consent judgment may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice. When requesting a copy of the proposed consent judgment, please enclose a check for copying costs in the amount of $1.20 payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–16539 Filed 7–21–88; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Partial Consent Decree; Jorge Luhring, Island Petroleum Products, Inc.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on July 11, 1988, a proposed partial consent decree in *United States v. Jorge Luhrin, Island Petroleum Products, Inc., Bayamon Electroplating, Inc., and Taino Plating Corp.*, Civil Action No. 87–1256 (JP), was lodged with the United States District Court for the District of Puerto Rico. This partial consent decree settles the United States' claims for injunctive relief in a lawsuit filed September 17, 1987, pursuant to section 309 of the Clean Water Act (the "Act"), 33 U.S.C. 1319, for injunctive relief and for the assessment of civil penalties against Jorge Luhring, Island Petroleum Products, Inc. ("Island"), Bayamon Electroplating, Inc., and Taino Plating Corp. The complaint is based on, among other things, Island's discharge of pollutants from its electroplating plant in Barrio Las Palmas, Catano, Puerto Rico, in violation of the Act and applicable pretreatment standards. (40 CFR 413.14).

The proposed partial consent decree requires Island to attain and maintain compliance with the general and categorical pretreatment standards, 40 CFR Parts 403 and 413, and the Puerto Rico Sewer Authority's ("PRASA") Rules and Regulations Relating to the Use of the Public Sewers. Island is required to take composite samples of the wastewater it discharges to the POTW in accordance with the monitoring and sampling provisions of the decree. The proposed partial consent decree also requires Island to submit monthly reports to the Environmental Protection Agency ("EPA") and PRASA that contain the results of sampling and monitoring required under the decree, discharge and flow information, plant modifications, and pretreatment compliance certification.

The Department of Justice will receive comments relating to the proposed partial consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Washington, DC 20044–7611. All comments should refer to *United States v. Jorge Luhring, Island Petroleum Products, Inc., Bayamon Electroplating, Inc., and Taino Plating Corp.*, D.J. Ref. 90–5–1–1–2834.

The proposed consent judgment may be examined at the following offices of the United States Attorney and the Environmental Protection Agency:

EPA Region II, Contact: David Brook, Office of the Regional Counsel, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264–0444.

United States Attorney's Office, Contact: Eduardo E. Toro Font, Assistant United States Attorney, District of Puerto Rico, Frederico Degetau Federal Building, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918, (809) 753–4656.

Copies of the proposed partial consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1250, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20044–7611. A copy of the proposed partial consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice. When requesting a copy of the proposed partial consent decree, please enclose a check for copying costs in the amount of $1.70 payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–16540 Filed 7–21–88; 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; Air Products and Chemicals Inc., 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 fo 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 August 2, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to

the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC this 11th day of July 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
Air Products & Chemicals, Inc. (Workers)	Wilkes-Barre, PA	7/11/88	7/1/88	20,789	Cryogenic Equipment.
Automation Components, Inc. (Workers)	Peckville, PA	7/11/88	6/28/88	20,790	Fixed Ceramic Capacitors.
Ball-Incon Glass, Corp. (Workers)	Washington, PA	7/11/88	6/24/88	20,791	Glass Containers.
Belltex, Inc. (Workers)	Bergenfield, NJ	7/11/88	6/21/88	20,792	Hospital Garments, Uniforms and Linens.
Dixie Mfg. Co. (Workers)	Columbia, TN	7/11/88	6/29/88	20,793	Men's & Women's Bottom Garments.
Enron Corp., Gas Pipeline Group (Workers)	Omaha, NE	7/11/88	6/28/88	20,794	Crude Oil and Natural Gas.
Gavin Electronics, Div. of Tandy Corp. (Company).	Somerset, NJ	7/11/88	6/27/88	20,795	Electronic Components.
JFC Industries, Inc. (Workers)	Hialeah, FL	7/11/88	6/29/88	20,796	Men's Apparel (Pants & Jackets).
Miller Printing Equipment (Company)	Pittsburgh, PA	7/11/88	6/28/88	20,797	Printing Presses.
NCR Corporation (IBEW)	Cambridge, OH	7/11/88	6/28/88	20,798	Computer Products.
Natural Plastics, Inc. (ABGW)	Jeannette, PA	7/11/88	6/24/88	20,799	Glass Shades & Glass Parts.
Lightcraft Corp. (ABGW)	Jeannette, PA	7/11/88	6/24/88	20,800	Residential Lighting.
Victory Glass (ABGW)	Jeannette, PA	7/11/88	6/24/88	20,801	Sales & Adm. for National Plastics.
Scotsman Ice Systems (Workers)	Albert Lea, MN	7/11/88	6/18/88	20,802	Ice Machines.
Trio Accessoreis (AC&TW)	New Jersey, NJ	7/11/88	6/27/88	20,803	Ladies Fur Hats.

[FR Doc. 88-16514 Filed 7-21-88; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Whirlpool Corp. 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 July 4, 1988–July 11, 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 of 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 subdivision 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–20,666; Whirlpool Corp., Findlay Div., Findlay, OH

In the following case the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–20,660; MacGregor Sandknit, Fox Lake, WI

Increased imports did not contribute inportantly to workers separations at the firm.

Affirmative Determinations

TA–W–20,661; Maxi-Switch, Ecco, Inc., Erwin, SD

A certification was issued covering all workers separated on or after April 25, 1987.

TA–W–20,656; Florida Shoe, Inc., Miami, FL

A certification was issued covering all workers separated on or after April 27, 1987.

TA–W–20,658; Hanson Textile Co., Hatfield, PA

A certification was issued covering all workers separated on or after April 26, 1987.

TA–W–20,641; GEM Products, Inc., Rib Lake, WI

A certification was issued covering all workers separated on or after April 18, 1987, and before January 31, 1988.

TA–W–20,665; Summit Sportsware, Stroughton, MA

A certification was issued covering all workers separated on or after May 2, 1987.

I hereby certify that the aforementioned determinations were issued during the period July 4, 1988–July 8, 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.

[FR Doc. 88-16513 Filed 7-21-88; 8:45 am]

BILLING CODE 4510-30-M

[Training and Employment Guidance Letter No. 1–88]

Job Training Partnership Act; Presidential Awards for Program Year (PY) 1987

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the Job Training Partnership Act (JTPA) Presidential Awards Program and requests nominations from Governors with respect to Program Year 1987 (July 1, 1987–June 30, 1988).

DATE: Training and Employment Guidance Letter No. 1–88 was issued on July 6, 1988, and expires on July 31, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Room N–4703, 200 Constitution Avenue NW., Washington, DC 20210. Telephone. 202–535–0577.

Training and Employment Guidance Letter No. 1–88, announcing the procedures for the JTPA Presidential Awards Program, is printed below.

Signed at Washington, DC, this 14th day of July 1988.

Roberts T. Jones,

Acting Assistant Secretary of Labor.

Training and Employment Guidance Letter No. 1–88

FROM: Roberts T. Jones, Acting Assistant Secretary of Labor

SUBJECT: Job Training Partnership Act (JTPA) Presidential Awards for Program Year 1987

1. *Purpose.* To announce the Job Training Partnership Act (JTPA) Presidential Awards Program for Program Year (PY) 1987 and to request nominations from Governors.

2. *Reference.* Public Law (Pub. L.) 97–300, Pub. L. 99–570.

3. *Background.* Section 172 of JTPA authorizes Presidential Awards for outstanding contributions to JTPA by the private sector and for model program for those with multiple barriers to employment.

The JTPA Presidential Awards Program is designed to recognize accomplishments under JTPA and to strengthen support for innovative and effective employment and training initiatives. The Awards will afford increased visibility for JTPA. Through such visibility, we anticipate expanded private sector and community participation in JTPA activities.

This is the second year for the Awards Program. It is based on a very successful initial Program, which was developed after consultation with the Governors and the public interest groups that serve as our JTPA partners.

4. *Program Parameters.* Attachment I provides the specifics on the scope, categories and criteria for the Awards for PY 1987. It also details selection procedures and plans for Awards ceremonies.

5. *Nomination Procedures.* All nominations are to be made by the Governors of the States.

• Governors may submit one nomination each year in each of the three Annual Award categories.

• Governors also may submit no more than one nomination each year for a program deserving of a Special Award.

• In deciding on their nominations, Governors are encouraged to solicit recommendations from National Alliance of Business representatives as well as from other JTPA partners in the State, such as: service delivery areas; private industry councils; chief elected officials; State Job Training Coordinating Councils; local education organizations; Human Resources Development Institute; and State organizations representing the private sector, such as the Chamber of Commerce.

• Nominations are to be made on the PY 1987 JTPA Presidential Awards Entry Form (Attachment II), four copies of which are attached to this Training and Employment Guidance Letter (TEGL). A separate form, with three copies, is to be submitted for each nomination being made. Particular attention should be paid to Part D of the Form—Criteria Information. It is essential that *each* criterion for the category under which a nomination is made be listed and specifically addressed. The criteria for the categories are found in Section C of Attachment I of this TEGL.

Only the written narratives addressing the criteria will be considered in the review of the nominations. *No* attachments (i.e., videos, brochures, etc.) will be considered.

• *Nominations must be postmarked by midnight on September 30, 1988,* and should be sent to: Robert N. Colombo, Director, Office of Employment and Training Programs, Employment and Training Administration, U.S. Department of Labor, Room N–4703, 200 Constitution Avenue NW., Washington, DC 20210.

6. *Awards Timetable.*

• Nominations Postmarked by—September 30, 1988

• Award Selections by—December 31, 1988

• National Awards Ceremony—April 5, 1989

7. *State Notification.* A copy of this TEGL is also being sent to your State JTPA Liaison.

8. *Federal Register Publication.* A copy of this TEGL is being published in the **Federal Register.**

9. *Inquiries.* Questions concerning this guidance letter should be addressed to Robert N. Colombo on (202) 535–0577 or James Wiggins on (202) 535–0533.

A. Scope

Awards will be for activities carried out under Titles I, II, and III (Formula—Funded Programs only) of the Job Training Partnership Act (JTPA).

B. Categories

• Annual Awards

One award and two honorable mentions will be made each year in each of the following categories:

—Outstanding Contribution to a JTPA Program by a Private Sector Volunteer.

—Outstanding Contribution to a JTPA Program by a Private Industry Council.

—Outstanding Program for Assisting Individuals with Multiple Barriers to Employment.

• Special Awards

Each year, at the Secretary's discretion, additional Awards may be given to outstanding programs not falling within the Annual Award categories above. The Department intends to give preference in the Special Awards category to Title II programs which address and emphasize increasing basic skills and improving services to at-risk individuals, especially youth.

C. Criteria

Individuals and programs nominated must have been active under JTPA during Program Year 1987. Programs must have been in operation for at least one year, with measurable results. A nomination must meet all of the criteria of its category.

• Annual Awards

Following are the criteria to be met in each of the three Annual Awards categories:

• Outstanding contribution to a JTPA program by a private sector volunteer. The volunteer must:

—Be a member of the private-for-profit sector. May be on the private industry council (PIC), the State Job Training Coordinating Council, or be outside the official JTPA system as long as he/she contributes to JTPA through his/her efforts.

—Have demonstrated a commitment to JTPA through donation of time and services.

—Have exercised leadership in an area of the job training program system which, through such leadership, has improved substantially.

—Have been instrumental in increasing the awareness of the benefits of JTPA in the business community.

• Outstanding contribution to a JTPA program by a Private Industry Council. The PIC must have:

—Provided exemplary leadership.

—Exercised effective oversight over and guidance for the service delivery area's (SDA's) programs.

—Represented an SDA which serves the most at-risk population and has *exceeded* all seven Department of Labor performance standards as adjusted by the Governor for local conditions.

—Actively promoted increased private sector participation in JTPA activities, such as provision of training and placement of participants.

—Demonstrated the ability to leverage non-JTPA funds through collaboration and planning with human services agencies and the private sector.

• Outstanding program for assisting individuals with multiple barriers to employment. Program may be operated by an SDA, a contractor or by any other entity administering a JTPA program meeting the criteria below. Program must have:

—Exceeded all goals and performance standards established for the program.

—Been innovative, creative, and effective in its use of available resources.

—Been specifically targeted to those with multiple barriers to employment.

—Coordinated effectively with the private sector, other training and employment agencies, labor and other organizations.

—Achieved acceptance by the business community of those with multiple barriers to employment.

—Been well planned and administered, as demonstrated by successful financial management and performance results and evaluations.

• Special Awards

Programs nominated for a Special Award may be operated by an SDA, a contractor or by any other entity administering a JTPA program meeting the criteria below. Program must have:

—Exceeded all goals and performance standards established for the program.

—Been innovative, creative and effective in its use of available resources.

—Coordinated effectively with the private sector, other training and employment agencies, labor and other organizations.

—Been geared to the needs of the target population and the local economy.

—Been well planned and administered, as demonstrated by successful financial management and program performance results and evaluations.

—Been conducive to replication in other SDAs.

D. Selection

The selection process will be a four-tiered approach:

- Staff Review

Initial review and recommendations will be made by Department of Labor staff. The staff review will reduce the nominations from the Governors to no more than 20 for each Annual Award category and no more than 20 for Special Awards.

- Panel Review

A panel of training and employment experts from the public and private sectors will review each nomination.

The Panel will ensure that the possible top nominations in each category are thoroughly validated through a field review. The Panel will recommend to the Executive Committee five nominations for each of the Annual Award categories and nominations for Special Awards.

- Executive Committee Review

A committee, chaired by the Assistant Secretary for Employment and Training, comprised of a White House representative, a Secretary of Labor representative, and the Assistant Secretary will review the Panel's recommendations and results of the field reviews. The Committee will ensure that the most qualified nominations are recommended to the Secretary of Labor for his/her final section of Award recipients. The committee will recommend to the Secretary three nominations for each of the Annual Award categories and a limited number of the most qualified nominations for Special Awards.

- Secretary Review

The Secretary of Labor will review the Executive Committee's and Panel's recommendations and will make the final selection of winners and honorable mentions in all three of the Annual Award categories. The Secretary will also select the recipients of Special Awards.

E. Awards Ceremonies

Awards will be presented to the winners at a National Awards ceremony and, where possible and appropriate at local ceremonies in the hometown of each winner. The Awards ceremonies will be arranged by the Department of Labor in coordination with the White House, the Governors and its various JTPA partners as appropriate. The National awards ceremony will vary from year-to-year depending on the availability of locations and people. Where possible, a special White House or Department of Labor presentation will be held. The Department from time to time also may ask the various partners in the JTPA system to include the Awards ceremony as part of an annual conference. Local ceremonies in the hometowns of the winners will be held where possible and appropriate, with the Awards being presented by a high-level White House or Department of Labor official. Governors will be invited to participate in all ceremonies.

Attachment II—Program Year 1987 JTPA Presidential Awards Entry Form

PLEASE COMPLETE *ALL* ITEMS APPLICABLE TO THE NOMINATION

Part A—Nominating Governor

I. NOMINATION SUBMITTED BY:

(Name of Governor)

(State)

(Signature of Governor or Designated Representative)

II. ANY CLARIFICATIONS ON NOMINATION CAN BE OBTAINED FROM:

(State Contact)

(Telephone Number)

Part B—General Information

I. NOMINATION CATEGORY (one per entry form)

A. _____ Outstanding Private Sector Volunteer

B. _____ Outstanding Private Industry Council

C. _____ Outstanding Program for Serving Those With Multiple Barriers to Employment

D. _____ Special Award for _____

(Type of Program)

II. NOMINEE/PROGRAM IDENTIFYING INFORMATION

A. Volunteer/PIC/Program Nominated _____

Address _____

Telephone _____

Program Director (for PIC and Program Nominations) _____

B. In addition to information requested in II–A, provide:

1. For Volunteer nominees:

Employer _____

Title of Volunteer's Position _____

2. For PIC's:

Attach to this form a list of the names, titles, organizational affiliations and addresses of all PIC members. Indicate who serves as Chairperson.

3. For programs nominated under Multiple Barriers and Special Awards categories:

Period of Performance _____

JTPA Title and Funding _____

Source and Amount of Additional Funds (as appropriate)

Jurisdiction of Program

SDA — _____

Statewide _____

Number of Participants Served _____

Characteristics of Participants Served

III. SDA IDENTIFYING INFORMATION (for *all* but statewide program nominations)

Name and address of SDA with which nominee/program is affiliated:

Congressional District(s) _____ _____

Contact Person:

(Name)

(Title)

(Phone Number)

Part C—Synopsis

Attach a brief synopsis (no more than one page) describing the outstanding accomplishments of the nominee or program and why the nominee/program should be considered for a Presidential Award.

Part D—Criteria Information

List and give information on *each* criterion for the category in which the nomination is being made. Try to limit information to no more than one page per criterion and have one criterion per page. Be as specific as possible; give examples of performance levels exceeded by the nominee/program and cite target populations served where appropriate. (Attach continuation sheets as needed).

[FR Doc. 88–16517 Filed 7–21–88; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in

accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New York:
NY88-2 (Jan. 8, 1988) ..... p. 687.
NY88-6 (Jan. 8, 1988) ..... p. 728.
NY88-7 (Jan. 8, 1988) ..... pp. 738-739.
NY88-12 (Jan. 8, 1988) ..... p. 792.
NY88-14 (Jan. 8, 1988) ..... p. 810.

Volume II

Illinois:
IL88-7 (Jan. 8, 1988) ..... pp. 136-138.
Indiana:
IN88-1 (Jan. 8, 1988) ..... pp. 234-235, pp. 239-242.
IN88-2 (Jan. 8, 1988) ..... pp. 248-251, pp. 257-264.
IN88-4 (Jan. 8, 1988) ..... pp. 278-280.
IN88-5 (Jan. 8, 1988) ..... pp. 290-292.
IN88-6 (Jan. 8, 1988) ..... pp. 300, 303-305.
Michigan:
MI88-1 (Jan. 8, 1988) ..... p. 411.

Volume III

Alaska:
AK88-1 (Jan. 8, 1988) ..... pp. 2-3.
Montana:
MT88-2 (Jan. 8, 1988) ..... pp. 186-188.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed At Washington, DC, This 15th Day of July 1988.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-16284 Filed 7-21-88; 8:45 am]
BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-88-7-M]

Copper Range Co.; Petition for Modification of Application of Mandatory Safety Standard

Copper Range Company, P.O. Box 100, White Pine, Michigan 49971-0100 has filed a petition to modify the application of 30 CFR 57.11052 (refuge area) to its White Pine Mine (I.D. No. 20-00371) located in Ontonagon County, Michigan. 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 refuge areas be provided with compressed airlines and waterlines.

2. As an alternate method, petitioner proposes to substitute the use of downcast airflow from the emergency escape shaft into the refuge chamber for installed compressed air lines; and to substitute bottled drinking water for installed waterlines.

3. In support of this request, petitioner states that—

(a) The refuge chamber is of concrete block construction, sealed with noncombustible bonding material, and is under constant positive pressure and has more than adequate air flow to maintain a respirable environment and assure the safety of miners both when occupying the chamber and during evacuation to the surface. Maintenance of these conditions are assured by the location of the refuge chamber and the pressures generated by the normal operation of the mine ventilation system. The positive pressures and air flows inside the refuge chamber are independent of the closet operating exhaust fan and can be maintained indefinitely by operation of the remaining two exhaust fans;

(b) This system is more dependable than compressed air lines. It does not have the potential for compressed air lines to be cut, burst or otherwise

malfunction. Nor does it have the problems inherent with the storage and use of compressed air cylinders, either alone or with air masks;

(c) The refuge chamber is not located near any combustible or explosive material. This limits the need for water supplies to drinking water. Drinking water is stored in the refuge chamber in factory sealed containers;

(d) The bottom of the emergency escape shaft is located inside the refuge chamber. This provides miners with an immediate route to the surfaces as well as providing a non interruptable supply of fresh air; and

(e) Additional water and compressed air cylinders or other supplies can be lowered to the refuge chamber if necessary.

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 August 22, 1988. Copies of the petition are available for inspection at that address.

