AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

3-28-88
Vol. 53 No. 59
Pages 9853-10054

Federal Register

Monday
March 28, 1988

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, and Boston, MA, see announcement on the inside cover of this issue.

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	202–783–3283
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3283
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.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: April 15; at 9:00 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC
RESERVATIONS: Carolyn Payne, 202–523–3187

BOSTON, MA

WHEN: April 19; at 9 a.m.
WHERE: Thomas P. O'Neill, Jr. Federal Building,
Auditorium,
10 Causeway Street,
Boston, MA.
RESERVATIONS: Call the Boston Federal Information Center, 617–565–8123

Contents

Federal Register

Vol. 53, No. 59

Monday, March 28, 1988

Agricultural Marketing Service
RULES
Beef promotion and research program:
Referendum conduct procedures, 9854
Milk marketing orders:
Southwest Plains, 9853
PROPOSED RULES
Dairy products; grading, inspection, and standards:
Fee increases, 9948
NOTICES
Oranges (Valencia) grown in Arizona and California; marketing policy, 9955

Agriculture Department
See Agricultural Marketing Service

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
BNS Inc. et al., 9994
National Cooperative research notification:
Portland Cement Association, 9999

Army Department
See Engineers Corps

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Coast Guard
RULES
Drawbridge operations:
Maryland, 9887

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
China, 9960
Export licensing system:
China, 9961
Textile consultation; review of trade:
India, 9961

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 10033
(10 documents)

Defense Department
See also Defense Logistics Agency; Engineers Corps
NOTICES
Meetings:
Electron Devices Advisory Committee, 9963
Science Board, 9963
Science Board task forces, 9963, 9964
(3 documents)
Wage Committee, 9963

Defense Logistics Agency
NOTICES
Privacy Act:
Computer matching program, 9964
Systems of records, 9965

Education Department
NOTICES
Meetings:
Indian Education National Advisory Council, 9967

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 10000

Energy Department
See Energy Information Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department

Energy Information Administration
NOTICES
Natural gas publications; statistical tables, 9967

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Louisiana; ocean dredged material disposal sites, 9975

Environmental Protection Agency
RULES
Hazardous waste:
Treatment, storage, and disposal facilities—
Surface impoundments, etc.; closing and post-closure care, 9944
NOTICES
Agency information collection activities under OMB review, 9976
Environmental statements; availability, etc.:
Ocean disposal sites—
Louisiana, 9975
Port Aransas, TX, 9976
Hazardous waste:
Coal combustion by electric utility power plants; report to Congress availability and hearings, 9976
Meetings:
National Air Pollution Control Techniques Advisory Committee, 9977
Science Advisory Board, 9977

Export Administration
See International Trade Administration

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 10034

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 9864
Robinson, 9865
Teledyne Continental Motors, 9866
Transition areas; correction, 9867
VOR Federal airways and jet routes, 9868
PROPOSED RULES
Control zones, 9948
VOR Federal airways, 9949
NOTICES
Meetings:
Aeronautics Radio Technical Commission, 10030, 10031 (2 documents)

Federal Communications Commission
PROPOSED RULES
Common carrier services:
Telephone network; connection of simple inside wiring, etc., 9952

Federal Deposit Insurance Corporation
NOTICES
Agency information collection activities under OMB review, 9978
Meetings; Sunshine Act, 10034

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
California, 9978

Federal Energy Regulatory Commission
NOTICES
Meetings; Sunshine Act, 10034
Natural gas certificate filings:
Colorado Interstate Gas Co. et al., 9968
Trunkline Gas Co. et al., 9969
Applications, hearings, determinations, etc.:
Citizens Energy Corp. et al., 9974

Federal Retirement Thrift Investment Board
RULES
Thrift savings plan:
Eligibility continuation, 10038

Fish and Wildlife Service
RULES
Endangered Species Convention:
Appendix III listings; procedural change, 9945