Date: July 15, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-16515 Filed 7-21-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-88-122-C]

Old Ben Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Old Ben Coal Company, 200 Public Square, Room 7-D, Cleveland, Ohio 44114 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Mine No. 25 (I.D. No. 11-02392) located in Franklin County, Illinois. 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 trolley wires and trolley feeder wires, high-voltage cables and transformers not be located inby the last open crosscut and be kept at least 150 feet from pillar workings.

2. The longwall mining equipment in use at the Mine is powered by 950-volt, a.c. electricity. The circuit breakers and cables used in this medium voltage system are at the practical limits of safe and efficient operation.

3. This equipment is subject to unacceptable voltage drops across the system which causes a decrease in the working torques of the drive motors and leads to excessive strain on equipment and high current loads in the electric circuitry. In order to maintain compliance with overcurrent protection in low or medium voltage systems, it is necessary to split the loads and increase the number of cables. This doubles the amount of cable handling and electrical connections that has to be done and results in a diminution of safety to miners.

4. As an alternate method, petitioner proposes to use a 2400-volt a.c. high voltage cable to supply power to the longwall mining equipment inby the last open crosscut and within 150 feet of gob areas with specific conditions as outlined in the petition.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 22, 1988. Copies of the petition are available for inspection at that address.

Date: July 15, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-16516 Filed 7-21-88; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; National Council; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts/National Assembly of State Art Agencies/National Assembly of Local Art Agencies Sub-Committee to the National Council on the Arts will be held on August 4, 1988, from 2:00 p.m.—5:00 p.m., in room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics of discussion will be a second draft report on the State of the Arts in the United States, Arts Education, and the conclusion of Cultural Facilities.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

July 19, 1988.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88-16608 Filed 7-21-88; 8:45 am]

BILLING CODE 7537-01-M

National Endowment for the Arts; Music Advisory Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chamber Music/New Music Presenters Section) to the National Council on the Arts will be held on August 10-12, 1988, from 9:30 a.m. to 6:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on August 12, 1988, from 1:30 p.m. to 3:30 p.m. The topics for discussion will include guidelines and policy issues.

The remaining session of this meeting on August 10, 1988, from 9:30 a.m. to 6:00 p.m., and on August 11, 1988, from 9:30 a.m. to 6:00 p.m., and on August 12, 1988, from 9:30 a.m. to 1:30 p.m., and 3:30 p.m. to 6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman

published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

July 19, 1988.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88–16609 Filed 7–21–88; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for ORB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collections that will affect the public.

Agency Clearance Officer: Herman G. Fleming. (202) 357–9520.

OMB Desk Officer: ATTN: Jim Houser, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: Requests for proposals.

Affected Public: Individuals, State or Local governments, For-profit and Non-profit organizations, Small businesses or organizations.

Responses/Burden Hours: 256 responses—average of 120 hours per response—total 30,720 burden hours.

Abstract: Requests for Proposals used to competitively solicit proposals in response to NSF need for services. Impact will be on those individuals or organizations who elect to submit proposals in response to the RFP. Information gathered will be evaluated in light of NSF procurement requirements to determine who will be awarded a contract.

Dated: July 19, 1988.

Herman G. Fleming,

NSF Clearance Officer.

[FR Doc. 88–16529 Filed 7–21–88; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactor Designs; Meeting

The ACRS Subcommittee on Advanced Reactor Designs will hold a meeting on August 3, 1988, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, August 3, 1988—9:00 a.m. Until the Conclusion of Business

The Subcommittee will review the draft SER of the Modular HTGR conceptual design.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. 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 Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

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 therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Medhat El-Zeftawy (telephone 202/634–3267) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: July 15, 1988.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 88–16581 Filed 7–21–88; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology, and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology, and Criteria will hold a meeting on August 4, 1988, Room 1046, 1717 H Street NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, August 4, 1988—8:30 a.m. Until the Conclusion of Business

The Subcommittee will review the status of NUREG–1251 (Implications of Chernobyl) and the NRC Staff's program (at BNL) to address the implications of Chernobyl in regard to severe reactivity transients.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. 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 Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portions of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

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 therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 202/634–3267) between 7:30 a.m. and 4:15 p.m. Persons

planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any change in schedule, etc., which may have occurred.

Date: July 15, 1988.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 88-16582 Filed 7-21-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on TVA Organizational Issues; Meeting

The ACRS Subcommittee on TVA Organizational Issues will hold a meeting on August 5, 1988, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, August 5, 1988—8:30 a.m. Until the Conclusion of Business

The Subcommittee will continue its review of the generic lessons learned from the Staff's review of TVA in regard to the restart of Sequoyah 2.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. 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 Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

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 therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 202/634-3267) between 7:30 a.m. and 4:15 p.m. Since the need for this meeting will not be determined until July 22, 1988, persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: July 15, 1988.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 88-16583 Filed 7-21-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 128 to Facility Operating License No. DPR-66, issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company, et al. (the licensee), which revised the Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania. The amendment is effective as of the date of issuance, to be implemented within 30 days of issuance.

The amendment changes Technical Specification 4.2.1.4 to require determination of the target flux difference by interpolating to the design end-of-cycle value, instead of interpolating to 0% at the end-of-life.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on February 2, 1988 (53 FR 2896). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated December 7, 1987, (2) Amendment No. 128 to License No. DPR-66, and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., and at the B.J. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, MD, this 13th day of July 1988.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I-4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-16588 Filed 7-21-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366]

Georgia Power Co. et al.; Denial of Amendments to Facility Operating Licenses and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) has denied a request by the licensee for amendments to Facility Operating Licenses Nos. DPR-57 and NPF-5, issued to the Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia and City of Dalton, Georgia (the licensee) for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (the facility) located in Appling County, Georgia.

The denied amendments proposed by the licensee, would modify the Unit 1 and Unit 2 Technical Specifications (TS) to allow the use of additional monitored release points for gaseous effluents. These additional release points would be used to augment existing ventilation systems on a temporary basis for temperature control and to reduce noble gas concentrations.

The licensee's aplication for the amendments was published in the **Federal Register** on June 3, 1987 (52 FR 20801).

The NRC staff requested additional information, more than a year ago, concerning specific release locations and methods and supporting data

regarding proposed monitoring of the augmented releases. No response has been received to the request for information.

Accordingly the requests were denied. The licensee was notified of the Commission's denial of this request by letter dated July 18, 1988.

By August 22, 1988, the licensee may demand a hearing with respect to the denial described above and any person whose interest may be affected by the proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated May 1, 1987, and (2) the Commission's letter to Georgia Power Company dated July 18, 1988, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III.

Dated at Rockville, Maryland, this 18th of July 1988.

Lawrence P. Crocker,

Project Manager, Division of Reactor Projects—I/II.

[FR Doc. 88–16585 Filed 7–21–88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–327]

In the Matter of Tennessee Valley Authority; Exemption

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License No. DPR–77 which authorizes operation of the Sequoyah Nuclear Plant (SQN), Unit 1. This license provides that, among other things, the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The Sequoyah Unit 1 facility is a pressurized water reactor located at the licensee's site in Hamilton County, Tennessee.

II

Sections III.D.2(a) and III.D.3 of Appendix J to 10 CFR Part 50, require Type B and C leakage tests on containment penetrations and isolation valves, respectively, at intervals in no case greater than two years.

Sequoyah Unit 1 was shut down for refueling on August 22, 1985. During refueling from late August 1985 to late November 1985 all Unit 1 Type B and C tests were performed. Since that time, Unit 1 has remained in cold shutdown (Mode 5). The end of the two year test interval for Type B and C tests expired in late August to November 1987. Because the Unit 1 outage had extended past August 1987, the licensee in its letter dated August 5, 1987, requested that the Type B and C tests be deferred on a one-time basis until before Unit 1 enters Mode 4 in its return to power from this outage.

The licensee contended that an exemption from the Type B and C test frequency requirements is warranted on the following bases:

1. NRC proposed amendments to 10 CFR Part 50, Appendix J (reference pages 9 and 10 of the October 1986 Draft Regulatory Document prepared under Task MS 021–5) would supplement the two-year Type B and C test schedule with the following sentence: "If the two-year interval ends while primary containment integrity is not required, *the test interval may be extended* provided all deferred testing is successfully completed before containment integrity is required in the plant."

2. SQN Unit 1 Technical Specifications 3.6.1.1 and 3.6.1.2 require that primary containment integrity be maintained only when in Modes 1, 2, 3 and 4. In these modes, Type B and C tests are required for maintaining containment integrity.

3. Relief from testing is warranted under 10 CFR 50.12(a)(2)(iii) because compliance with the two-year test requirement would "result in undue hardship and costs that are significantly in excess of those contemplated when the regulation was adopted." The licensee also considers 10 CFR 50.12(a)(2)(v) to be applicable because this exemption would "provide only temporary relief from the applicable regulation."

The staff has considered the Appendix J exemption request from the Type B and C tests and has concluded that it is justified on a one-time basis since Unit 1 has been in Mode 5 (cold shutdown) for this period and containment integrity is not required when the reactor is in the cold shutdown condition. Furthermore, prior to entering Mode 4 (Heatup at Power), the licensee will conduct the Type B and C leakage tests in order to ensure containment integrity. Accordingly, the staff concludes that this Appendix J exemption is justified.

III

The Commission has evaluated the requested exemption and determined that the application of the regulations in these particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensee's proposed Type B and C testing schedule meets the underlying intent of Appendix J which is to provide containment integrity during reactor operating modes when the containment is required to mitigate the consequences of a Design Basis Accident.

Because the plant has remained in Mode 5 since August 1987 and primary containment integrity has not been required, conducting the Type B and C tests at that time was not necessary to achieve the underlying purpose of the rule which is to demonstrate that the containment has integrity for operation (i.e., reactor Modes 1 to 4). Such integrity will be assured through conducting the Type B and C tests prior to entry into Modes 1 to 4. Therefore, application of the rule in these particular circumstances is not necessary to achieve the underlying purpose of the rule and the proposed exemption meets 10 CFR 50.12(a)(2)(ii).

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances provided in 10 CFR 50.12(a)(2)(ii) justify granting the exemption.

The Commission hereby grants a one-time exemption from the schedular requirements of Appendix J to 10 CFR Part 50, Paragraphs III.D.2.(a) and III.D.3, to the licensee for operation of the Sequoyah Nuclear Plant, Unit 1, based on the condition that the required testing be conducted prior to entry into Mode 4.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will not have a significant adverse impact on the quality of the human environment (53 FR 23706, June 23, 1988).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of July, 1988.

For The Nuclear Regulatory Commission.

James G. Partlow,

Director, Office of Special Projects.

[FR Doc. 88-16584 Filed 7-21-88; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Request for Extension of Approval Under the Paperwork Reduction Act; Allocating Unfunded Vested Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation has requested extension of approval by the Office of Management and Budget for a currently approved collection of information (1212-0035) contained in its regulation on Allocating Unfunded Vested Benefits (29 CFR Part 2642). The collection of information pertains to a request by the plan sponsor of a multiemployer pension plan for PBGC approval of certain changes in the method of allocating unfunded vested benefits to employers that withdraw from the plan. Current approval of the information collection expires on August 31, 1988. The effect of this notice is to advise the public of the PBGC's request for an extension of OMB's approval.

ADDRESSES: All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, DC 20503. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street, NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8820 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.).

SUPPLEMENTARY INFORMATION: This collection of informaiton is contained in the Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Allocating Unfunded Vested Benefits, 29 CFR Part 2642. Section 4211(c)(5)(A) of the Employee Retirement Income Security Act of 1974, a amended, ("ERISA"), requires the PBGC to prescribe by regulation a procedure whereby multiemployer pension plans can change the way they allocate unfunded vested benefits to withdrawing employers, subject to PBGC approval. Approval of a change is to be based on a determination that the change will not significantly increase the risk of loss to plan participants or the PBGC. The allocation regulation is issued pursuant to this statutory requirement.

Section 2642.12 of the regulation prescribes the information that must be submitted to the PBGC under the regulation by a plan seeking PBGC approval of an amendment to its allocation method. This information is used by the PBGC to determine whether the proposed amendment satisfies the statutory standard.

Since few multiemployer plans change their allocation methods and based on its past experience, the PBGC estimates that 16 multiemployer plans per year will submit information under the regulation. Moreover, no plan is likely ever to submit more than one request for approval under the regulation. The PBGC estimates that it would take 3 hours to prepare a submission, for a total annual burden of 48 hours.

Issued at Washington, DC, this 15th day of July 1988.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 88-16528 Filed 7-21-88; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Order of Trading Suspension In the Securities of CTI Technical, Inc.

July 19, 1988.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information relating to the securities of CTI Technical, Inc., (CTI), a Nevada corporation headquartered in Las Vegas, Nevada, and that questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things: Control of CTI; the beneficial ownership of its securities; the structure of its initial public offering; its acquisition of another company; its business prospects; its financial condition; its business plans; and, other matters. The Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of CTI.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of CTI is suspended, for the period commencing at 9:30 a.m. (EDT), on July 19, 1988, and terminating at 11:59 p.m. (EDT), on July 28, 1988.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-16532 Filed 7-21-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16483; 812-6981]

Equitable Capital Partners, L.P., et al.; Application

July 15, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Equitable Capital Partners, L.P. (the "Enhanced Yield Fund"), Equitable Capital Partners (Retirement Fund), L.P. (the "Enhanced Yield Retirement Fund") (each a "Partnership" and collectively the "Partnerships"), Equitable Deal Flow Fund, L.P. (the "Institutional Fund") and Equitable Capital Management Corporation ("Equitable Capital").

Relevant 1940 Act Sections: Order requested under sections 6(c), 17(d) and 57(i) and Rule 17d-1 permitting certain joint transactions otherwise prohibited by the provisions of sections 17(d) and 57(a)(4).

Summary of Application: Applicants seek an order permitting the purchases of securities by the Partnerships in joint transactions with each other or in transactions in which an affiliate of Equitable Capital is a participant.

Filing Dates: The Application was filed on February 1, 1988 and amended on July 13, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must

be received by the SEC by 5:30 p.m., on August 8, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with the proof of service by affidavit or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicants, 1285 Avenue of the Americas, New York, New York 10019, Attention: James P. Pappas, Esq.

FOR FURTHER INFORMATION CONTACT: James E. Banks, Staff Attorney (202) 272–2190, or Brion R. Thompson, Branch Chief (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicants' Representations

1. Each Partnership is a recently-formed limited partnership organized under Delaware State law and pursuant to separate Agreements of Limited Partnership (the "Partnership Agreement"). Each Partnership has elected to be a business development company and, therefore, will be subject to sections 55 through 65 of the 1940 Act and to those sections of the 1940 Act made applicable to business development companies by section 59 thereof. The Partnerships will terminate no later than September 30, 1998 or 10 years from the final closing, if later, unless extended for up to two additional one-year periods.

2. The Partnerships have been designed to enable individuals to invest in privately structured, friendly leveraged buyouts and other enhanced yield transactions. The Partnerships will invest primarily in subordinated debt and related equity securities issued in conjunction with the "mezzanine financing" of friendly leveraged buyouts, leveraged acquisitions and leveraged recapitalizations ("Mezzanine Investments"). Each Partnership may provide interim debt financing ("Bridge Investments") to certain portfolio companies in which it has made or expects to make a Mezzanine Investment. Each Partnership may also invest up to 10% of its available investment capital in securities issued in connection with other types of acquisitions and corporate restructuring, including investments in workouts and restructuring of financially troubled companies, turn around situations, debt and equity securities of highly leveraged companies issued other than in the context of a leveraged transaction, and nonleveraged acquisitions and recapitalizations ("Other Investments"). Mezzanine Investments, Bridge Investments, Other Investments and Follow On Investments (as defined below) are referred to collectively as "Enhanced Yield Investments." Following an investment in Enhanced Yield Investments, a Partnership may purchase additional debt and/or equity securities in the portfolio company or may exercise existing rights (such as warrants) under securities acquired in connection with the initial Enhanced Yield Investment ("Follow On Investments").

3. The Partnerships filed a joint registration statement on Form N–2 (File No. 33–20093) under the Securities Act of 1933 with respect to an aggregate public offering by the Partnerships of up to 500,000 units of limited partnership interest in the Partnerships (collectively, for both Partnerships, the "Units"). Merrill Lynch, Pierce, Fenner & Smith Inc. will act as the selling agent for the Units on a "best efforts" basis. Investors desiring to become Limited Partners in the Partnerships will be required to subscribe for at least five Units ($1000 per Unit), and meet certain suitability standards set forth in the application.

4. The General Partners of each Partnership will consist initially of two (and in the future may be increased to nine) Independent General Partners (defined to be individuals who are natural persons and who are not "interested persons" of such Partnership within the meaning of the 1940 Act) and Equitable Capital, as managing general partner (the "Managing General Partner"). On June 21, 1988, the Commission issued an exemptive order declaring that the Independent General Partners of the Partnerships are not "interested persons" of such Partnerships within the meaning of section 2(a)(19) of the 1940 Act solely by reason of their status as a General Partner of the Partnership, or ownership of a less than 5% equity ownership in the Partnership (Investment Company Act Release No. IC–16444). A majority of the General Partners of each Partnership must be Independent General Partners. Each Partnership Agreement provides that if at any time the number of Independent General Partners is less than a majority of the General Partners, then within 90 days thereafters, the remaining Independent General Partners shall designate and admit one or more Independent General Partners so as to restore the number of Independent General Partners to a majority of the General Partners. The Managing General Partner will be responsible for purchasing investments for a Partnership which have been approved by the Independent General Partners, for providing administrative services to the Partnership, and for the admission of additional or assignee Limited Partners to the Partnership. Equitable Capital, as Managing General Partner, has subcontracted with a third party for the provision of administrative services to the Partnerships. Equitable Capital will also act as the investment adviser to each Partnership pursuant to an investment advisory agreement (the "Advisory Agreement") between Equitable Capital and each Partnership. Under each Advisory Agreement, Equitable Capital will be responsible for the identification of all investments to be made by the respective Partnership and will perform other functions carried out by the investment adviser to a business development company.

5. Equitable Capital, an indirect, wholly owned subsidiary of The Equitable Life Assurance Society refreshment of the United States ("Equitable Life"), is a registered investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"). Since January, 1983 Equitable Capital has advised Equitable Life and its affiliates with respect to portfolio securities and commitments issued in connection with enhanced yield transactions, including leveraged buyouts and recapitalizations. In rendering its advisory services, Equitable Capital utilizes its own separate staff of investment and financial professionals who are located in offices physically separate from Equitable Life and its other subsidiaries. Equitable Capital has in place "Chinese Wall" policies and procedures to prevent the flow of material nonpublic information, whether written or oral, between Equitable Capital and investment management personnel located elsewhere in the Equitable organization.

6. Each Partnership will be managed by the Independent General Partners thereof, except with regard to those specific activities of such Partnership for which Equitable Capital, in its capacity as the Managing General Partner or as the investment adviser of such Partnership, will be responsible. The Independent General Partners of a Partnership will provide overall

guidance and supervision of Partnership operations and will perform the same functions as directors of a corporation. The Independent General Partners will assure the responsibilities and obligations imposed by the 1940 Act and the regulations thereunder on the non-interested directors of a registered investment company.

7. The Institutional Fund is a Delaware limited partnership with an investment objective substantially identical to that of the Partnerships. Interests in the Institutional Fund are beneficially owned by fewer than 100 institutional investors and such fund is not registered under the 1940 Act in reliance upon the exemption from the definition of "investment company" in section 3(c)(1) of the 1940 Act. Equitable Managed Assets, L.P., a Delaware limited partnership of which Equitable Life and Equitable Capital are partners, serves as the general partner of the Institutional Fund and Equitable Capital serves as the manager (or investment adviser). Equitable Life and its affiliates have committed $500 million to the Institutional Fund.

8. Applicants request an order pursuant to sections 6(c), 17(d) and 57(i) of the 1940 Act and Rule 17d-1 thereunder permitting the purchases of securities by the Partnerships in joint transactions with each other or in transactions in which an affiliate of Equitable Capital, or an affiliate of an affiliate of Equitable Capital, is a participant, which otherwise would be prohibited under sections 17(d) and 57(a)(4) of the 1940 Act. Each Partnership proposes to retain Equitable Capital as investment adviser in light of its expertise in enhanced yield investments in connection with leveraged buyouts, leveraged recapitalizations and other corporate reorganizations. Equitable Capital does not itself sponsor or invest in leveraged buyouts or recapitalizations, or invest for its own account. In connection with structuring the Partnerships, Equitable Capital has established specific guidelines for the Partnerships' investments (the "Guidelines"). These Guidelines are based on criteria utilized for institutional mezzanine funds that are exempt from registration under the 1940 Act such as the Institutional Fund. They serve to inform prospective investors as to parameters for the Partnerships' investments and are believed by the Applicants to limit potential conflicts by delineating specific categories of investments eligible for investment.

9. While Equitable Capital is responsible for the identification of proposed Enhanced Yield Investments, the Independent General Partners must determine that an investment for a Partnership meets the applicable Guidelines. For proposed Mezzanine or Other Investments that do not meet such Guidelines, determinations as to several factors must be made by the Independent General Partners before any such investment is made. Bridge Investments must be approved by the Independent General Partners in the same manner, and subject to the same standards, as Mezzanine and Other Investments not meeting the Guidelines. If an Enhanced Yield Investment, taking into account any proposed Follow On Investment, continues to satisfy the Guidelines, Equitable Capital will certify to that effect to the Independent General Partners before a Partnership makes a related Follow On Investment. If the Enhanced Yield Investment, taking into account a proposed Follow On Investment, does not meet the Guidelines, the Follow On Investment will be subject to prior approval by the Independent General Partners in the same manner, and subject to the same standards as any Enhanced Yield Investment that does not meet the Guidelines. The Independent General Partners have retained independent legal counsel to advise them in the performance of their duties, including their responsibilities for monitoring compliance with the Guidelines. In addition, the Independent General Partners have all necessary authority to retain such other consultants or advisers as they deem necessary or appropriate.

10. The two principal categories of proposed investments for the Partnerships consist of "Managed Companies" and "Non-Managed Companies." As business development companies the Partnerships, under section 2(a)(48) of the 1940 Act, must makde available "significant managerial assistance" to eligible portfolio companies comprising at least 70% of their assets. Managed Companies are those portfolio companies to which Equitable Capital, affiliates thereof or other persons in the investor group of which the Partnership is a member make available "significant managerial assistance" (as defined in section 2(a)(47) of the 1940 Act). Non-Managed Companies with respect to a Partnership are those portfolio companies to which neither Equitable Capital, any affiliate thereof nor any member of the investor group makes available "significant managerial assistance."

11. As used in the Guidelines, the term "Equitable Affiliates" includes Equitable Life (and its subsidiaries other than Equitable Capital), the Institutional Fund and funds with similar investment objectives that may be sponsored or organized by Equitable Capital, and Equitable Capital advisory accounts with investment objectives similar to those of the Partnerships.

12. The Guidelines, which are primarily financial in nature, relate to various aspects of Enhanced Yield Investments, including minimum specified yield, cash distributions and limitations on investments in workouts and troubled companies. Under the Guidelines, with respect to Managed Companies, (i) if one or more Equitable Affiliates invests in securities of a portfolio company in which the Partnerships also invest, (a) each such Partnership will hold securities of every class issued by the Portfolio company to be acquired by an Equitable Affiliate, (b) the ratio of the amount (or number) of each class of securities acquired by such Equitable Affiliate to the amount (or number) of all securities in such classes acquired shall equal the ratio of the amount (or number) of each such class of securities acquired by each such Partnership to the amount (or number) of all such classes of securities acquired by each such Partnership, and (c) the terms of such purchases will be identical in all material respects to any investments by Equitable Affiliates, except that under limited circumstances Equitable Affiliates can purchase loan participations in senior bank debt of a portfolio company independent of an investment in such company by a Partnership (ii) an Equitable Affiliate must also invest in the securities constituting any Other Investment which is an investment in the restructuring or workout of a financially troubled company; (iii) and Equitable Affiliate must also purchase Enhanced Yield Investments in a company in which a Partnership is investing if, at the time of investment, Equitable Affiliates owned more than 10% of the aggregate principal amount of outstanding debt securities or more than 10% of the outstanding equity securities of such company; (iv) the Partnerships must purchase all Enhanced Yield Investments on terms at least as favorable, in all material respects, as those available to any third party investors or Equitable Affiliates; and (v) a Partnership may not invest in a Non-Managed Company unless, at the time of such investment, at least 70% of its assets is invested in Managed Companies and certain other temporary investments. With respect to Non-Managed Companies, the Guidelines provide that (i) all of the above

Guidelines applicable to Managed Companies will apply; (ii) the Partnerships may not purchase, in the aggregate, more than 50% of a Mezzanine or Other Investment; and (iii) at least 25% of each class of security consituting part of a Mezzanine or Other Investment purchased by a Partnership must be purchased by one or more substantial institutional investors which may be Equitable Affiliates. In addition, to the above Guidelines, at the end of the first three-year period from the date of the final closing of the sale of Units, at least 15% of each Partnership's capital invested in Enhanced Yield Investments must be invested in transactions in which either no Equitable Affiliate has participated or unaffiliated institutional investors have purchased a majority of the securities constituting such Enhanced Yield Investments.

13. In addition to the Guidelines with respect to eligibility of securities for investment, additional conditions have been developed with respect to each Partnership's operations and investments. The terms and conditions which will be applicable to the operations of the Partnerships and co-investments by the Partnerhips with each other and with Equitable Affiliates are as follows:

Conditions

(i) Other than certain temporary money market investments and other investments described in the application each investment made by a Partnership will have to meet, in the determination of the Independent General Partners of such Partnership, as described below, the Guidelines or be approved by the Independent General Partners.

(ii) Equitable Capital will evaluate each proposed Enhanced Yield Investment opportunity to ascertain whether it is an appropriate investment for the Partnerships. If it determines that a proposed investment is appropriate, Equitable Capital will bring such investment to the attention of the Independent General Partners of each Partnership for review in the manner described herein, subject to items (v) and (ix) below. If the Independent General Partners of a Partnership determine that the investment meets the applicable Guidelines, the investment would be eligible for investment by the Partnership, and subject to items (iii) below, each such investment will be acquired by the Partnership. If there are presented to the Independent General Partners more investments than a Partnership has available funds to acquire, the Independent General Partners will have to determine, with the advice of Equitable Capital, the order of priority of such investments. If a proposed Enhanced Yield Investment does not meet the Guidelines, the Independent General Partners will have to make the determinations specified in paragraph (iv) below in the manner described herein.

(iii) Each Enhanced Yield Investment will be allocated, as a general matter, to the Partnerships and Equitable Affiliates according to a ratio based on the amount of capital that each such investor has indicated to Equitable Capital is available for investment in Mezzanine, Other, Follow On and Bridge Investments, as the case may be. However, under the terms of each Partnership Agreement, the Partnerships together will have the right to an allocation of at least 50% of any Enhanced Yield Investment which meets the investment objectives of the Partnerships until each Partnership has become 75% invested in Enhanced Yield Investments, and the right to an allocation of at least 25% of any such investments thereafter and prior to the time each one has become fully invested in Enhanced Yield Investments. This allocation formula reflects the fact that under its governing documents, the Institutional Fund also has the right to an allocation of 50% of any Enhanced Yield Investment which meets its investment objectives until it becomes 75% invested, and the right to an allocation of 25% thereafter until it becomes 90% invested, after which it has no allocation rights. Equitable Capital may grant similar allocation rights to other Equitable Affiliates, subject to the rights of the Partnerships and the Institutional Fund. Thus, the balance of an Enhanced Yield Investment not allocated to the Partnerships under the allocation rights described above may be subject to rights of other Equitable Affiliates, including the Institutional Fund. Enhanced Yield Investments will be allocated between the Partnerships based on the ratio of available capital which each Partnership has indicated is available for investment. With respect to the Enhanced Yield Fund, the determination of available capital during the first two years of the Investment Period will be made as if such Partnership had borrowed an amount equal to 50% of Net Proceeds Available for Investment (as defined above) and thereafter will be made based on the actual percentage of borrowings made by such Partnership. This allocation formula is designed to ensure that the overall allocation of Enhanced Yield Investments to the Enhanced Yield Fund, which has the right to borrow up to 50% of Net Proceeds Available for Investment, is made so that the allocation of investments between the Partnerships remains as constant as practicable throughout the term of the Partnerships and so that the portfolio investments made by each Partnership will be as similarly constituted as possible. Equitable Capital will provide the Independent General Partners with information concerning the amount of capital which Equitable Affiliates have available for investment in order to assist the Independent General Partners with their review of the Partnerships' investments for compliance with these allocation procedures.

(iv) Prior to committing to a particular investment that does not meet the Guidelines, the Independent General Partners of a Partnership will be required to determine that (a) the terms of the transaction, including the consideration to be paid, are reasonable and fair to the Limited Partners of the Partnership and do not involve overreaching of the Partnership or such Partners on the part of any person concerned and (b) the proposed transaction is consistent with the interests of the Limited Partners of the Partnership and is consistent with the policy of the Partnership as recited in filing made by the Partnership under the 1933 Act, its registration statements and reports filed under the Securities Exchange Act of 1934, as amended and its reports to partners.

(v) Other than as permitted pursuant to this order, no Equitable Affiliate will participate in a transaction in which a Partnership invests unless such participation is permitted by the 1940 Act or any other separate exemption obtained thereunder. Neither Partnership will invest in any securities issued in transactions sponsored by any Equitable Affiliate, including Donaldson, Lufkin & Jenrette Securities Corporation ("DLJ"), a subsidiary of Equitable Life, or purchase securities in which DLJ is action as a managing or lead underwriter.

(iv) If one or more Equitable Affiliates invests proportionally in securities constituting an Enhanced Yield Investment in a portfolio company in which a Partnership also makes an Enhanced Yield Investment, such investments must be made in accordance with managed company Guideline 1 and the terms of purchase (including terms as to purchase price, settlement date, registration rights, if any, and other rights provided to purchases of such investments) will be identical.

(vii) The Partnerships will participate in the disposition of securities held by them as coinvestments on a proportionate basis and on the same terms and conditions (a "lock-step" disposition). If a Partnership or any Equitable Affiliate proposes to dispose of a security purchased in a coinvestment by such Partnership with an Equitable Affiliate, each Partnership and any Equitable Affiliate holding such security will participate in the disposition of such security on a lock-step basis, unless the Independent General Partners determine, after considering any recommendations by Equitable Capital, that a Partnership should not participate in such sale or not participate on a lock-step basis. A Partnership may only not participate on a lock-step basis in the disposition of securities to be sold by an Equitable Affiliate if the Independent General Partners find that the retention or sale, as the case may be, of the securities is fair to the Partnership and that such Partnership's participation or choice not to participate in the sale is not the result of overreaching by Equitable Capital or an Equitable Affiliate. If the Independent General Partners of each Partnership do not make such a finding, then the Partnerships must participate in such sale on the basis of a lock-step disposition. If at any time the result of a proposed disposition of any portfolio security held by a Partnership would be to alter the proportionate holdings of each class of securities held by a Partnership and any Equitable Affiliate, then the Independent General Partners of the Partnership must determine that such a result is fair to the Partnership and is not the result of overreaching by an Equitable Affiliate.

(viii) The Independent General Partners of each Partnership will be provided quarterly for review all information concerning

coinvestments made by the Partnerships, including investments made by an Equitable Affiliate which one or more of the Partnerships declined to participate in, so that they may determine whether all investments made during the preceding quarter, including those investments such Independent General Partners declined to make, comply with the conditions set forth above. The Independent General Partners of each Partnership will consider on a quarterly basis the continuing appropriateness of the standards established for investments by the Partnership. In this regard, the Independent General Partners will consider whether use of such standards of each Partnership continues to be in the best interests of the Partnership and the Limited Partners and does not involve overreaching of the Partnership or its Limited Partners on the part of any party concerned.

(ix) Equitable Capital has in place and will maintain the following policies and procedures to ensure that neither Equitable Life nor any subsidiary of Equitable Life influences or (other than the Institutional Fund) participates in the identification, selection, structuring, negotiation or documentation of any Enhanced Yield Investment:

(a) Equitable Capital will evaluate each proposed Enhanced Yield Investment opportunity to ascertain whether it may be an appropriate investment for the Partnerships. If it determines that a proposed investment is appropriate, Equitable Capital will present such investment to the Independent General Partners of each Partnership, either certifying that such investment meets the Guidelines or, if it does not, seeking approval of such investment by the Independent General Partners, and the Independent General Partners shall either approve or disapprove such investment before Equitable Capital presents such proposed investment to Equitable Life or any Equitable subsidiary.

(b) No officer, director or employee of Equitable Capital shall have the authority to determine, and shall not determine, whether or not Equitable Life or any Equitable subsidiary will invest in or dispose of any Enhanced Yield Investment. Such determinations on behalf of Equitable Life will be made by the Chief Investment Officer of Equitable Life, or such members of his staff as he may designate, and no such person shall be an officer, director or employee of Equitable Capital. Such determinations on behalf of an Equitable subsidiary will be made by an appropriate officer of such subsidiary who is not an officer, director or employee of Equitable Capital.

(c) No officer, director or employee of Equitable Life or any Equitable subsidiary shall communicate in any manner with the Independent General Partners of the Partnerships on any matters pertaining to Enhanced Yield Investments made by the Partnerships, including any proposed investments in or dispositions of such securities, except that this condition shall not prohibit those officers of Equitable Capital who are also officers of Equitable Life from providing investment advisory services to the Independent General Partners in compliance with subparagraphs (a) and (b) of this paragraph (ix).

(d) Equitable Capital maintains separate books and records for its own affairs and has a capitalization and financial structure separate from Equitable Life and other Equitable subsidiaries.

(x) The Independent General Partners of each Partnership will maintain the records required by section 57(f)(3) of the 1940 Act and will comply with section 57(h) of the 1940 Act and each of the Applicants will otherwise maintain all records required by the 1940 Act.

Applicants' Legal Analysis and Conclusions

1. The Applicants believe that the Partnership's operating policies, in conjunction with the structure of their management arrangements, support the issuance of the Order requested herein. In particular, the Applicants believe that the proposed terms and conditions applicable to the operations of each Partnership governing the allocation of investment opportunities between the Partners and the Equitable Affiliates and the disposition of investments held by such entities are consistent with policies underlying the 1940 Act and Rule 17d–1 thereunder. Moreover, the Applicants believe that the relief requested is consistent in all material respects with that granted by the SEC *In the Matter of ML–Lee Acquisition Fund, L.P. et al. (Investment Company Act Release No. 16001, September 23, 1987.)* Further, the Applicants submit that the terms of requested relief are consistent with the standards enumerated in section 6(c) of the 1940 Act.

Applicants' Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. Applicants undertake that no changes will be made in the Guidelines or the Conditions until an amendment of such order is obtained from the Commission.

2. Under each Partnership Agreement, a Partnership is authorized to make in-kind distributions of portfolio securities to its Partners. Applicants agree not to make any in-kind distributions of securities to Partners of a Partnership until such Partnership has either obtained a no-action letter from the staff of the SEC or, alternatively, has obtained an order pursuant to section 206A of the Advisers Act permitting such distribution.

3. Applicants undertake that, at the end of the first three-year period from the date of the final closing of the sale of Units in a Partnership, at least 15% of such Partnership's capital invested in Enhanced Yield Investments must be invested in transactions in which either no Equitable Affiliate has participated or unaffiliated institutional investors have purchased a majority of the securities constituting such Enhanced Yield Investments.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–16533 Filed 7–21–88; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before August 22, 1988. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone (202) 653–8538.

OMB Reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395–7340.

Title: Application for Section, 502/503/504 Loan.

Form Nos.: SBA Form 1244.

Frequency: One for each loan closed.

Description of Respondents Used to allow SBA Loan Officers to make eligibility and credit determinations for small businesses apply for financial assistance.

Annual Responses: 1,200.

Annual Burden Hours: 3,000.

Title: 13 CFR 112.9 of SBA's Nondiscrimination Rules and

Regulations, "Notice to New Borrowers".

Form Nos.: SBA Form 793.

Frequency: On occasion.

Description of Respondents: Companies are required to keep records in order for SBA to determine the compliance status of the recipient.

Annual Responses: 135,000.

Annual Burden Hours: 11,250.

Elizabeth Zaic,

Deputy Director, Office of Administrative Services.

[FR Doc. 88-16520 Filed 7-21-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0324]

Southwest Venture Corp.; License Surrender

Notice is hereby given that Southwest Venture Corporation (SVC), 5220 Wilshire Boulevard, Los Angeles, California 90036, has surrendered its license to operate as a small business investment company under section 301(c) the Small Business Investment Act of 1958, as amended (the Act). SVC was licensed by the Small Business Administration on January 27, 1987.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on June 23, 1988, and, accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: July 18, 1988.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 88-16521 Filed 7-21-88; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration, Region VI Advisory Council, located in the geographical area of San Antonio, Texas, will hold a public meeting at 9:00 a.m. on Tuesday, August 16, 1988, at the North Star Executive Center, 7400 Blanco Road, Suite 200, San Antonio, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Julio G. Perez, District Director, U.S. Small Business Administration, North Star Executive Center, 7400 Blanco Rd., Suite 200, San Antonio, Texas, (512) 229-4501.

July 18, 1988.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 88-16522 Filed 7-21-88; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of The Secretary

[Order 88-7-28]

Fitness Determination of Florida Air Transport, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of commuter Air carrier fitness determination order to show cause.

SUMMARY: The Department of Transportation is proposing to find Florida Air Transport, 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 August 3, 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: July 19, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88-16572 Filed 7-21-88; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; Amarillo International Airport, Amarillo, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the city of Amarillo, Texas, for Amarillo International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Amarillo International Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before January 3, 1989.

DATES: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is July 7, 1988. The public comment period ends August 15, 1988.

FOR FURTHER INFORMATION CONTACT: Donald C. Harris, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0611, (817) 624-5609.

Comments on the proposed noise compatibility programs should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Amarillo International Airport are in compliance with applicable requirements of Part 150, effective July 7, 1988. Further, the FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before January 3, 1989.

This notice also announces the availability of this program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of the Federal Aviation Regulations (FAR), Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has

taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The city of Amarillo submitted to the FAA on November 16, 1987, noise exposure maps, descriptions and other documentation which were produced during the Amarillo International Airport FAR Part 150 Noise Exposure and Land Use Compatibility Plan (December 24, 1986). It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the city of Amarillo, Texas. The specific maps under consideration are the existing conditions Noise Exposure Map (Figure 12, page 35) and the 5-year forecast Noise Exposure Map (Figure 22, page 73) in the submission. The FAA has determined that these maps for Amarillo International Airport are in compliance with applicable requirements. This determination is effective on July 7, 1988. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator who submitted those maps, or with those public agencies and planning agencies with whom consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Amarillo International Airport, also effective on November 16, 1987. Preliminary review of the submitted material indicates that it conforms to the requirements for submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 3, 1989.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue SW, Room 617, Washington, DC 20591

Department of Transportation, Federal Aviation Administration, ATTN: Donald C. Harris, 4400 Blue Mound Road, Fort Worth, TX 76193-0611

Mr. William W. Wilson, Airport Manager, Amarillo International Airport, 10801 Airport Boulevard, Amarillo, TX 79111

Questions may be directed to the individual named above under the heading "**FOR FURTHER INFORMATION CONTACT**".

Issued in Fort Worth, Texas, July 7, 1988.

Don P. Watson,

Acting Regional Administrator, ASW-1.

[FR Doc. 88-16504 Filed 7-21-88; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-88-28]

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: August 11, 1988.

ADDRESS: Send comments on any petition in tripicate 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 July 19, 1988.