Food and Drug Administration
NOTICES
Laser variance approvals, etc.:
Beyond Belief et al., 9983
Medical devices; premarket approval:
Model 304-01 Ultra C-Loop Posterior Chamber Intraocular Lens, 9984

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Massachusetts—
Codman & Schurtleff, Inc., 9957

Health and Human Services Department
See also Food and Drug Administration; Health Care Financing Administration; National Institutes of Health
NOTICES
Grants and cooperative agreements:
Welfare dependency policy reasearch, 9978

Health Care Financing Administration
NOTICES
Medicaid:
State plan amendments, reconsideration; hearings—
Pennsylvania, 9985
Meetings:
International Classification of Diseases, Ninth Revision Clinical Modification Coordination and Maintenance Committee, 9988

Hearings and Appeals Office, Energy Department
NOTICES
Cases filed, 9974

Hearings and Appeals Office, Interior Department
RULES
Hearings and appeals procedures:
Individual civil penalties
Correction, 10036

Housing and Urban Development Department
RULES
Fair housing:
Reporting and recordkeeping requirements, 9868
Mortgage and loan insurance programs:
Allegany Reservation of Seneca Nations of Indians, 9869
Maximum mortgage limits for high-cost areas, 9869
PROPOSED RULES
Low income housing:
Housing assistance payments (Section 8)—
Fair market rents for new construction and substantial rehabilitation; Rome, Ga., 9950
NOTICES
Agency information collection activities under OMB review, 9989

Immigration and Naturalization Service
RULES
Immigration Reform and Control Act; implementation:
Felony and misdemeanor definitions, 9862

Interior Department
See Fish and Wildlife Service; Hearings and Appeals Office, Interior Department; National Park Service; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
RULES
Income taxes:
Consolidated return regulations; adjustment on disposition of stock of subsidiary
Correction, 9870
Itemized deductions; 2-percent floor, 9870
PROPOSED RULES
Income taxes:
Itemized deductions; 2-percent floor; cross reference, 9951

International Trade Administration
NOTICES
Short supply determinations:
Manganese bars, 9957
Applications, hearings, determinations, etc.:
University of North Carolina et al., 9958

Interstate Commerce Commission
NOTICES
Agreements under section 5a and 5b; applications for approval, etc.:
Niagara Frontier Tariff Bureau, Inc., et al., 9991
Railroad operation, acquisition, construction, etc.:
Cape Cod & Hyannis Railroad, Inc., 9992
Wisconsin Central Ltd., 9992
Railroad services abandonment:
Baltimore & Ohio Railroad Co. et al., 9991

Justice Department
See also Antitrust Division; Immigration and Naturalization Service
NOTICES
Pollution control; consent judgments:
Carefree Homes, Inc., 9992
Du-Wel Hartford, Inc., 9992
Edward Hines Lumber Co. et al., 9993
Weiss, et al., 9993

Labor Department
See Employment Standards Administration

Merit Systems Protection Board
NOTICES
Decisions and orders accessibility; questionnaire, 10001

Minority Business Development Agency
NOTICES
Business development center program applications:
Texas, 9959

National Aeronautics and Space Administration
NOTICES
Patent licenses, exclusive:
Planar Systems, Inc., 10001

National Foundation on the Arts and the Humanities
NOTICES
Agency information collection activities under OMB review, 10002

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Bonded lens reflector assembly; petition denied, 9944

National Institutes of Health
NOTICES
Meetings:
National Cancer Institute, 9988
President's Cancer Panel, 9988

National Mediation Board
NOTICES
Meetings; Sunshine Act, 10034

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
Ocean salmon fisheries off coasts of Washington, Oregon, and California
Correction, 10036
NOTICES
Financial assistance for projects to strengthen and develop U.S. fishing industry, 10044
Fishery management councils; hearings:
Pacific—
Ocean salmon, 9960