Denise D. Hall,

Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25605	Ameriflight, Inc.	14 CFR 135.89(b)(3)	To allow petitioner to operate pressurized jet aircraft engaged in cargo operations between 35,000 and 41,000 MSL without requiring one pilot at the controls to wear an oxygen mask.
24763	General Electric Co	SFAR 27, Section 9b and 40 CFR 87.21	To amend Exemption No. 4594 by extending the termination date from April 1, 1988, to December 31, 1988. Exemption No. 4594 provided relief from the requirements of 40 CFR 87.21(d) to the extent necessary to permit General Electric to manufacture one hundred and ten (110) CF34 engines under Type Certificate E15NE after December 31, 1985, and before April 1, 1988. No additional exempt engines are requested.
25624	Douglas Aircraft Company	14 CFR 121.411 and 121.413 and Part 121, Appendix H.	To allow petitioner and any Part 121 certificate holder who contracts with petitioner for training to use certain of petitioner's instructor pilots and, if appropriate, flight engineer instructors to train the initial cadre of pilots and flight engineers and also to train the certificate holder's airmen in initial, upgrade, transition, differences, and recurrent training without petitioner's instructors meeting all of the training requirements of Subpart N and employment requirements of Part 121, Appendix H.
25631	SimuFlite Training International	14 CFR 135.63(a)(4); 135.303; 135.323(a)(1); 135.337(a)(2), (a)(3), and (b)(2); and 135.339(a)(2) and (c)(1).	To allow clients of petitioner's instructors and check airmen who do not fully meet the certificate holder's training and checking requirements for operations conducted under Part 135.
25638	Fischer Brothers Aviation, Inc., dba Midway Commuter Airlines.	14 CFR 135.429(a) and 135.435	To allow petitioner to use components, parts, and accessories repaired, overhauled, or otherwise maintained by foreign original equipment manufacturers on its German-built DO228-201/202 aircraft.
017NM	Falcon Jet Corporation	14 CFR 25.813(e)	To allow petitioner to install a latchable sliding door which can be stored in a cabin partition during takeoffs, landings, and emergency conditions.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
23455	Reeve Aleutian Airways, Inc.	14 CFR 121.574(a)(1), (3), and (4)	To extend Exemption No. 4692 that allows petitioner to carry and operate aboard petitioner's aircraft certain oxygen storage, generating, and dispensing equipment for medical use by patients requiring emergency medical attention. *Grant, July 13, 1988, Exemption No. 4692A.*
25252	North American Training Group	14 CFR 61.63(d)(2) and (3), 61 157(d)(1), and 121.407(a)(1)(i).	To allow petitioner's students, who are applicants for a type rating to be added to any grade of pilot certificate in Boeing 727, 737, and 747 and McDonnell Douglas DC-8, DC-9, and DC-10 aircraft, to complete a portion of that practical test in an airplane simulator. *Grant, July 11, 1988, Exemption No. 4959.*
25508	Skyworld Airlines	14 CFR 121.391(a) and (e)	To allow petitioner to board passengers with three flight attendants on board its B-707 airplane while the fourth flight attendant supervises boarding from either a position on the ramp or inside a terminal building. *Denial, July 15, 1988, Exemption No. 4960.*
25514	Texas American Crew Training, Inc.	14 CFR 61.157(d)(1) and (2) and Part 61, Appendix A.	To allow petitioner to use the FAA-approved visual simulators to meet certain training and testing requirements of the FAR without being a Part 121 certificate holder. *Partial Grant, July 11, 1988, Exemption No. 4958.*
25522	Resort Air Inc. d.b.a. Trans World Express	14 CFR 121.411 and 121.413	To allow petitioner to utilize qualified Aerospatiale pilots for the training of a selected number of petitioner's crewmembers in the ATR 42-type aircraft in Toulouse, France, and St. Louis, Missouri. *Grant, July 7, 1988, Exemption No. 4957.*
25615	Rosenbalm Aviation, Inc.	14 CFR 121.371(a) and 121.378	To amend Exemption No. 4748A that allows petitioner to utilize Scandinavian Airlines System (SAS) to perform a complete airframe overhaul (C and D checks) at the SAS overhaul facilities at Stockholm (Arlanda) and Stockholm-Bromma (Linta), Sweden. This amendment would add petitioner's DC-8-63 aircraft Registration No. N921F, Serial No. 46145, to the exemption. *Grant, July 8, 1988, Exemption No. 4748B.*

[FR Doc. 88-16573 Filed 7-21-88; 8:45 am]
BILLING CODE 4910-13-M

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective June 6, 1987, InterFirst Bank Dallas, N.A., Dallas, Texas, changed its name to First RepublicBank Dallas, N.A.

Dated: July 18, 1988.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 88-16571 Filed 7-21-88; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. T84-01; Notice 16]

Passenger Motor Vehicle Theft Data for 1987; Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for comments.

SUMMARY: This notice seeks public comment regarding data on passenger motor vehicle thefts that occurred in 1987. These data were based on information provided to this agency by the National Crime Information Center (NCIC). These 1987 theft data indicate that vehicle thefts in 1987 increased above the 1983/1984 level. Of the 165 lines sold in the United States during 1987, 112 of the lines had theft rates that exceeded the median theft rate for 1983/1984.

To address the potential problem of multiple counting of the same vehicle theft, this notice uses the same approach adopted by the agency for the final calculation of 1983/1984 theft rates. That is, once a vehicle has been reported as stolen, any reported thefts of the same vehicle within seven calendar days of the first report were not counted as additional thefts of that vehicle.

DATE: All comments on this notice must be received by NHTSA not later than September 6, 1988.

ADDRESS: Comments should refer to Docket No. T84-01; Notice 16, and be submitted to: Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW., Washington, DC 20590 (202 366-4949).

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Kurtz, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202 366-4808).

SUPPLEMENTARY INFORMATION: Pursuant to Title VI of the Motor Vehicle Information and Cost Savings Act (the Cost Savings Act, 15 U.S.C. 2021 *et seq.*), NHTSA promulgated a motor vehicle theft prevention standard applicable to high-theft car lines. Section 603(a)(1) of the Cost Savings Act (15 U.S.C. 2023(a)(1)) specifies that three types of car lines are high theft lines within the meaning of Title VI. These three types are:

(1) Existing lines that had a theft rate exceeding the median theft rate in 1983 and 1984;

(2) New lines that are likely to have a theft rate exceeding the 1983-84 median theft rate; and

(3) Lines with theft rates below the 1983-84 median theft rate, but which have a majority of major parts interchangeable with lines whose theft rates exceeded or are likely to exceed the median theft rate.

Section 603(b) of the Cost Savings Act explains how the agency is to determine whether existing lines had a theft rate that exceeded the 1983-84 median theft rate. Section 603(b)(3) directs NHSTA to

> obtain from the most reliable source or sources accurate and timely theft and recovery data and publish such data for review and comment. To the greatest extent possible, the (NHTSA) shall utilize theft data reported by Federal, State, or local police. After such publication and opportunity for comment, the (NHTSA) shall utilize the theft data to determine the median theft rate under this subsection.

In accordance with this statutory directive, NHTSA published a final notice on November 12, 1985, setting forth the 1983-1984 theft data; 50 FR 46666. Based on those data, NHTSA calculated the median theft rate for purposes of Title VI as 3.2712 thefts per 1000 vehicles produced.

Section 603(b) provides that NHTSA shall publish theft data for review and comment "immediately upon enactment of this title, *and periodically thereafter.*" (Emphasis added) These updated publications of theft data do not affect the determination of which car lines are subject to the theft prevention standard. According to section 603, these periodic publications of updated theft data are *not* to be used by the agency to calculate an updated median theft rate, or to determine whether new lines are likely to be high theft lines, because such lines are likely to have theft rates exceeding some updated theft rate.

The agency believes that the reason for its being directed to periodically publish updated theft data was to inform the public, particularly law enforcement groups, automobile manufacturers, and Congress, of the extent of the vehicle theft problem and the impact, if any, on vehicle thefts as a result of the Federal motor vehicle theft prevention standard. To carry out this purpose, this notice sets forth the theft rates for the 165 lines of passenger motor vehicles sold in the United States for the 1987 model year. NHTSA calculated these theft rates based on information provided by the NCIC.

These 1987 theft data show an increase in vehicle thefts above the levels experienced in 1983-1984. According to the Uniform Crime Reports published by the FBI, the median motor vehicle theft rate in 1987 increased 26.8 percent as compared with 1984. This increase in thefts is reflected in the 1987 theft rates. For 1983/1984, the median theft rate was 3.2712 thefts per 1000 vehicles produced. Exactly 50 percent of the lines exceeded this theft rate. For 1987, 112 of the 165 lines, or 67.9 percent, exceeded 3.2712 thefts per 1000 vehicles produced.

In calculating the 1987 theft data, the agency followed the same approach it used in calculating the 1983-1984 median theft rate for limiting the possibility of multiple countings of the same vehicle theft. NHTSA became aware of the possibility that multiple countings of a single theft could arise if a law enforcement agency computer operator followed incorrect data entry procedures after getting further information about a vehicle already reported as stolen. Operators are supposed to revise an existing theft data entry to reflect new or additional data about the theft, but they sometimes cancel the original theft entry and enter a new theft report. The result of such actions would be that one actual theft reported to NCIC would be entered into the system more than once. To address this situation for the 1983-1984 theft data calculations, NHTSA excluded all duplicate vehicle identification numbers (VINs) of stolen vehicles reported within seven calendar days of each other. This approach takes into account the possibility that a vehicle might actually be stolen more than once during a particular calendar year, but that it is highly unlikely to be stolen more than once in a week.

Interested persons are invited to submit comments on these data. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage

commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. (49 CFR Part 512).

All comments recieved before the close of business on the comment closing date indicated above for the data will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered before publication of the final 1987 theft data. Comments on this notice will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules dockets should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Authority: 15 U.S.C. 2023; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: July 15, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

MODEL YEAR 1987 THEFT RATES FOR CARLINES PRODUCED IN CALENDAR YEAR 1987

Manufacturer	Make/Model (line)	Thefts 1987	Production (Mfgr's) 1987	Theft rate (thefts/product) (1987) (1,000's)
1 General Motors	Pontiac Firebird	2,424	80,414	30.1440
2 General Motors	Chevrolet Camaro	3,333	128,056	26.0277
3 General Motors	Chevrolet Monte Carlo	1,516	74,738	20.2839
4 Toyota	MR2	381	19,782	19.2599
5 General Motors	Buick Regal	910	61,659	14.7586
6 Mitsubishi	Starion	100	6,845	14.6092
7 Ferrari	Mondial	2	147	13.6054
8 Mitsubishi	Mirage	357	27,879	12.8053
9 General Motors	Pontiac Fiero	563	44,376	12.6870
10 General Motors	Oldsmobile Cutlass Supreme	1,338	114,013	11.7355
11 General Motors	Chevrolet Beretta/Corsica	186	16,109	11.5463
12 Porsche	911	104	9,047	11.4955
13 Chrysler Corp	Chrysler New Yorker	747	68,106	10.9682
14 Chrysler Corp	Chrysler Conquest	160	15,014	10.6567
15 General Motors	Pontiac Grand Prix	176	16,543	10.6389
16 Toyota	Corolla/Corolla Sport	1,851	175,011	10.5765
17 General Motors	Chevrolet Corvette	278	29,021	9.5793
18 Volkswagen	Cabriolet	165	17,268	9.5552
19 General Motors	Cadillac Seville	168	18,175	9.2435
20 Toyota	Cressida	275	31,828	8.6402
21 Lotus	Esprit	3	350	8.5714
22 General Motors	Cadillac Fleetwood Brougham (RWD)	522	61,733	8.4558
23 Mitsubishi	Cordia	39	4,801	8.1233
24 Chrysler Corp	Chrsyler Lebaron/Town & Country	489	60,243	8.1171
25 General Motors	Chevrolet Nova	1,187	147,105	8.0691
26 General Motors	Chevrolet Spectrum	734	91,730	8.0017
27 Volkswagen	Scirocco	69	8,815	7.8276
28 Mitsubishi	Tredia	57	7,290	7.8189
29 Mazda	626	648	85,385	7.5892
30 Chrysler Corp	Dodge Lancer	193	26,521	7.2773
31 Ford Motor Co	Lincoln Town Car	537	74,171	7.2400
32 Honda	Prelude	397	55,857	7.1076
33 Mitsubishi	Galant	93	13,126	7.0852
34 Hyundai	Excel	1,592	231,551	6.8754
35 Isuzu	I-Mark	187	28,804	6.4922
36 General Motors	Buick Riviera	93	14,586	6.3760
37 General Motors	Oldsmobile Toronado	90	14,272	6.3061
38 Ford Motor Co	Ford Mustang	884	140,661	6.2846
39 Isuzu	Impulse	12	1,937	6.1951
40 Mazda	323	490	79,134	6.1920
41 General Motors	Pontiac Sunbird	540	87,251	6.1890
42 General Motors	Cadillac DeVille (FWD)	970	157,374	6.1637
43 Chrysler Corp	Plymouth Caravelle	259	42,447	6.1017
44 Nissan	300ZX	203	33,981	5.9739
45 Chrysler Corp	Lebaron GTS	227	38,790	5.8520
46 Mazda	RX-7	297	50,924	5.8322
47 Chrysler Corp	Dodge Colt/Colt Vista	328	57,799	5.6748
48 Toyota	Supra	217	38,936	5.5732
49 Nissan	200 SX	201	36,116	5.5654
50 Ford Motor Co	Ford Thunderbird	680	122,339	5.5583
51 Yugo	GY/GVX	193	35,000	5.5143
52 Chrysler Corp	Plymouth Colt/Colt Vista	289	52,836	5.4698
53 Ford Motor Co	Mercury Topaz	395	72,911	5.4176
54 Porsche	928	12	2,223	5.3981

MODEL YEAR 1987 THEFT RATES FOR CARLINES PRODUCED IN CALENDAR YEAR 1987—Continued

	Manufacturer	Make/Model (line)	Thefts 1987	Production (Mfgr's) 1987	Theft rate (thefts/product) (1987) (1,000's)
55	General Motors	Pontiac 6000	747	138,516	5.3929
56	Chrysler Corp	Dodge 600	212	40,368	5.2517
57	General Motors	Oldsmobile 98 Regency	410	78,335	5.2339
58	AMC/Renault	Alliance/Encore	160	30,697	5.2122
59	Chrysler Corp	Dodge Aries	497	99,043	5.0180
60	General Motors	Chevrolet Impala/Caprice	916	184,570	4.9629
61	General Motors	Buick Electra	413	83,613	4.9394
62	Chrysler Corp	Laser/Daytona	161	32,640	4.9326
63	Toyota	Celica	451	93,127	4.8428
64	Ford Motor Co	Mercury Lynx	192	40,036	4.7957
65	Nissan	Maxima	872	183,910	4.7414
66	Chrysler Corp	Dodge Shadow	381	81,012	4.7030
67	Ford Motor Co	Mercury Cougar	471	100,584	4.6827
68	General Motors	Cadillac Cimarron	68	14,560	4.6703
69	Ford Motor Co	Ford Tempo	1,103	240,096	4.5940
70	Suzuki	Forsa	21	4,587	4.5782
71	Volkswagen	Jetta	351	77,086	4.5534
72	General Motors	Oldsmobile Custom Cruiser Wagon	77	16,954	4.5417
73	General Motors	Chevrolet Cavalier	1,437	316,476	4.5406
74	Alfa Romeo	Spider Veloce 2000	14	3,090	4.5307
75	Chrysler Corp	Plymouth Reliant	467	103,795	4.4993
76	General Motors	Buick LeSabre/Electra Estate Wagon	53	11,808	4.4885
77	TVR	2801	1	225	4.4444
78	Ford Motor Co	Lincoln Mark VII	65	14,768	4.4014
79	General Motors	Oldsmobile Cutlass Ciera/Cruiser (FWD)	1,198	274,332	4.3670
80	General Motors	Buick Skylark/Somerset	331	76,125	4.3481
81	Porsche	944	60	13,872	4.3253
82	Chrysler Corp	Chrysler Fifth Avenue/Newport	414	96,685	4.2819
83	Ford Motor Co	Ford Escort	1,630	383,244	4.2532
84	General Motors	Chevrolet Chevette	150	35,448	4.2316
85	Nissan	Sentra	1,568	378,046	4.1476
86	Chrysler Corp	Plymouth Horizon	469	113,526	4.1312
87	BMW	6	14	3,412	4.1032
88	General Motors	Chevrolet Celebrity	1,375	342,738	4.0118
89	Mercedes-Benz	560SL	54	13,575	3.9779
90	Volkswagen	Golf/GTI	218	55,694	3.9142
91	General Motors	Cadillac Eldorado	68	17,452	3.8964
92	General Motors	Pontiac Bonneville	423	111,396	3.7973
93	General Motors	Oldsmobile Calais	399	107,029	3.7280
94	General Motors	Pontiac Parisienne/Safari S/W	45	12,111	3.7156
95	General Motors	Oldsmobile Delta 88 Royale	576	155,098	3.7138
96	Peugeot	505	30	8,128	3.6909
97	Mercedes-Benz	560SEL	28	7,801	3.5893
98	Mercedes-Benz	190D/E	79	22,018	3.5880
99	General Motors	Buick Century	618	172,911	3.5741
100	General Motors	Pontiac T1000	20	5,628	3.5537
101	BMW	7	9	2,541	3.5419
102	Nissan	Pulsar	229	65,374	3.5029
103	Bertone	X-1/9	7	2,000	3.5000
104	Nissan	Stanza	393	113,596	3.4596
105	General Motors	Buick LeSabre	486	141,529	3.4339
106	General Motors	Pontiac Grand AM	775	226,453	3.4223
107	BMW	5	51	15,035	3.3921
108	General Motors	Buick Skyhawk	140	41,511	3.3726
109	Ferrari	328	2	595	3.3613
110	Ford Motor Co	Mercury Grand Marquis	412	122,945	3.3511
111	General Motors	Chevrolet Sprint	207	61,925	3.3428
112	Chrysler Corp	Plymouth Turismo	126	38,215	3.2971
113	Alfa Romeo	Milano	19	5,840	3.2534
114	BMW	3	218	72,180	3.0202
115	Honda/Acura	Integra	181	60,454	2.9940
116	Ford Motor Co	Ford Taurus	1,015	348,502	2.9125
117	Toyota	Camry	498	175,373	2.8397
118	Mercedes-Benz	420SEL	50	17,948	2.7858
119	Honda-Acura	Legend	128	45,982	2.7837
120	Subaru	Subaru	157	60,000	2.6167
121	Audi	4000/Quattro	41	15,789	2.5967
122	Chrysler Corp	Plymouth Sundance	202	81,725	2.4717
123	Ford Motor Co	Lincoln Continental	40	16,832	2.3764
124	Volvo	740/760	143	60,890	2.3485
125	Honda	Civic	631	268,692	2.3484
126	Chrysler Corp	Dodge Diplomat	72	30,804	2.3374
127	Ford Motor Co	Ford Crown Victoria	225	97,349	2.3113
128	Honda	Accord	770	333,436	2.3093
129	Ford Motor Co	Merkur XR4T1	16	7,352	2.1763
130	Mercedes-Benz	300E	43	19,957	2.1546

MODEL YEAR 1987 THEFT RATES FOR CARLINES PRODUCED IN CALENDAR YEAR 1987—Continued

Manufacturer	Make/Model (line)	Thefts 1987	Production (Mfgr's) 1987	Theft rate (thefts/product) (1987) (1,000's)
131 General Motors	Oldsmobile Fierenza	45	21,042	2.1386
132 Chrysler Corp.	Plymouth Gran Fury	34	16,235	2.0942
133 Jaguar	XJ	27	12,919	2.0899
134 Mercedes-Benz	260E	14	6,723	2.0824
135 Jaguar	XJ-S	6	2,925	2.0513
136 Volkswagen	Quantum	16	7,990	2.0025
137 Audi	5000S	56	28,245	1.9827
138 Ford Motor Co	Mercury Sable	213	110,114	1.9344
139 Saab	900	65	37,171	1.7487
140 Subaru	Justy	17	10,000	1.7000
141 Porsche	924	24	15,097	1.5897
142 Chrysler Corp.	Dodge Omni	146	94,681	1.5420
143 General Motors	Cadillac Allante	5	3,247	1.5399
144 Volvo	DL/GL	74	51,006	1.4508
145 Volkswagen	Fox	35	24,343	1.4378
146 Mercedes-Benz	560SEC	3	2,089	1.4361
147 Subaru	XT	64	45,000	1.42222
148 Volvo	780	1	704	1.4205
149 Austin Rover	Sterling	22	16,453	1.3371
150 Mercedes-Benz	300SDL	11	8,291	1.3267
151 Chrysler Corp.	Dodge Charger	41	42,369	0.9677
152 Toyota	Tercel	34	108,189	0.3143
153 Mercedes-Benz	300DT	3	12,552	0.2390
154 Saab	9000	18	147,675	0.1219
155 Ferrari	Testarossa	0	301	0.000
156 Rolls-Royce/Bentley	Silver Spirit/Silver Spur/Mulsanne	0	410	0.000
157 Aston Martin	Saloon/vantage/Volante	0	31	0.000
158 Maserati	Quatroporte	0	73	0.000
159 Excalibur	Phaeton/Roadster	0	70	0.000
160 Aston Martin	Lagonda	0	15	0.000
161 Rolls-Royce/Bentley	Corniche/Continental	0	140	0.000
162 Zimmer	Classic/Elegante/Cabriolet	0	170	0.000
163 Rolls-Royce/Bentley	Camargue	0	40	0.000
164 Maserati	Biturbo	0	973	0.000
165 Bitter GMBH	Biter GC	0	82	0.000

[FR Doc. 88-16501 Filed 7-21-88; 8:45 am]
BILLING CODE 4910-59-M

Research and Special Programs Administration

Pipeline Safety User Fees

This notice announces that the fiscal-year 1988 user fee assessments for pipeline facilities will be mailed to operators on or about August 1, 1988. This notice also changes the previously announced policy regarding the payment due date.