National Park Service
NOTICES
Environmental statements; availability, etc.:
Bering Land Bridge National Preserve, AK; wilderness recommendation, 9990
Kenai Fjords National Park, AK, 9990
Yukon-Charley Rivers National Preserve, AK, 9990
Meetings:
Golden Gate National Recreation Area Advisory Commission, 9990

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Virginia Electric & Power Co. et al., 10002
Applications, hearings, determinations, etc.:
Duquesne Light Co. et al., 10003
Virginia Electric & Power Co., 10003, 10005
(2 documents)

Personnel Management Office
RULES
Absence and leave:
Temporary leave transfer program
Correction, 10036

Postal Service
RULES
Domestic mail manual:
Rates, fees and classification changes; implementation, 9888
NOTICES
International postal rates and fees; implementation of amended rates and fees, 10007
Meetings; Sunshine Act, 10034, 10035
(2 documents)
Postal rates, fees, and mail classifications; changes, 10014

Public Health Service
See Food and Drug Administration; National Institutes of Health

Research and Special Programs Administration
NOTICES
Global positioning system block II signal testing availability, 10031

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 10026
Chicago Board Options Exchange, Inc., 10026
Midwest Clearing Corp., 10027
Applications, hearings, determinations, etc.:
Metropolitan Life Variable Account C, 10028
Metropolitan Variable Account B of Metropolitan Life Insurance Co., 10029
Metropolitan Variable Account D of Metropolitan Life Insurance Co., 10030

State Department
NOTICES
Meetings:
Shipping Coordinating Committee; correction, 10036

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission:
Arkansas, 9881
Utah, 9885

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration
NOTICES
Aviation proceedings:
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 10030

Treasury Department
See also Internal Revenue Service
PROPOSED RULES
Practice before Internal Revenue Service; enrolled agent, 9952
NOTICES
Agency information collection activities under OMB review, 10031, 10032
(2 documents)

United States Information Agency
NOTICES
Art objects, importation for exhibition:
Art in the Old Country, 10032

Separate Parts In This Issue

Part II
Federal Retirement Thrift Investment Board, 10038

Part III
Department of Commerce, National Oceanic and Atmospheric Administration, 10044

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
630 10036
1620 10038

7 CFR
1106 9853
1260 9854

Proposed Rules:
58 9948

8 CFR
245a 9862

14 CFR
39 (3 documents) 9864–9866
71 (2 documents) 9867, 9868
75 9868

Proposed Rules:
71 (2 documents) 9948, 9949

24 CFR
111 9868
200 9869
201 9869
203 (2 documents) 9869
204 9869
213 9869
220 9869
221 9869
222 9869
226 9869
227 9869
234 9869
235 9869
237 9869
240 9869

Proposed Rules:
888 9950

26 CFR
1 (2 documents) 9870
602 (2 documents) 9870

Proposed Rules:
1 9951

30 CFR
904 9881
944 9885

31 CFR

Proposed Rules:
10 9952

33 CFR
117 9887

39 CFR
111 9888

40 CFR
265 9944

43 CFR
4 10036

47 CFR

Proposed Rules:
68 9952

49 CFR
571 9944

50 CFR
23 9945

Proposed Rules:
661 10036

Rules and Regulations

Federal Register
Vol. 53, No. 59
Monday, March 28, 1988

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1106

Milk in the Southwest Plains Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action for the Southwest Plains market suspends, for the months of March through August 1988, the shipping standards for supply plants and the monthly requirement that a dairy farmer's milk be received at a pool plant in order to be eligible for diversion to nonpool plants. The action was requested by Mid-America Dairymen, Inc., a cooperative association that represents producers who supply milk for the market. The action is necessary to assure the efficient disposition of an increasing supply of milk produced by dairy farmers who have historically supplied the market's fluid milk requirements.

EFFECTIVE DATE: Upon publication of this document in the **Federal Register** for the months of March through August 1988.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued February 25, 1988; published March 1, 1988 (53 FR 6158). The Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers supplying the market's fluid needs will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing. This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under the criteria contained therein.