The Consolidated Omnibus Reconciliation Act of 1985 (Pub. L. 99-272; April 7, 1986) authorizes the assessment and collection of pipeline user fees for activities under the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979. The fees are assessed annually to operators of pipelines carrying petroleum, petroleum products, or anhydrous ammonia that are subject to the safety regulations in 49 CFR Part 195 (or the State equivalent); operators of gas transmission lines subject to 49 CFR Part 192 (or the State equivalent); and operators of liquefied natural gas (LNG) facilities subject to 49 CFR Part 193 (or the State equivalent).

On December 30, 1987, the United States District Court for the Northern District of Oklahoma issued a decision declaring the pipeline safety user fee legislation to be unconstitutional. However, the Court stayed the effect of its decision pending the agency's appeal. An appeal has been filed with the United States Supreme Court, *James H. Burnley, IV* v. *Mid-America Pipeline Co., appeal filed* No. 87-2098. Pending the Supreme Court's decision in the case, the Department will continue to assess and collect the pipeline safety user fees.

The fiscal-year 1988 assessments will be made in the same manner as announced on December 29, 1986, in a **Federal Register** notice regarding agency interpretation and pipeline user fee policies and pratices (51 FR 46975). The miles of pipeline and volume of LNG storage capacity each operator had in service at the beginning of fiscal year 1988, or October 1, 1987, will provide the basis for assessments.

Under the policies and practices published in the 1986 notice, operators were allowed 60 days after assessment before payment was due. However, Departmental procedures and regulations of the Department of the Treasury require that payment due dates on invoices not be more than 30 days after the date of the invoice. Therefore, beginning with the fiscal year 1988 assessments, pipeline user fees will be due 30 days after the date of the assessment. Interest, penalties, and administrative charges will be assessed on delinquent debts in accordance with 31 U.S.C. 3717. Assessments for fiscal year 1988 will be dated August 1, 1988, and due August 31, 1988.

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

Richard L. Beam,

Director, Office of Pipeline Safety.

[FR Doc. 88-16499 Filed 7-21-88; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 15, 1988.

The Department of the Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Office listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0013
Form Number: 3171
Type of Review: Extension
Title: Application—Permit-Special License-Unlading-Lading-Overtime Services
Description: This is an application, permit, and special license for unlading of passengers, cargo, and baggage from a vessel arriving from any port or place outside the Customs territory of the United States, or the lading of cargo, baggage, or other articles destined to a port of place outside the Customs territory of the United States It is also an application for overtime or clearance of a vessel.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents: 1,500
Estimated Burden Hours Per Response: 6 minutes
Frequency of Response: Annually
Estimated Total Reporting Burden: 39,900 hours
Clearance Officer: John Poore, (202) 566–2491, U.S. Customs Service, Room 6333, 1301 Constitution Avenue NW., Washington, DC 20229
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 88–16512 Filed 7–21–88; 8:45 a.m]
BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirement Under OMB Review.

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirement submitted to OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval and to publish a notice in the **Federal Register** notifying the public that such a submission has been made. USIA is requesting approval of a form used to certify the eligibility of foreign people for J–1 visas, so that they may visit the United States under one of USIA's exchange-visitor programs. This is a resubmission. The current clearance number is 3116–0008, expiration date January 1, 1994.

DATE: Comments must be received by August 15, 1988.

Copies: Copies of this request for clearance (SF–83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the accuracy of the estimate and suggestions for reducing burden should be directed to OMB Clearance Officer and Agency Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Thomas Connor, United States Information Agency, M/AS, 301 Fourth Street SW., Washington, DC 20547, telephone (202) 485–7480. OMB Review: Francine Picott, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, telephone (202) 395–7340.

SUPPLEMENTARY INFORMATION: Title: "Certificate of Eligibility for Exchange Visitor (J–1) Status", Form IAP–66. This form is provided to an exchange-visitor sponsor, who in turn send it to the individual abroad so that he or she may take it to the nearest American Consul to receive a J–1 visa.

Proposed Frequency of Responses

No. of Respondents: 90,000.
Recordkeeping Hours: 4,000.
Total Annual Burden: 15,500.
Average Burden per Response: 15 minutes.

Date: July 18, 1988.
Charles N. Canestro,
Federal Register Liaison.
[FR Doc. 88–16542 Filed 7–21–88; 8:45 am]
BILLING CODE 8230–01–M

Cultural Property Advisory Committee; Meetings

Open Subcommittee Meeting on August 3

On August 3, 1988, the Legal Subcommittee of the Cultural Property Advisory Committee will meet from 3 to 5 p.m. in Room 840 of the headquarters building of the United States Information Agency, 301 4th Street SW., Washington, DC. The Legal Subcommittee will hear the concerns of representatives of the American Association of Dealers in Ancient, Oriental and Primitive Art with regard to a request from the Government of Canada to the United States Government for import restrictions on certain of its archaeological and ethnological material.

Members of the public wishing to attend the subcommittee meeting on Wednesday, August 3, should contact Ms. Vicki Rose on 485–6612, for the exact location of the meeting. Public attendance will be limited due to the size of the meeting room and must be arranged in advance because of controlled access into the USIA Building.

Closed Committee Meeting on August 4

The Cultural Property Advisory Committee will conduct a meeting of the Committee on August 4, which will be closed to the public in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. 552 App.), the Government in the Sunshine Act (5 U.S.C. 552b), and the Convention on Cultural Property Implementation Act, as amended (19 U.S.C. 2601 *et seq.*). The session will be closed because the discussion will involve investigative techniques and information the premature disclosure of which would be likely to frustrate significantly implementation of proposed actions and policies. Disclosure of information at this time identifying specific cultural property is likely to frustrate the possible imposition of import restrictions on such cultural property. The Committee will discuss recommendations to the President as to appropriate U.S. action regarding requests from the Government of Canada and Bolivia under the terms of the Cultural Property Implementation Act. For the foregoing reasons the closing of the meeting is authorized under 5 U.S.C. 552b(c)(1), 5 U.S.C. 552b(c)(9)(B), and 19 U.S.C. 2605.

Date: July 19, 1988.
Charles Z. Wick,
Director, United States Information Agency.
[FR Doc. 88–16551 Filed 7–21–88; 8:45 am]
BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 141
Friday, July 22, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:00 p.m. on Tuesday, July 19, 1988, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider: (1) Recommendations with respect to the initiation or conduct of administrative proceedings against certain insured banks; (2) matters relating to the possible closing of certain insured banks; and (3) personnel matters.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (9)(c)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Dated: July 20, 1988.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 88–16623 Filed 7–20–88; 10:38 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, July 27, 1988.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STAUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Request by the State of California for an exemption from the cosigner provision of the Board's Credit Practices Rule.

Discussion Agenda

2. Proposals regarding the Board's 1988 budget.

3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attent. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Date: July 20, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–16676 Filed 7–20–88; 3:55 pm]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:30 a.m., Wednesday, July 27, 1988, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Close.

MATTERS TO BE CONSIDERED:

1. Proposed revisions to the Federal Reserve Banks' Performance Cash Awards Program.
2. Policy proposals regarding a drug testing program.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Felderal Reserve System employees.
4. Any item carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: July 20, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–16677 Filed 7–20–88; 3:55 pm]

BILLING CODE 6210-01-M

Corrections

Federal Register
Vol. 53, No. 141
Friday, July 22, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1030

[Docket No. AO-361-A25; DA-88-101]

Milk in the Chicago Regional Marketing Area; Order Amending Order

Correction

In rule document 88-15979 beginning on page 26758 in the issue of Friday, July 15, 1988, make the following corrections:

§ 1030.7 [Corrected]

1. On page 26760, in the first column, in § 1030.7(b) introductory text, in the 17th line, "January" was misspelled.

2. On the same page, in the second column, in § 1030.7(b)(4)(i)(B), in the 10th line, "quality" should read "quantity".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285, 620, 630, 638, 640, 641, 642, 645, 646, 649, 650, 651, 652, 653, 654, 655, 657, 658, 661, 662, 663, 669, 672, 674, 675, 676, 680, 681, 683, and 685

[Docket No. 80597-8097]

Fishery Conservation and Management

Correction

In rule document 88-14198 beginning on page 24644 in the issue of Wednesday, June 29, 1988, make the following corrections:

1. On page 24645, in the second column, in amendatory instruction 16, in the third line, "§ 285.35" should read "§ 285.85"

§ 620.8 [Corrected]

2. On page 24655, in the first column, in § 620.8(d)(1), the first line should read "(1) "AA" repeated (.- .-) is the call to".

3. On the same page, in the same column, in § 620.8(d)(2), the first and second lines should read "(2) "RY-CY" (.-. -.-- -.-. -.--) means "you should proceed at slow".

4. On the same page, in the second column, in § 620.8(d)(3), the first line should read "(3) "SQ3" (... --.- ...--) means".

5. On the same page, in the same column, in amendatory instruction 39, in the third line from the bottom, "moved" should read "removed".

6. On page 24656, in the first column, in amendatory instruction 48, in the third line, "paragraph (3)" should read "paragraph (e)".

7. On page 24657, in the third column, in amendatory instruction 68, in the fourth line, "moved" should read "removed".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 71147-8002]

Groundfish of the Bering Sea and Aleutian Islands Area

Correction

In rule document 88-15885 beginning on page 26599 in the issue of Thursday, July 14, 1988, make the following corrections:

1. On page 26599, in the third column, under **DATES**, in the second line, after "accepted" insert "through".

2. On page 26600, in the first column, under **SUPPLEMENTARY INFORMATION**, in the second paragraph, in the ninth line, "§ 675.30(b)" should read "§ 675.20(b)".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 80482-8082]

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

Correction

In rule document 88-15907 appearing on page 26599 in the issue of Thursday, July 14, 1988, make the following correction:

In the second column, under **EFFECTIVE DATES**, in the third line, "the" should read "to".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

10 CFR Part 1015

Collection of Claims Owed the United States

Correction

In rule document 88-14554 beginning on page 24624 in the issue of Wednesday, June 29, 1988, make the following corrections:

§ 1015.1 [Corrected]

1. On page 24624, in the third column, in § 1015.1 introductory text, in the first line, "established" should read "establishes"; and in the ninth line, "owned" should read "owed".

2. On the same page, in the same column, in § 1015.1(a), in the first line, "owned" should read "owed".

§ 1015.2 [Corrected]

3. On page 24625, in the first column, in § 1015.2(a), in the fourth line, "terms" was misspelled.

§ 1015.3 [Corrected]

4. On the same page, in the second column, in § 1015.3(c), in the seventh line, "unnecessary"was misspelled.

§ 1015.4 [Corrected]

5. On page 24626, in the third column, in § 1015.4(b), in the 12th line, "by" should read "but".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-100053; FRL-3393-2]

Computer Science Corp.; Transfer of Data

Correction

In notice document 88-12764 beginning on page 21518 in the issue of Wednesday, Jur·3 8, 1988, make the following correction:

On page 21518, in the third column, under **FOR FURTHER INFORMATION CONTACT**, insert "*By mail:*".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[PP 5G3232/T564; FRL-3393-8]

Triflumizole; Establishment of Temporary Tolerances

Correction

In notice document 88-12888 beginning on page 21522 in the issue of Wednesday, June 8, 1988, make the following corrections:

1. On page 21522, in the second column, in the second line from the bottom, "4-chloro-e-" should read "4-chloro-2-".

2. On the same page, in the third column, under **SUPPLEMENTARY INFORMATION**, in the seventh line, "2(trifluoromethyl)" should read "2-(trifluoromethyl)".

3. On page 21523, in the first column, in the third complete paragraph, in the ninth line, "substanial" should read "substantial".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-100054; FRL-3393-3]

Research Triangle Institute and Engineering & Economics Research, Inc.; Transfer of Data

Correction

In notice document 88-12765 appearing on page 21519 in the issue of Wednesday, June 8, 1988, make the following correction:

In the second column, under **SUPPLEMENTARY INFORMATION**, in the third paragraph, in the fifth line, "FEDCA" should read "FFDCA".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-240081; FRL-3392-9]

State Registration of Pesticides

Correction

In notice document 88-12772 beginning on page 21519 in the issue of Wednesday, June 8, 1988, make the following corrections:

1. On page 21520, in the first column, under **Arkansas**, in the fourth line, "preemergency" should read "preemergence".

2. On the same page, in the third column, under **Michigan**, in the second paragraph, in the fourth line, "Work" should read "Worm".

BILLING CODE 1505-01-D

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6795]

Suspension of Community Eligibility; North Carolina and Idaho

Correction

In rule document 88-13341 beginning on page 22176 in the issue of Tuesday, June 14, 1988, make the following correction:

On page 22177, in the table, in the state column, in the 12th line, "Do" should read "Idaho".

BILLING CODE 1505-01-D

federal register

Friday
July 22, 1988

Part II

Department of Justice

Office of Juvenile Justice and Delinquency Prevention Program

Missing and Exploited Children Comprehensive Action Program; Notice of Issuance of Solicitation for Applications To Demonstrate Specific Programmatic and Procedural Approaches To Serve the Missing and Exploited Child Population

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention Program

Missing and Exploited Children Comprehensive Action Program

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of issuance of a solicitation for applications to demonstrate specific programmatic and procedural approaches to serve the missing and exploited child population.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) pursuant to section 406(a) of the Missing Children's Assistance Act announces a program entitled: Missing and Exploited Children Comprehensive Action Program. This is a demonstration program. The purpose of the program is to design and test a strategy that encourages and guides community comprehensive program development and planning for missing and exploited children. The program will provide specific guidance regarding programmatic, policy and procedural approaches; and, community organization and planning activities that assist local communities in responding to their missing and exploited children problems and service needs. Through this program a variety of activities will be initiated, and numerous products will be prepared. These are explained in Section III, Program Strategy. Two of the primary products will be: A *program guide* that describes effective programmatic responses to parental and non-parental abduction and the exploitation of runaways; and, a *community action guide* that explains community organization and planning processes. These processes include convening appropriate decision makers, assessing community problems and resources, reviewing recommendations contained in the program guide, and designing, implementing and monitoring a systemwide strategy for providing services for missing and exploited children.

This announcement is cognizant of the fact that while resources already exist within medium to large sized jurisdictions to provide services enumerated in section 406(a), these services are often incomplete, nor do they necessarily reflect the state-of-the-art with respect to required services. This program in part is designed to identify those programs which are among the most promising while encouraging a process for their systematic coordination within communities to facilitate a comprehensive, coordinated, and effective delivery system. The suggested program strategies will emphasize strengthening the family unit, as appropriate, as well as, using volunteers in all aspects of the juvenile justice service system's response to the problem. OJJDP demonstration programs contain four discrete sequential stages. The initial three stages will be implemented by the recipient during the first eighteen months of this program. The three states are: *Assessment*, a review and assessment of information on community-based programs and practices, and on planning and development processes, related to missing and exploited children; *manual development*, the design of detailed operational information on selected effective programs and planning processes identified during the assessment process; and, *training/technical assistance*, the development of training and technical assistance materials to transfer the information contained in the manuals to local demonstration sites. The final stage, *replication*, the provision of training, technical assistance and limited financial assistance to demonstration sites, may be implemented in approximately eighteen months following the successful completion of the initial three stages.

Public agencies and not-for-profit organizations are invited to submit applications to enter into a cooperative agreement with OJJDP. OPJJDP will select the applicant that presents the most cost-effective approach and best demonstrates the organizational capability, knowledge, and experience to conduct a multi-site demonstration program. The project period is three years. OJJDP has allocated up to $400,000 for the first 18 months and initial three stages of this program. Based on successful completion of the first budget period, a non-competing continuation award is anticipated. Applicants are encouraged to submit cost competitive proposals. The deadline for the receipt of applications is August 22, 1988. The competition will be conducted according to the OJJDP Competition and Peer Review Policy, 28 CFR Part 34, Subpart A published August 2, 1985 at 50 FR 31365–31367.

FOR FURTHER INFORMATION CONTACT: Robert O. Heck, Special Emphasis Division, Telephone (202) 724–5914, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, DC 20531.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction and Background

Missing and exploited children suffer from varied forms of victimization. The importance of paying attention to a child absent from his or her home has important consequences, no matter what reason may be attached to the absence.

Every child deserves protection from victimization particularly those involved in parental and non-parental abduction or exploitation as a result of being a runaway. Having a child missing from the security of the home or subjected to the physical and mental anguish associated with exploitation is intolerable. In recent years, the public has demanded that greater attention be given to crimes against children, particularly those crimes related to abduction and exploitation. Coordination and cooperation among agencies and individuals at all levels in the child-serving system are critically needed to prevent these tragedies.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) considers the program approach outlined in this solicitation to be the most effective and timely way to provide, states and localities nationally, guidance in how to respond effectively to the problems and needs of missing and exploited children in their communities, particularly given the limited financial resources currently available.

We are all becoming more aware that child exploitation can and will produce more than cuts and bruises. Research has documented a link between sexual assault victimization of pre-adolescent males and females and their consequent future involvement in assaultive (sexual and otherwise) violent and self-destructive behavior. It becomes important, therefore, to establish and institutionalize an information linked, systems approach that coordinates the participation of police, schools, juvenile intake, prosecutors, judges, corrections and community mental/medical health authorities into a timely, responsible and resource effective response.

The Attorney General's Advisory Board on Missing Children has identified a number of recommendations to improve the safety and protection of children involved in parental and non-

parental abduction and the exploitation that results from being a runaway, as well as the systems that serve them and their families. These recommendations constitute elements of a plan to attack the nationwide problem of missing and exploited children. Selected recommendations are delineated below to guide the program development activities that are the focus of this solicitation.

- The crime of parental kidnapping demands greater attention from the criminal justice system. Prompt investigation and vigorous prosecution of parental kidnapping cases should be encouraged.
- To reduce the incidence of missing and exploited children and to ensure an effective response when incidents do occur, communities should develop juvenile service policies in a number of critical areas. These are:
- Prompt law enforcement investigation of missing child reports. At least 27 states have eliminated the arbitrary waiting periods that delay pursuit of missing children investigation.
- Training for law enforcement and child-serving professionals in the investigation of child sexual abuse and exploitation in regard to missing children.
- Community action policies should involve requirements for background checks for those working with children.
- Juvenile service agencies, especially in the juvenile justice area, should be adaptive to a coordinated and comprehensive case management process with regard to child exploitation and cases going before the courts.
- Community action groups should endeavor to continue their search for constitutionally valid ways to alleviate the trauma and intimidation that many children experience in court when they must continually repeat the details of the incident, face the assailant, and undergo cross-examination.
- Local agencies should adopt practices that require parents, guardians, and schools to promptly report missing children. These procedures also should require that law enforcement agencies report disappearances to the FBI's National Crime Information Center (NCIC).
- Schools should be responsible for both transferring and receiving student records from old schools to new schools so that concealing missing children will be more difficult. In addition to school records, birth records should be included in the transfer.
- Privacy and confidentiality laws should be carefully examined. Family court judges or magistrates should be encouraged to allow appropriate persons to access and exchange critical information in missing and exploited children cases.
- The police, courts, welfare departments, and schools need to cooperate in thoroughly investigating cases of missing children.
- Crimes of parental and non parental abduction and the exploitation of runaways should be promptly investigated and vigorously prosecuted.
- Judicial sentences should reflect a concern for the continuing health and safety of the child victim, his or her family, and other potential victims.
- Public awareness programs should be reviewed both to ensure that children, parents, teachers, and other adults receive a balanced perspective on the issue of missing children and to teach them ways to identify and prevent abuse, exploitation, and abduction.
- Workable guidelines for dealing with cases of missing children should be adopted in every community.

II. Program Goals and Objectives

A. Goals

1. To identify and assess promising and effective community organization, planning strategies and procedures for responding to the needs of missing and exploited children;

2. To provide the capability to selected localities to implement programs in the context of effective community organization and planning strategies for responding to the needs of missing and exploited children; and,

3. To disseminate promising and effective program and planning strategies for responding to needs of missing and exploited children.

B. Objectives

The specific objectives enumerated below are offered pursuant to section 406(a) of the Missing Children's Act. Specifically sections 1–4, and 6.

1. Assess existing research and programs that: a. Educate parents, children and community agencies and organizations in ways to prevent the abduction and sexual exploitation of children;

b. Provide information and activities that will be of assistance in locating and returning missing and exploited children;

c. Aid communities in collecting and providing information to parents and others in the identification of missing children;

d. Increase knowledge of treatment and support services and communicate them to the families whose child has been abducted; both during the period of disappearance and after the child is recovered.

e. Address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of exploitation and by promoting the active participation of children and their families in cases involving the exploitation of children.

2. Develop operational implementation manuals based on the assessments performed under Objective 1. (a)–(e).

3. Develop training and technical assistance materials to transfer the program technology identified under Objective 1. (a)–(e).

4. Provide training and technical assistance to selected sites to demonstrate the program approaches and the planning strategies. (Applicants are advised that this stage of the demonstration program initiative will not be funded during the initial funding period. However, demonstration of the program is one of the primary objectives of this initiative).

III. Program Strategy

OJJDP planning and program development activities are guided by a framework which specifies four sequential phases of development: Research, development, demonstration and dissemination.

The purpose of the demonstration phase is to identify promising or effective program activities and planning strategies and to implement the strategies and program approaches in selected jurisdictions in order to demonstrate their feasibility and effectiveness to the field.

OJJDP demonstration programs are developed incrementally in four discrete stages: (1) Assessment; (2) operational manual development; (3) training and technical assistance development; and, (4) training, financial and technical assistance to demonstration sites. This solicitation calls for completion of the *demonstration* phase of the development process in order to assist the juvenile justice system in designing and implementing more effective strategies and programs for handling missing and exploited children. The purpose of this demonstration is to identify operational promising or effective multi-agency community organization and planning strategies, as well as specific program approaches and procedures for handling missing and exploited children, and demonstrate those strategies and program approaches in selected sites.

An advisory committee established specifically for this program will provide

comments and recommendations to the recipient regarding the program strategy and activities. It may be necessary to change or supplement advisory committee members for different stages of the program. The advisory committee members will have combined expertise in missing and exploited children, community organization and planning, research and program evaluation, training and technical assistance delivery, and experience and knowledge of community youth services delivery systems. Each stage of the incremental demonstration process is designed to result in a complete and publishable product (e.g., final demonstration report) and a dissemination strategy to inform the field of the development of the program, and the results and products of each stage. A decision will be made at the completion of each stage, based on availability of funds and the quality and utility of the products, whether to invest additional funds to complete the current stage or terminate the program.

Stage 1—Assessment

The first stage of the program consists of an assessment of programs and information related to the planning, development, implementation and operation of missing and exploited children programs (as defined in II, B).

The recipient will develop criteria for identifying promising approaches to organizing appropriate community decision makers, and planning, developing and implementing programs for responding to the needs of missing and exploited children. The criteria will be used to select programs for review and documentation. Information to be collected and assessed should include, at a minimum, the historical development of the program; conceptual framework/theoretical assumptions; number and type of youth served; program costs per unit of service and per client; evaluation findings; sources of funding; staffing requirements; and program approach to management and administration.

The assessment should provide the basis for selecting the programs most appropriate for demonstration. The assessment phase may reveal that many programs have very effective components, but there are none that meet the majority of the criteria at a sufficient level to justify nationwide demonstration. If this is the case, an additional developmental phase may be initiated to design prototypical programs based on the best information available through the assessment and other sources. Evaluation issues that should be addressed through the demonstration program should also be identified.

Activities—The major activities of this stage are: 1. Establishment of the advisory committee;

2. Development of the assessment plan;

3. Review of the literature;

4. Development of criteria for identifying promising programs;

5. Identification and description of operational promising programs;

6. Preparation of assessment report; and,

7. Development and implementation of a dissemination strategy.

Products—The products to be completed in this stage are: 1. Assessment plan specifying each step of the assessment process in detail;

2. Draft report that includes:

—Literature review
—Criteria for identifying promising programs
—Recommendations for refining the goals and objectives of the program
—Descriptions of promising/effective programs

3. Final report;

4. Recommendations for developing program operation manuals; and,

5. Dissemination strategy to inform the field of the development of the program, and the products and results of this stage.

Stage 2—Development of Descriptive Program Operation Manuals

Upon successful completion of Stage 1, and with the approval of OJJDP, the recipient will develop two descriptive program operation manuals: A *community action guide* containing community organization and planning strategies; and, a *program guide* containing programs, policies and procedures for responding to missing and exploited children.

The activities and products of this stage will be based on the information generated as a result of the assessment. Appropriate technical and subject matter expertise will be utilized to design the operation manuals which detail the promising programs and strategies.

Both of the operation manuals will provide guidance as appropriate regarding: Identification and participation of the necessary community public and private organizations and decision makers; funding; program organization and management; the philosophy and approach of the community organization, planning and development activities; resource development; program assessment, coordination, development implementation and monitoring; and evaluation of program effectiveness. This information will become part of a training and technical assistance package for dissemination to the appropriate State and local agencies. The recipient will also develop a strategy for demonstrating the comprehensive community action program.

Activities—The major activities of this stage are: 1. Preparation of a plan for developing the operation manuals;

2. Development of the operation manuals;

3. Participation and review by the advisory committee;

4. Development of recommendations for a program announcement to select demonstration sites;

5. Development of a demonstration strategy; and,

6. Development and implementation of a dissemination strategy.

Products—The products to be completed in this stage are: 1. Plan for operation manuals development;

2. Draft and final operations manuals design(s);

3. Demonstration strategy; and,

4. Dissemination strategy to inform the field of the development of the program, and the products and results of this stage.

Stage 3—Training and Technical Assistance Development Activities

Upon successful completion of Stage 2, and with the approval of OJJDP, the recipient will prepare a plan for developing the training and technical assistance packages. Based on the plan, the recipient will transfer the program operation manuals and related materials into a training and technical assistance package. Comprehensive training manuals that detail the program activities and planning strategies must be developed to encourage and faciliate implementation of the promising programs in the final stage of the demonstration phase.

The training manual should be the focal point of the entire training and technical assistance package. The major audience will be policy makers and practitioners involved in resource allocation, program development and operation related to missing and exploited children programs. The manual should be designed for presentation in formal training sessions and for independent use in jurisdictions that do not participate in formal training sessions. Therefore, each manual should include a complete description of both the promising programs and planning strategies. The manual should also contain instructions and supplementary materials for trainers to facilitate

presentation, and to assure understanding and successful adaptation and implementation of the promising programs.

The recipient will recruit and prepare the training and technical assistance personnel to be involved in this demonstration effort. Following this, the training curricula will be tested by the recipient on a limited basis in at least one test site. It is anticipated that this site will later serve as a training host site for other sites during the last stage of this initiative, the replication stage. The recipient will develop a set of recommendations for use by OJJDP in issuing a program announcement for the selection of demonstration sites. Further, the recipient will develop and implement a dissemination strategy to ensure broad distribution of the operations manual and related materials.

The recipient will, as part of the demonstration strategy, develop a strategy to conduct a series of seminars or conferences, nationally, to inform the field about the promising programs.

Activities—The major activities of this stage are: 1. Preparation of a plan for developing the training and technical assistance package;

2. Development of the training and technical assistance materials;

3. Recruitment and preparation of the training and technical assistance personnel;

4. Testing of training curriculum package;

5. Participation and review by the advisory committee;

6. Development of a dissemination strategy to inform the field of the development of the program, and the products and results of this stage.

Products—The products to be completed during the stage are: 1. Plan for the development of the training and technical assistance package;

2. Identification of training and technical assistance personnel;

3. Draft and final training and technical assistance package including the training manual and information materials; and,

4. Dissemination strategy.

Stage 4—Provisions of Training and Technical Assistance to Demonstration Sites

While a decision to demonstrate the Missing and Exploited Children Comprehensive Action Program will be made during or following completion of the operations manual development stage, the applicant is expected to explain the methods and approaches that would be employed to implement this stage. As noted, funds for this stage will be provided through a single noncompetitive continuation award. In order to ensure the applicant's understanding of the entire demonstration effort, the initial application must address and explain the implementation and coordination of all four stages of the initiative (i.e., assessment, operations manual development, training and technical assistance development, and provision of training and technical assistance to demonstration sites).

During this stage, the recipient will provide site selection assistance to OJJDP to facilitate the selection of the demonstration sites. Once these sites are selected and become operational, the recipient will provide intensive training and technical assistance support to them, to enhance the overall operational success of these sites. Further, the recipient must provide similar intensive training and technical assistance to those demonstration sites implementing the program evaluation. The recipient will implement a dissemination strategy, to present the program and evaluation results to policy makers and practitioners at the state and local level. Finally, the recipient will be expected to work cooperatively with an independent evaluator to ensure the integrity of the data collection and feedback activities.

Activities—The major activities of this stage are:

1. Assistance to OJJDP in review and selection of demonstration sites;

2. Provision of intensive training and technical assistance to demonstration sites;

3. Assistance to sites in implementing the program evaluation; and,

4. Implementation of a dissemination strategy.

Products—The products to be completed during this stage are: 1. Plan for providing training and technical assistance to demonstration sites;

2. Dissemination strategy to inform the field of the development of the program, and the products and results of this stage.

IV. Dollar Amount and Duration

Up to $400,000 has been allocated for the initial award. One cooperative agreement will be awarded competitively, and the initial budget period will be for 18 months. It is anticipated that this demonstration program will entail three (3) years of program activities (i.e. three year project period), and consist of four stages (assessment, operational manual development, training and technical assistance development, and training and technical assistance to demonstration sites). The initial award will provide support for stages one through three. Supplemental funds will be allocated for an additional 18 month budget period. Funding for the noncompeting continuation award, i.e. the second budget period within the approved three year project period, may be withheld for justifiable reasons. They include: (1) The results do not justify further program activity; (2) the recipient is delinquent in submitting required reports; (3) adequate grantor agency funds are not available to support the project; (4) the recipient has failed to show satisfactory progress in achieving the objectives of the project or otherwise failed to meet the terms and conditions of the award; (5) a recipient's management practices have failed to provide adequate stewardship of grantor agency funds; (6) outstanding audit exceptions have not been cleared; and (7) any other reason which would indicate that continued funding would not be in the best interest of the Government.

V. Eligibility Criteria

Eligible applicants include public agencies and not-for-profit research, and juvenile justice development and service delivery agencies and organizations. Applicant agencies or organizations may submit joint proposals with other eligible organizations provided one is designated in the application as the applicant, and any co-applicants are designated as such. The applicant or co-applicants must demonstrate in the application that they have experience in the following areas in order to be eligible for consideration:

A. Design and implementation of research and development activities on the effectiveness of youth service programs with emphasis on missing and exploited children; and design and implementation of community organization and planning strategies related to the youth service system with emphasis on missing and exploited children programs.

B. Demonstrated knowledge of the issues associated with the development, implementation and operation of missing and exploited children; and,

C. Management and financial capability to effectively implement a project of this scope and complexity.

VI. Program Application Requirements

All applicants must submit a completed Standard Form 424, Application for Federal Assistance (SF 424), including a program narrative, a detailed budget and a budget narrative. All applications must include the

following information outlined in this section of the solicitation. The program narrative should not exceed 70 double-spaced pages in length. Applications that propose noncompetitive contracts for the provision of specific services must include a sole source justification for any procurement in excess of $10,000.

In submitting applications that contain more than one organization, the relationships among the parties must be set forth in the application. As a general rule, organizations that describe their working relationship in the development of products and the delivery of services as primarily cooperative or collaborative in nature will be considered as co-applicants. In the event of a co-applicant submission, one co-applicant must be designated as the payee to receive and disburse project funds and be responsible for the supervision and coordination of the activities of the other co-applicants. Under this arrangement, each organization would agree to be jointly and severally responsible for all project funds and services. Each co-applicant must sign the SF-424 and indicate their acceptance of the conditions of joint and several responsibility with the other applicants.

A. Organizational Capability

Applicants must demonstrate that they are eligible to compete for this cooperative agreement on the basis of eligibility criteria established in this solicitation.

1. Organizational Experience

Applicants must concisely describe their organizational experience with respect to the eligibility criteria specified above. Applicants must demonstrate how their organizational experience and capabilities will enable them to achieve the goals and objectives of this initiative. Applicants are invited to append one example of prior work products of similar nature to their application.

2. Financial Capability

In addition to the assurances provided in Part V, Assurances (SF 424), applicants must also demonstrate that their organization has or can establish fiscal controls and accounting procedures which assure that Federal funds available under this agreement are disbursed and accounted for properly. Applicants who have not previously received federal funds will be asked to submit a copy of the Office of Justice Programs (OJP) Accounting System and Financial Capability Questionnaire OJP Form 7120/1).

Copies of the form will be provided in the application kit and must be prepared and submitted along with the application. Other applicants may be requested to submit this form. All questions are to be answered regardless of instructions (Section C.I.B. note). The CPA certification is required only of those applicants who have not previously received Federal funding.

B. Program Goals

A succinct statement of the applicant's understanding of the goals and objectives of the program should be included. The application should also include a problem statement and a discussion of the potential contribution of this program to the field.

C. Program Strategy

Applicants should describe the proposed approach for achieving the goals and objectives of the Program. A discussion of how each of the four stages of the program would be accomplished should be included.

D. Program Implementation Plan

Applicants should prepare a plan which outlines the major activities involved in implementing the program and describes how they will allocate available resources to implement the program, and how the program will be managed. The plan must also include an annotated organizational chart depicting the roles and describing the responsibilities of key organizational/functional components; and a list of key personnel responsible for managing and implementing the four major elements of the program. Applicants must present detailed position descriptions, qualifications, and selection criteria for each position. Applicants should also provide recommendations for program advisory committee members. This documentation and individuals' resumes may be submitted as appendices to the application.

E. Time-Task Plan

Applicants must develop a time-task plan for the initial 18-month budget period, clearly identifying major milestones and products. This must include designation of organizational responsibility and a schedule for the completion of the tasks and products identified in Section III and indicate the anticipated cost schedule per month for the entire project period.

F. Products

Applicants must concisely describe the interim and final products of each stage of the program, and must address the purpose, audience, and usefulness to the field of each product.

G. Program Budget

Applicants shall provide an 18-month budget with a detailed justification for all costs, including the basis for computation of these costs. Applicants should include a budget estimate of costs they feel will be required to complete the balance of the program. The actual level of funding to be made available will be determined the year the project is implemented. Applications submitted by co-applicants and/or those containing contract(s) must include detailed budgets for each organization's expenses. The budget should include funds for a four person advisory committee to meet four times during the first 18-month budget period.

VII. Procedures and Criteria for Selection

All applications will be evaluated and rated based on the extent to which they meet the following weighted criteria. In general, all applications received will be reviewed in terms of their responsiveness to the minimum program application requirements, organizational capability, and thoroughness and innovativeness in responding to strategic issues in project implementation. Applications will be evaluated by a peer review panel according to the OJJDP Competition and Peer Review Policy, 28 CFR Part 34, Subpart B, published August 2, 1985 at 50 FR 31366-31367. The selection criteria and their point values (weights) are as follows:

A. Organizational Capability (20 Points)

1. The extent and quality of organizational experience in the development, delivery, and coordination of missing and exploited children related research, training, or technical assistance which have been national in scope. (10 points)

2. Adequate fiscal controls and accounting procedures to ensure that the applicant can effectively implement a project of this size and scope, and to ensure the proper disbursal and accounting of Federal funds. (10 points)

B. Soundness of the Proposed Strategy (30 Points)

Understanding of the nature of the program area and the soundness of the approach to each stage of the program: For meeting the goals and objectives; and potential utility of proposed products.

C. Qualifications of Project Staff (20 Points)

1. The qualifications of staff identified to manage and implement the program including staff to be hired through contracts. (10 Points)

2. The clarity and appropriateness of position descriptions, required qualifications and selection criteria relative to the specific functions set out in the Implementation Plan. (10 Points)

D. Clarity and appropriateness of the program implementation plan (15 Points)

Adequacy and appropriateness of the activities, and the project management structure; and the feasibility of the time-task plan.

E. Budget (15 Points)

Completeness, reasonableness, appropriateness and cost-effectiveness of the proposed costs, in relationship to the proposed strategy and tasks to be accomplished.

The results of peer review will be a relative aggregate ranking of applications in the form of "Summary of Ratings". These will ordinarily be based on numerical values assigned by individual peer reviewers. Peer review recommendations, in conjunction with the results of internal review and any necessary supplementary review, will assist the Administrator in considering competing applications and in selection of the application for funding. The final award decision will be made by the OJJDP Administrator.

VIII. Submission Requirements

All applicants responding to this solicitation should be aware of the following requirements for submission:

1. Applicants must submit the original signed application and three copies of OJJDP. The necessary forms for applications (Standard Form 424) will be provided upon request. Applications must be received by mail or hand delivered to the OJJDP by 5:00 p.m. EST on August 22, 1988. Those applications sent by mail should be addressed to Robert O. Heck, OJJDP, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, DC 20531. Hand delivered applications must be taken to the OJJDP, Room 752, 633 Indiana Avenue NW., Washington, DC between the hours of 8:00 a.m. and 5:00 p.m. except Saturdays, Sundays or Federal holidays.

2. The OJJDP will notify applicants in writing of the receipt of their application. Subsequently, applicants will be notified by letter as to the decision made regarding whether or not their submission will be recommended for funding.

IX. Civil Rights Compliance

A. All recipients of OJJDP assistance must comply with the non-discrimination requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended; Title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973 as amended; Title IX of the Education Amendment of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination Regulations (28 CFR Part 42, Subparts C, D, E, and G).

B. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights Compliance (OCRC) of the Office of Justice Programs.

Verne L. Speirs,

Administrator, OJJDP.

[FR Doc. 88-16505 Filed 7-21-88; 8:45 am]

BILLING CODE 4410-18-M

federal register

Friday
July 22, 1988

Part III

Department of Education

Office of Educational Research and Improvement

Library Programs for Fiscal Year 1989; Invitation of Applications for New Awards; Notice

DEPARTMENT OF EDUCATION

Library Programs for Fiscal Year 1989; Applications for New Awards

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for certain Library Programs for fiscal year 1989.

SUMMARY: The Secretary invites applications for new awards under the Library Career Training Program, Library Services and Construction Act Basic Grants to Indian Tribes and Hawaiian Natives Program, Strengthening Research Library Resources Program, Library Literacy Program, Library Research and Demonstration Program, and Library Services and Construction Act Special Projects Grants to Indian Tribes and Hawaiian Natives Program.

Organization of Notice. This notice contains three sections. Section I includes a chart listing, in chronological order, closing dates and other information about programs covered by this notice. Section II consists of the individual application announcements for each program. Section III provides further guidance on the application process.

All programs announced in this notice are subject to the requirements of Executive Order 12372, Intergovernmental Review of Federal Programs. Information regarding applicable procedures under this Order will be included in the application package.

DATES: The closing dates for transmitting applications under this notice are listed in Section I of this notice.

ADDRESS: The address for submitting applications under this notice is listed in Section III of this notice.

FOR FURTHER INFORMATION CONTACT: For further information contact the program contact person named in the application notice in Section II applicable to that program.

SECTION I—PROGRAMS AND CLOSING DATES FOR LIBRARY PROGRAMS

Title of program and CFDA No.	Deadline for transmittal of applications	Deadline for intergovernmental review	Applications available	Available funds	Estimated range of awards [2]	Estimated size of awards [2]	Estimated number awards [2]	Project period in months	Budget period in months
Library career training program—fellowship awards (84.036).	10/3/88	12/5/88	8/17/88	[1]	$10,800–64,000	$14,800	25	12	15
Library career training program—institute awards (84.036).	10/3/88	12/5/88	8/17/88	[1]	25,000–125,000	43,000	2–5	12	15
Library services to Indian tribes and Hawaiian Natives program—basic grants (84.163A).	10/21/88	12/20/88	9/6/88	[1]	NA	3,700	200	12	12
Strengthening research library resources program (84.091).	[3] 11/2/88 and, 11/30/88.	1/3/89	8/17/88	[1]	35,000–350,000	150,000	30	12	15
Library literacy program (84.167).	11/18/88	1/18/89	9/19/88	[1]	1,000–25,000	20,000	250	12	12
Library research and demonstration program (84.039).	2/1/89	4/1/89	11/15/88	[1]	50,000–100,000	70,000	3–5	12	15
Library services to Indian tribes and Hawaiian Natives program—special projects grants (84.163B).	4/7/89	6/6/89	2/21/89	[1]	20,000–177,000	67,000	17	12	12–16
College library technology and cooperation grants program (84.197).	To be announced by 11/1/88.								

[1] The Administration's budget request for fiscal year 1989 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program.
[2] The Department is not bound by any estimates in this notice.
[3] 11/2/88 for institutions needing to establish eligibility, 11/30/88 for all others.

Section II—Application Notices

Title of Program: Library Career Training Program—Fellowships and Institutes (Higher Education Act—Title II, Part B)

CFDA No.: 84.036.

Purpose: Provides grants to train persons in librarianship through fellowships, institutes, and traineeships and to establish, develop, and expand programs of library and information science.

Applicable Regulations: (a) The Library Career Training Program Regulations, 34 CFR Part 776, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

Priorities: In accordance with § 776.5 of the regulations referenced in this notice, each year the Secretary may select one or more of the program's six priorities and allocate funds to each selected priority. These priorities apply to both fellowships and institutes. For fiscal year 1989, the Secretary has selected the following as invitational priorities:

(a) To provide advanced training in the development, structure, and management of new library organizational formats, such as networks, consortia, and information utilities;

(b) To increase excellence in library leadership through advanced training in library management;

(c) To train or retrain library personnel in new techniques of information acquisition, transfer, and communication technology; and

(d) To train or retrain library personnel in areas of library specialization where there are currently shortages, such as school media, children's services, young adult services, science reference, and cataloging.

An application that meets these invitational priorities does not receive

from the Secretary competitive or absolute preference over other applications.

(34 CFR 75.105(c)(1))

The Secretary plans to allocate up to 30% of the available funds for institutes, if a sufficient number of institute applications warrant funding. The remaining funds will be allocated for fellowships.

For Applications or Information Contact: Frank A. Stevens, Director, or Yvonne B. Carter, Program Officer, Library Development Staff, Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., Room 402L, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 1021 *et seq.*

Title of Program: Library Services to Indian Tribes and Hawaiian Natives Program—Basic Grants (Library Services and Construction Act—Title IV)

CFDA No.: 84.163A.

Purpose: Provides basic grants to eligible Indian tribes and to eligible Hawaiian native organizations to establish or improve public library services for Indian tribes and Hawaiian natives.

Applicable Regulations: (a) The Library Services and Construction Act Basic Grants to Indian Tribes and Hawaiian Natives Program Regulations, 34 CFR Part 771, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 75, 77, 78, 79, and 80.

For Applications or Information Contact: Frank A. Stevens, Director, or Beth Fine, Program Officer, Library Development Staff, Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., Room 402L, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 351 *et seq.*

Title of Program: Strengthening Research Library Resources Program (Higher Education Act—Title II, Part C)

CFDA No.: 84.091.

Purpose: Provides grants to the nation's major research libraries to maintain and strengthen their collections and make their holdings available to other libraries whose users have need for research materials.

Applicable Regulations: (a) The Strengthening Research Library Resources Program Regulations, 34 CFR Part 778, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For Applications or Information Contact: Frank A. Stevens, Director, or Louise Sutherland, Program Officer, Library Development Staff, Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., Room 402L, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 1021 *et seq.*

Title of Program: Library Literacy Program (Library Services and Construction Act—Title VI)

CFDA No.: 84.167.

Purpose: Provides grants not to exceed $25,000 to State and local public libraries to support literacy projects.

Applicable Regulations: (a) The Library Services and Construction Act Library Literacy Program Regulations, 34 CFR Part 769, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 75, 77, 78, and 79, and 80.

For Applications or Information Contact: Frank A. Stevens, Director, or Carol Cameron, Program Officer, Library Development Staff, Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., Room 402L, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 351 *et seq.*

Title of Program: Library Research and Demonstration Program (Higher Education Act—Title II, Part B)

CFDA No.: 84.039.

Purpose: Provides grants to institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration programs related to the improvement of libraries, training in librarianship, and for dissemination of information derived from such projects.

Applicable Regulations: (a) The Library Research and Demonstration Program Regulations, 34 CFR Part 777, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

Priorities: The Secretary invites applications that meet one or more of four priorities. These priorities were developed in consultation with researchers, practitioners, civic and business leaders, policymakers, and professional associations, all of whom participated in a series of meetings sponsored by the Department to identify "Issues in Library Research—Proposals for the Nineties." Ten major issues were identified. From this list the Secretary selected four to implement in fiscal year 1989. In addition the Secretary may commission papers to implement some of the priorities. For fiscal year 1989, the priorities are:

(a) *Libraries and Education (The Library's Role in Education).* To support one or more research projects addressing the appropriate educational, cultural, and intellectual role of the library in relation to other educational institutions in a community of which it is a part.

(b) *Information Needs/Users.* To support one or more research projects to determine what we need to know about library users, non-users, and potential users as we attempt to assess the quality of service and resources and the extent to which the information needs of the community are met in public, academic, and school libraries.

(c) *Technology and Access to Information.* To support one or more projects for identifying the potential effects of new technologies on user access to information, indicators of access to information, the extent to which format affects access and use of information, or what additional barriers to access are evident or anticipated.

(d) *Economics of Libraries and Library Funding.* To support one or more research projects to study factors influencing the funding of libraries, the relationship between expenditures on libraries and outcomes, the impact user fees have on funding and access to libraries, and existing examples of innovative approaches to library funding.

An application that meets these invitational priorities does not receive from the Secretary competitive or absolute preference over other applications.

(34 CFR 75.105(c)(1))

For Applications or Information Contact: Frank A. Stevens, Director, or Yvonne B. Carter, Program Officer, Library Development Staff, Library Programs, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 402L, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 1021 *et seq.*

Title of Program: Library Services to Indian Tribes and Hawaiian Natives Program—Special Projects Grants (Library Services and Construction Act—Title IV)

CFDA. No.: 84.163B.

Purpose: With funds remaining after Basic Grants are awarded, the program provides grants to eligible Indian tribes and to eligible Hawaiian native organizations to establish or improve public library services for Indians and Hawaiian natives.

Applicable Regulations: (a) The Library Services and Construction Act Special Projects Grants to Indian Tribes and Hawaiian Natives Program Regulations, 34 CFR Part 772, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 75, 77, 78, 79, and 80.

For Applications or Information Contact: Frank A. Stevens, Director, or Beth Fine, Program Officer, Library Development Staff, Library Programs, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 402L, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 351 *et seq.*

Section III—Instructions for Transmittal of Applications

No grant may be awarded unless a complete form has been received.

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #(insert number)) Washington, DC 20202.

or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #(insert number)) Room 3633, Regional Office Building #3, Seventh & D Streets, SW., Washington, DC 20202.

(b) An applicant must show one of the following as proof of mailing: (1) A legibly dated U.S. Postal Service Postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

Dated: July 18, 1988.

Chester E. Finn, Jr.,

Assistant Secretary and Counselor to the Secretary.

[FR Doc. 88–16554 Filed 7–21–88; 8:45 am]

BILLING CODE 4000–01–M

federal register

Friday
July 22, 1988

Part IV

Federal Home Loan Bank Board

12 CFR Part 563

Purchase and Sale of Freddie Mac Preferred Stock by Certain Insured Institutions; Withdrawal of Temporary Rule and Temporary Rule with Request for Comments

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 88-582]

Purchase and Sale of Freddie Mac Preferred Stock by Certain Insured Institutions

Date: July 20, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Withdrawal of temporary rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC") is withdrawing its temporary regulation addressing certain aspects of the purchase and sale of preferred stock of the Federal Home Loan Mortgage Corporation ("Freddie Mac") held by institutions insured by the FSLIC ("insured institutions"). On July 13, 1988 the Board issued a temporary regulation that replaced certain restrictions on actions that insured institutions that do not currently meet their minimum regulatory capital requirements may take regarding such stock. Upon further review, the Board has determined that certain revisions in the scope of that temporary regulation are both appropriate and necessary to the effective supervision of insured institutions not meeting their fully phased-in capital requirements. Therefore, the Board is today withdrawing that temporary regulation and, by separate action, adopting a revised temporary regulation.

DATE: This withdrawal of the temporary regulation adopted by Board Res. 88-577 is effective July 22, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah Dakin, Regulatory Counsel, (202) 377-6445; Daniel G. Lonergan, Attorney, (202) 377-6458; or Thomas J. Delaney, Attorney, (202) 377-6417, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: On July 13, 1988, by Board Res. No. 88-577, 53 FR 27153 (July 19, 1988), the Board adopted a temporary regulation with request for comments addressing certain aspects of the purchase and sale of Freddie Mac stock by certain insured institutions. Upon further review, the Board has determined that that temporary regulation did not fully address certain supervisory concerns the Board has regarding insured institutions which, while meeting their minimum capital levels, have not attained their fully phased-in capital requirements pursuant to 12 CFR 563.13 and 12 CFR 563.14. As set forth more fully in the revised temporary regulation to be published elsewhere in the final rules section of the **Federal Register**, the Board believes that different restrictions are necessary and appropriate for such institutions because of the different concerns raised in that context. In order to minimize the confusion possibly generated by two separate documents addressing the purchase and sale of Freddie Mac stock, the Board is therefore withdrawing Board Res. No. 88-577, effective July 22, 1988.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Assistant Secretary.

List of Subjects in 12 CFR Part 563

Bank deposit insurance, Investments, Reporting and recordkeeping requirements, Savings and loan associations.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows:

Authority: Sec. 1, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 5B, 47 Stat. 727, as amended by sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401-407, 48 Stat. 1255-1260, as amended (12 U.S.C. 1724-1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); sec. 1204, 101 Stat. 662 (12 U.S.C. 3806); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-1948 Comp., p. 1071.

§ 563.13-3 [Removed]

2. Section 563.13-3 is removed.

[FR Doc. 88-16700 Filed 7-21-88; 9:54 am]

BILLING CODE 6720-01-M

12 CFR Part 563

[No. 88-583]

Purchase and Sale of Freddie Mac Preferred Stock by Certain Insured Institutions

Date: July 20, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Temporary rule with request for comments.

SUMMARY: The Federal Home Loan Bank Board ("Board") as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC") is adopting a temporary regulation addressing certain aspects of the purchase and sale of preferred stock of the Federal Home Loan Mortgage Corporation ("Freddie Mac") held by institutions insured by the FSLIC ("insured institutions"). On July 13, 1988 the Board issued a temporary regulation that placed certain restrictions on actions that insured institutions that do not currently meet their minimum regulatory capital requirements may take regarding such stock. Upon further review, the Board has determined that certain revisions in the scope of that temporary regulation are both appropriate and necessary to the effective supervision of insured institutions not meeting their fully phased-in capital requirements. By separate action, the Board is today withdrawing the previously published temporary regulation. Today's regulation replaces the one previously published.

Today's temporary regulation provides that no insured institution failing to meet its minimum regulatory capital requirement may buy or sell Freddie Mac preferred stock without obtaining prior approval from its Principal Supervisory Agent ("PSA") or his designee, subject to the concurrence of the Office of Regulatory Activities. It also sets forth general factors to be contained in an institution's written application for approval that the PSA will consider in determining whether to grant such approval. Additionally, the temporary regulation restricts those insured institutions not meeting their fully phased-in capital requirements from taking certain actions as a result of any purchase or sale of Freddie Mac stock that might adversely affect their ability to meet their fully phased-in capital requirements, absent prior approval from their PSA. Comments are solicited on all aspects of the temporary rule.

DATE: The temporary regulation is effective July 22, 1988. Comments must be received on or before September 20, 1988. The regulation will expire on December 31, 1988.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552. Comments will be available for public inspection at the Board's Information Services Office, 801 17th Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Deborah Dakin, Regulatory Counsel, (202) 377-6445; Daniel G. Lonergan, Attorney, (202) 377-6458; or Thomas J. Delaney, Attorney, (202) 377-6417,

Regulations and Legislation Divison, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: On July 13, 1988, the Board of Directors of Freddie Mac voted in principle to permit holders of the preferred stock of Freddie Mac to sell such stock to the general public as of January 1, 1989. Before this time, pursuant to a previous resolution creating the class of preferred stock covered by the July 13 action, such stock could only be held by stockholders of a Federal Home Loan Bank, a Federal Home Loan Bank in connection with collateral for advances, the FSLIC in connection with the receivership or insolvency of a holder of the preferred stock, a pre-approved market maker or nominee thereof, or a specialist on any national securities exchange. Additionally, single holders of such preferred stock were limited in the maximum amount of shares each could hold to 150,000, subject to certain grandfathering provisions. Freddie Mac's Board of Directors also acted on July 13, 1988 to increase sequentially the maximum number of shares that any single holder could own from 150,000 to 600,000 by January 1, 1989.

Currently, Freddie Mac preferred stock is primarily held by the approximately 3,000 insured institutions that own stock in the Federal Home Loan Banks. In general, the Board believes that any decision to purchase or sell Freddie Mac stock both before and after January 1, 1989, is best left to the sound business judgment of insured institutions themselves. The Board is concerned, however, with the possible effect of the removal of the restrictions on ownership and transferability of Freddie Mac preferred stock on those insured institutions not currently meeting their minimum regulatory capital requirement as set forth in 12 CFR 563.13 and 12 CFR 563.14. These institutions require closer supervision as a result of their impaired capital position. As a result, on July 13, 1988 the Board adopted a temporary rule with a request for comments placing certain restrictions on actions such institutions could take regarding this preferred stock without obtaining prior approval from their PSAs. *See* Board Res. No. 88-577, 53 FR 27153 (July 19, 1988).

Upon further review, however, the Board believes that that temporary regulation did not adequately address an equally important concern requiring prompt attention by the Board. It is the Board's view that any gains from such sale of Freddie Mac stock should generally be applied to improve the capital position of insured institutions not yet meeting their fully phased-in capital requirement as set forth in 12 CFR 563.13 and 12 CFR 563.14. As the Board has indicated in the past, it is important that insured institutions raise their capital levels as rapidly as possible in order to provide adequate protection to insured institutions, their depositors, and the FSLIC fund. *See* Board Res. No. 87-661, 52 FR 23845 (June 25, 1987); Board Res. No. 86-857, 51 FR 33571-73 (Sept. 22, 1986); Board Res. No. 86-426, 51 FR 16550, 16552 (May 5, 1986). *See also* Board Res. No. 87-1298, 53 FR 369 (Jan. 6, 1988). It has therefore determined to withdraw that temporary regulation by a resolution published elsewhere in the final rules section of the **Federal Register** and to substitute this regulation in its place.

The temporary regulation adopted today and effective upon publication in the **Federal Register** requires that an insured institution not satisfying its minimum capital requirement obtain the approval of its PSA or his designee, subject to the concurrence of the Office of Regulatory Activities, before buying or selling any of the shares of Freddie Mac preferred stock it now holds or may later acquire. This restriction is similar to restrictions the Board has imposed on such institutions in other contexts. *See, e.g.*, 12 CFR 563.4 (brokered deposits), 12 CFR 563.9-8 (c)(2)(iii) (equity risk investments). In so acting, the Board believed, as it does today, that the impaired capital status of such insured institutions warrants particular supervisory scrutiny of certain business decisions. The PSA for the institution is best able to determine whether an institution's decision to purchase or sell Freddie Mac preferred stock may have adverse consequences for the institution and ultimately the FSLIC as insurer of the institution.

The Board believes that the elimination of the ownership and transferability restrictions that had previously applied to Freddie Mac preferred stock may subject the value of those securities to increased market fluctuations. This could, in turn, have a significant impact on the financial condition of insured institutions holding such stock. To the extent that institutions can immediately increase their holdings of Freddie Mac preferred stock, the results of potential market fluctuations in the value of this stock take on more significant consequences.

With the removal of the previous Freddie Mac restriction significantly limiting the amount any single holder of preferred stock could own, insured institutions can immediately double their holdings of Freddie Mac preferred stock. At the same time, the value of this stock may be subject to unprecedented volatility. The capital position of institutions that are not presently meeting their minimum capital requirement may be particularly vulnerable to these variations. The Board believes that before such institutions can significantly alter their holdings of Freddie Mac preferred stock, there must be an opportunity for the institution's Principal Supervisory Agent to evaluate the potential impact resulting from a change in the level of this type of investment. Although the Freddie Mac action does not contemplate that this preferred stock will be available for sale to the public until January 1, 1989, in the interim the Board recognizes that intra-industry purchases and sales among institutions with impaired capital could detrimentally affect the sound operation of such institutions.

The temporary rule that the Board adopts today will prevent institutions that do not meet their minimum regulatory capital requirement under §§ 563.13 and 563.14 from buying or selling Freddie Mac preferred stock without first obtaining written approval from the PSA or his designee, subject to the concurrence of the Office of Regulatory Activities.

The rule requires that institutions not meeting their minimum capital requirement must submit written applications to their PSAs. It sets forth general factors to be considered by the PSAs when evaluating an institution's application to buy or sell Freddie Mac preferred stock. In making a written application to buy or sell Freddie Mac preferred stock, such institutions will be required to demonstrate the effect that the proposed transaction will have on their overall asset composition. Factors that are to be addressed in applications include, but are not limited to, the effect the proposed transactions will have on an institution's future growth, its risk exposure, and its portfolio diversification. The PSA may require an institution to include in its application any additional information that the PSA may consider relevant to evaluating portfolio risk in connection with the purchase or sale of Freddie Mac preferred stock. If the institution proposes to sell its shares of Freddie Mac preferred stock, it must indicate in its application the manner in which the resulting proceeds are to be used. Moreover, it must comply with any conditions imposed by the PSA.

Separate and apart from the restrictions applying to those insured

institutions not meeting their minimum capital requirements, the Board believes that certain restrictions may be appropriate for institutions not currently meeting their fully phased-in capital requirements as set forth in 12 CFR 563.13 and 12 CFR 563.14. The Board believes that supervisory input is important before such institutions declare dividends, or take other similar actions as a result of any gains on any sale of Freddie Mac stock because such actions may potentially delay the date institutions attain their fully phased-in capital requirements. As noted above, the Board continues to believe that it is in the best interests of insured institutions, their depositors, and the FSLIC fund that all insured institutions move as quickly as is reasonable to reach their fully phased-in capital levels. Furthermore, given that the gains on the sale of Freddie Mac preferred stock are not likely to be recurring income, the Board believes that such gains should be used to augment capital. Therefore, it has determined that institutions not meeting their fully phased-in capital requirement that sell shares of Freddie Mac preferred stock must exclude the gain on the sale of these shares from earnings in calculating allowable dividends under the Board's regulations unless prior approval is obtained from their PSA, with the concurrence of the Office of Regulatory Activities. Additionally, because certain other actions in connection with gains from the sale of Freddie Mac preferred stock, such as implementation of a stock repurchase program may have identical adverse consequences on or for an institution's financial condition and may delay the institution's attainment of its fully phased-in capital requirement, the Board has determined to require the same prior approval of such action. *Cf.* Board Res. No. 88-31, 53 FR 2477 (January 28, 1988) (restrictions on repurchase of stock of recently converted insured institutions).

The Board has therefore determined that immediate action is required to ensure that institutions that are failing their regulatory capital requirement buy and sell Freddie Mac preferred stock in a manner consistent with principles of safety and soundness and that adequate supervisory input is provided before institutions take certain actions as a result of gains from any sale of Freddie Mac stock that might adversely affect their ability to attain their fully phased-in capital requirements as expeditiously as possible. The Board also believes, however, that public comment on today's rule will be useful in shaping any permanent rule that it may determine to adopt upon expiration of this temporary rule. It therefore requests public comment on the temporary regulation adopted today. Comments received will be taken into account in determining the scope of any final regulation that the Board may adopt.

The Administrative Procedure Act, 5 U.S.C. 553(b), (d)(3), provides that the general provisions requiring notice and comment and a delay in the effective date of a substantive regulation do not apply when an agency determines that the public interest would not be served by notice and comment before agency action and that good cause for dispensing with the delay in effective date exists and is published with the rule. As set forth elsewhere in this **SUPPLEMENTARY INFORMATION,** the Board believes that in order to preserve its ability to supervise institutions with impaired capital, its Principal Supervisory Agents must be able to act promptly to monitor the decision by any such institution to purchase or sell Freddie Mac preferred stock. It also believes that a lesser degree of supervisory input is equally important in order to assure that insured institutions not currently meeting their fully phased-in capital requirements move as expeditiously as possible toward that target. It anticipates that it will have adequate time, during the period this temporary rule is in effect, to review any comments received during the comment period and any other supervisory information regarding these institutions to determine the most effective way of affording such institutions managerial flexibility in this area consistent with the Board's supervisory concerns. The Board therefore finds that good cause exists for dispensing with a delayed effective date.

Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 604, the Board is providing the following regulatory flexibility analysis:

1. Need For and Objectives of the Rule.

These elements are incorporated above in **SUPPLEMENTARY INFORMATION.**

2. Issues Raised by Comments and Agency Assessment and Response

These elements will be considered by the Board in reviewing any comments received and will be fully addressed in any final regulation.

3. Significant Alternatives Minimizing Small Entity Impact and Agency Response

The Small Business Administration defines a small financial institution as "a commercial bank or savings and loan association, the assets of which, for the preceding fiscal year, do not exceed $100 million." 13 CFR 121.13(a). This temporary regulation will only affect those small savings and loan associations that are not currently meeting their fully phased-in regulatory capital requirement. The Board believes that the temporary rule provides the least burdensome alternative available for addressing the Board's supervisory concern about the safe and sound operation of such insured institutions in this area. The Board will consider any alternatives presented in comments addressing this concern.

List of Subjects in 12 CFR Part 563

Bank deposit insurance, Investments, Reporting and recordkeeping requirements, Savings and loan associations.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows:

Authority: Sec. 1, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 5B, 47 Stat. 727, as amended by sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401-407, 48 Stat. 1255-1260, as amended (12 U.S.C. 1724-1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); sec. 1204, 101 Stat. 662 (12 U.S.C. 3806); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-1948 Comp., p. 1071.

2. Amend Part 563 by adding a new § 563.13-3 to read as follows:

§ 563.13-3 Sale of Federal Home Loan Mortgage Corporation Preferred Stock.

(a) An insured institution that fails to satisfy its minimum regulatory capital requirement as set forth in §§ 563.13 and 563.14 of this subchapter, notwithstanding any previously granted capital forbearances, shall not sell or buy Federal Home Loan Mortgage Corporation preferred stock except as approved by the Principal Supervisory Agent or his designee, subject to the concurrence of the Office of Regulatory Activities. The Principal Supervisory Agent or his designee, may impose any conditions he deems appropriate in granting such approval, subject to the concurrence of the Office of Regulatory Activities.

(b) An insured institution that fails to satisfy the regulatory capital requirement set forth in §§ 563.13 and

563.14 of this subchapter shall make written application to the Principal Supervisory Agent for permission to buy or sell preferred stock of the Federal Home Loan Mortgage Corporation. The written application shall provide the Principal Supervisory Agent or his designee with sufficient information to demonstrate how the proposed sale or purchase of such preferred stock will affect the overall level of risk of the institution's portfolio, as well as any additional information which the institution may deem relevant to supervisory review. In evaluating the overall risks posed by the sale or purchase of preferred stock to the institution's portfolio, the Principal Supervisory Agent or his designee shall consider the purposes for which such sale proceeds will be used, the effect of investment of the proceeds on the composition and quality of the institution's asset portfolio, the institution's growth plans, the likely effect on the institution's liquidity, as well as any additional relevant information the Principal Supervisory Agent or his designee may seek in evaluating overall portfolio risk.

(c) Except as approved by its Principal Supervisory Agent or his designee, subject to the concurrence of the Office of Regulatory Activities, an insured institution that fails to satisfy its fully phased-in regulatory capital requirement as set forth in §§ 563.13 and 563.14 of this subchapter, notwithstanding any previously granted capital forbearances, shall not be permitted to declare a dividend, repurchase its own stock, or take any equivalent action that might impair its ability to attain its fully phased-in regulatory capital requirement unless it has first subtracted any gain realized from the sale of Federal Home Loan Mortgage Corporation preferred stock from its earnings.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Assistant Secretary.

[FR Doc. 88-16701 Filed 7-21-88; 9:54 am]

BILLING CODE 6720-01-M

Reader Aids

Federal Register

Vol. 53, No. 141

Friday, July 22, 1988

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JULY

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

70 26591
1015 27798

Proposed Rules:
2 25345
50 ..... 25169, 26447, 27174, 27701

12 CFR

202 26987
204 24930
549 25129
563 ..... 27153, 27667, 27814
569a 25129
569c 25129
570 27673
606 25481
611 27155
615 27156
617 27155
622 27284
623 27284
748 26232

Proposed Rules:
336 26262
535 25500
569c 25169

13 CFR

121 26426

14 CFR

21 26036
23 26134
25 ..... 26036, 26134
27 26134
29 26134
39 ..... 25134–25140, 25315, 25317, 26038–26040, 26042–26045, 26762, 26764, 26765, 26988, 26989, 27478, 27479
71 ..... 25141, 25143, 25321, 25322, 26046, 26232, 26426, 27106, 27481, 27660
73 25323
75 ..... 25143, 27106
91 ..... 26134, 26592
97 ..... 26233, 27675
121 26134
125 26134
135 26134
234 27676
255 27676
1215 26235
1251 25872
1261 27481

Proposed Rules:
Ch. I 27051
21 26086
25 26086
39 ..... 25171, 25172, 26785, 26787, 27051, 27176, 27527, 27529
71 ..... 25174, 25175, 25345, 25347, 25406, 26087, 26275–26278, 27350, 27530
91 25050
221 ..... 25615, 27351
389 25615

15 CFR

4b 26235
8c 25722
371 26047
373 27156
375 ..... 25144, 27157
385 25325
386 25145
399 ..... 25146, 26047, 27156

Proposed Rules:
370 26131
386 26131
801 26603

16 CFR

13 ..... 26236, 26990, 27335
305 26237

Proposed Rules:
13 ..... 25502, 27357
419 25503

17 CFR

140 27677
200 25872
201 26427
240 ..... 26376, 26992

Proposed Rules:
1 26447
180 24954
229 26718
230 26718

18 CFR

2 26434
4 26992
37 27483
161 25240
250 25240
292 26992
375 26992
380 26436

Proposed Rules:
154 27704
284 ..... 25628, 25629
385 ..... 25628, 25629

19 CFR

12 26238

Proposed Rules:
122 26604
175 26605

20 CFR

404 25481
416 ..... 25150, 25481

21 CFR

5 26048
74 ..... 26766, 26768
81 ..... 25127, 26766, 26768
82 ..... 26766, 26768
172 26559
193 26131
430 26712
436 26712
442 26712
510 25151
520 27344
522 ..... 26559, 27005
524 26242
558 ..... 25152, 27006, 27345
561 26131
862 25050

Proposed Rules:
355 26559
606 27265

22 CFR

711 25872
1510 25872

23 CFR

160 25484
645 24932
658 25484

24 CFR

290 27158
511 25462
888 25326
990 25152

Proposed Rules:
125 25576
200 25434
203 25434
234 25434
964 25276
965 25348

25 CFR

179 25952

26 CFR

1 ..... 26050, 26243, 27006, 27035, 27489, 27595,
602 ..... 27035, 27489, 27595

Proposed Rules:
1 ..... 26279, 26448, 27053, 27531, 27532, 27595
602 ..... 27053, 27595

27 CFR

4 27045
19 25155
20 25155
252 25155

Proposed Rules:
4 26448
12 26448
55 27452
71 26088

28 CFR

2 24933
16 27161
51 25327

29 CFR

100 25872
1910 ..... 26437, 27345, 27679
1915 27679
1917 27679
1918 27679
1926 ..... 27345, 27679
1928 27679
2610 ..... 25591, 25722
2644 24933
2676 27679

Proposed Rules:
502 27304
1625 ..... 26788, 26789, 27360
1910 ..... 24956, 26790
1915 26790
1918 26790
1953 26797
2584 27704

30 CFR

7 25569
18 25569
250 26066
251 25242
280 25242
762 26582
842 26728
843 26728
901 25486
905 26570
934 26246
935 26592

Proposed Rules:
7 25569
25 25569
75 26449
202 26942
203 26942
206 26942
212 26942
250 25349
736 27361
740 27361
750 27361
915 ..... 26606, 27362
917 24957
934 26280
942 26566

31 CFR

25 25422

32 CFR

199 25327
203 27511
266 26246
273 27162
292 25157
706 ..... 25487, 25488
1636 25328

33 CFR

1 25118
3 ..... 24934, 25118
4 24936
19 25118
26 25118
54 25118
67 25118
81 25118
89 25118
100 ..... 24936, 24937, 26246, 26247, 26770
114 25118
116 25118
117 ..... 25118, 26248, 26249, 27680
130 25118
131 25118
132 25118
135 25118
136 25118
137 25118
140 25118
144 25118
148 25118
149 25118
150 25118
153 25118
154 25118
156 25118
157 25118
159 25118
160 25118
164 25118
165 ..... 26771, 27681
174 25118
179 25118
181 25118
183 25118
209 27511
245 27511
334 27681

Proposed Rules:
66 27708

100.....26281, 26449
117.....24958
164.....27708
165.....27711
166.....24959, 26282, 27711

34 CFR

222.....26772
367.....26976
562.....24937
600.....25489
602.....25088
603.....25088
700.....27108
779.....27114

Proposed Rules:

200.....26214
316.....26190
318.....26190

36 CFR

9.....25160
251.....26594, 27682
1208.....25872

37 CFR

Proposed Rules:

1.....27177

38 CFR

1.....25489
4.....24938
15.....25872
36.....27047, 27048

Proposed Rules:

21.....27054, 27533

39 CFR

111.....26249

40 CFR

52.....25329, 25330, 26250, 26256, 27514
60.....27685
61.....27685
81.....27346
85.....25331
180.....26438–26440, 27347
185.....26131
186.....26131
260.....27290
261.....27162, 27290
262.....27164
264.....27164
265.....27164
268.....27164
270.....27164
600.....25331
761.....27322

Proposed Rules:

50.....27362
51.....27362
52.....25176, 25177, 25509, 26607, 26609, 27363, 27366, 27711, 27716
58.....27362
65.....24938
81.....25178, 27368
117.....27268
131.....26968
141.....25108
142.....25108
145.....27534
156.....25970, 27717
170.....25970, 27717
180.....26450, 26452, 26453, 27370
261.....26283, 26455
300.....27371
302.....27268
355.....27268
440.....24939
761.....25049
796.....25049

Proposed Rules:

52.....24964
180.....25049
300.....26090

41 CFR

101–6.....26773, 27518
101–26.....26595
101–41.....25162, 26779

Proposed Rules:

201–1.....26610
201–30.....26610
201–32.....26610

42 CFR

405.....26067

Proposed Rules:

50.....25631
411.....26712
412.....25240, 27535
417.....27718
1003.....25240

Proposed Rules:

3480.....26942

43 CFR

4.....27686

44 CFR

16.....25872
59.....25332
60.....25332
62.....26559
64.....25591, 26799

Proposed Rules:

300.....26746

45 CFR

31.....25592
85.....25595, 26559
303.....27518
305.....27518
2001.....27519

Proposed Rules:

613.....26611

46 CFR

35.....27686
78.....27686
97.....27686
108.....27686
167.....27686
196.....27686

Proposed Rules:

4.....25926
5.....25926
16.....25926
571.....27178
581.....26091

47 CFR

1.....26596
22.....26073, 27165
43.....24940
63.....24940
65.....26074
73.....24940, 24942, 25167, 25168, 25332–25337, 25490, 26074, 26075, 26597, 26598, 27049, 27165–27167
76.....27167
90.....25607

Proposed Rules:

15.....26092
22.....25633, 26288
36.....24964
69.....27372
73.....24966, 24967, 25178, 25350–25352, 26612–26615, 26798, 27179–27183

48 CFR

Ch. 6.....26158

Proposed Rules:

Ch. 2, App. I.....27055
5.....27460
6.....27460
9.....27460
13.....27460
14.....27460
15.....25572, 27460
17.....27460
19.....27460
22.....27460
23.....27460
25.....27460
30.....27460
31.....27460
35.....27460
42.....25102, 27460
45.....25084, 27460
47.....27460
52.....25102, 27460
53.....25085, 27460
242.....27055
542.....26092
701.....25634
715.....25634
717.....25634
752.....25634
1452.....26560
1480.....26560
1801.....26932
1804.....26932
1805.....26932
1807.....26932
1808.....26932
1815.....26932
1816.....26932
1817.....26932
1822.....26932
1824.....26932
1828.....26932
1832.....26932
1839.....26932
1842.....26932
1845.....26932
1852.....26932
1870.....26932

49 CFR

191.....24942
192.....24942, 25892, 26560
193.....24942, 25892, 26560
195.....24942, 25892
383.....27628
390.....27688
391.....27688
392.....27688
393.....27688
394.....27688
395.....27688
396.....27688
397.....27688
501.....26257
510.....26257
511.....26257
571.....25337, 27106

Proposed Rules:

24.....27598
192.....24968, 26615
193.....26615
195.....24968, 26615
382.....25353
552.....27056
571.....25354
653.....25910, 26289
1105.....24971
1152.....24971
1201.....27374

50 CFR

17.....25608, 26369, 27130–27137, 27689
20.....24951
280.....27693
285.....27798
620.....27798
630.....27693, 27798
638.....27798
640.....27798
641.....27798
642.....25611, 27693, 27798
645.....27798
646.....27798
649.....27798
650.....27798
651.....27798
652.....27798
653.....27798
654.....27798
655.....27798
657.....27798
658.....27798
661.....26599, 27798
662.....27798
663.....27798
669.....27798
672.....25491, 26441, 27798
674.....25492, 26779, 27798
675.....25493, 26599, 27798
676.....27798
680.....27519, 27798
681.....27798
683.....27798
685.....27798

Proposed Rules:

17.....25179–25185, 25511, 26616, 27724
20.....26197, 27728
23.....26799, 26802
32.....26461
625.....27536
651.....26617
662.....26617

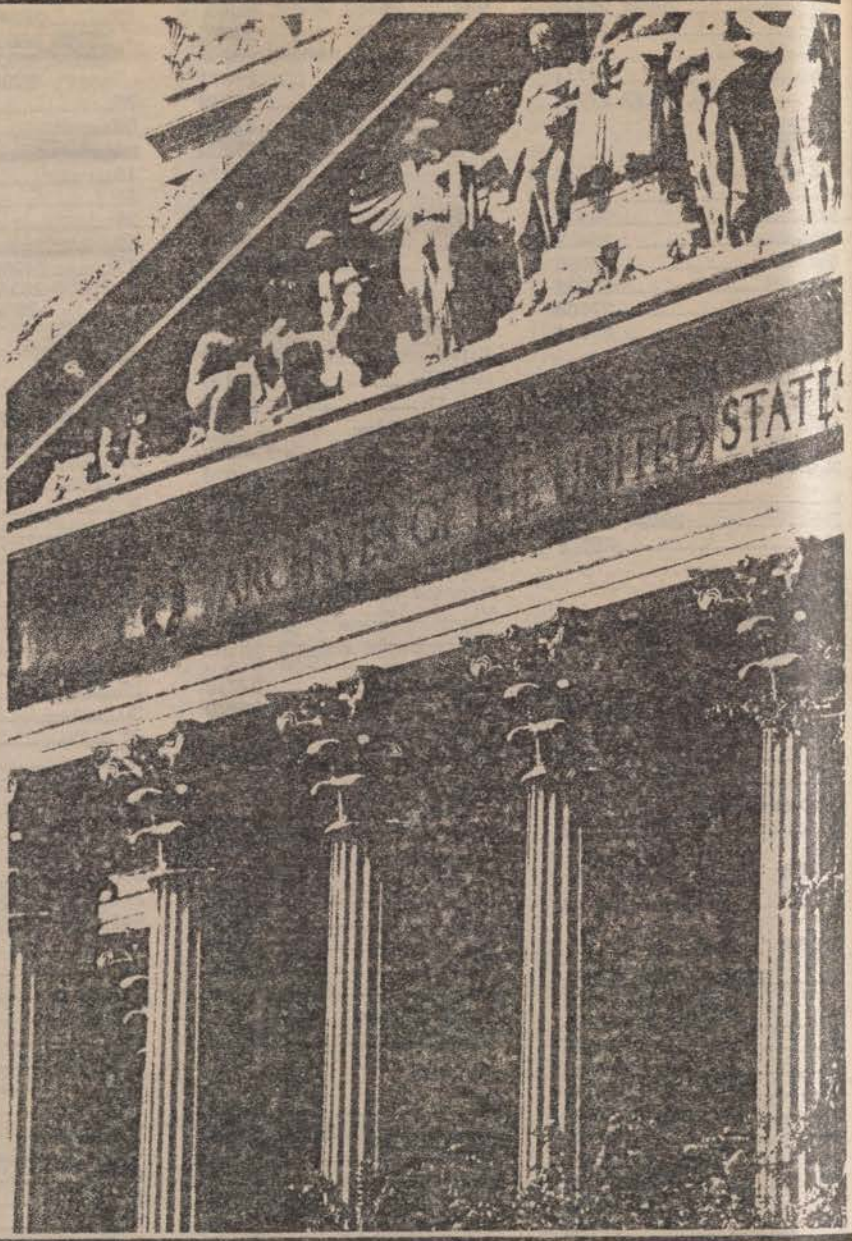
LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List July 20, 1988

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.



LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.

$24.00 per year

Federal Register Index

The Index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

$22.00 per year

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register

Note to FR Subscribers.
FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.

Order Form

Mail To: Superintendent of Documents, U.S Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No

☐☐☐☐☐☐☐–☐

Order No. _____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Customer's Telephone Nos.

Area Code Home | Area Code Office

Charge orders may be telephoned to the GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Please enter the subscription(s) I have indicated

LSA
List of CFR Sections Affected
$24.00 a year domestic,
$30.00 foreign

Federal Register Index
$22.00 a year domestic
$27.50 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

(Rev 10-1-85)