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Southwest Plains marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on March 1, 1988 (53 FR 6158). Such notice invited comments on a proposal to suspend certain provisions of the Southwest Plains order. Interested parties were given seven days after the notice was published in the **Federal Register** to file comments on the proposed action. No opposing views were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of March-August 1988 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1106.6, the words "during the month".

2. In § 1106.7(b)(1), the words "until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such February-August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) of the section are not less than 50 percent of receipts or diversions, as previously specified. A plant that was a pool supply plant under the Neosho Valley, Wichita, Red River Valley or Oklahoma Metropolitan orders (or any combination thereof) during the months of September through December 1982 shall qualify as a pool plant in each of the months of February through August 1983 until any month of such period in which the plant fails to meet the 20 percent shipping requirement".

3. In § 1106.13, paragraph (d)(1) in its entirety.

Statement of Consideration

This action for the Southwest Plains market suspends, for the months of March through August 1988, the shipping standards for supply plants and the monthly requirement that a dairy farmer's milk be received at a pool plant in order to be eligible for diversion to nonpool plants.

The order defines a supply plant as a plant from which fluid milk products are transferred or diverted to distributing plants during the month. It further provides that a supply plant which was pooled under the order during each of the immediately preceding months of September through January shall continue to be pooled during the following months of February through August if 20 percent of the plant's receipts are shipped to distributing plants. The order also provides that a dairy farmer's milk may be diverted to nonpool plants and still be priced under the order if at least one day's production of such person is physically received at a pool plant during the month.

The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that supplies a substantial portion of the milk for this market. The action is supported by Kraft, Inc., the operator of a pool supply plant at Bentonville, Arkansas and a nonpool manufacturing plant at Springfield, Missouri.

The action is needed because the market's milk production has increased dramatically since the termination of the whole-herd buyout program. Ample supplies of direct-ship milk, which are produced near the market's distributing plants, are available to supply the milk needs of such plants during the months of March-August this year and supplemental shipments from supply plants will not be necessary. Thus, no purpose would be served by requiring that supply plants make shipments to distributing plants in such months or that the milk of distant dairy farmers be delivered to a pool plant at least once during each month. The milk of producers can be marketed more

economically during this six-month period by supplying the needs of distributing plants regularly with direct-ship milk from producers who are favorably located near such plants and by continuously moving the milk of distant producers directly from the farm to manufacturing plants situated in the procurement area.

A suspension of these requirements is needed to give market suppliers the necessary additional flexibility to efficiently handle the market's increasing milk production. If the requirements are not suspended, costly and inefficient movements of milk will have to be made to assure the continued pooling of milk produced by dairy farmers who historically have been supplying the market's fluid needs.

Mid-Am asked that the requirements be suspended for the months of February–August. Although comments were invited on a proposal to suspend the provisions for such seven-month period, it was not possible to complete the required procedures and include February in the suspension period. Therefore, the suspension would apply for the months of March–August 1988.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to assure orderly marketing in the marketing area in that such action will eliminate unnecessary milk movements and will insure that dairy farmers who regularly have supplied the market's fluid needs will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this suspension. No opposing views were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register** for the months of March–August 1988.

List of Subjects in 7 CFR Part 1106

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the following provisions in §§ 1106.6, 1106.7(b)(1) and 1106.13(d)(1) are hereby suspended for the months of March–August 1988.

PART 1106—MILK IN SOUTHWEST PLAINS MARKETING AREA

1. The authority citation for 7 CFR Part 1106 continues to read as follows:

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

§ 1106.6 [Amended]

2. In § 1106.6, the words "during the month" are suspended.

§ 1106.7 [Amended]

3. In § 1106.7(b)(1), the words "until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such February–August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) of the section are not less than 50 percent of receipts or diversions, as previously specified. A plant that was a pool supply plant under the Neosho Valley, Wichita, Red River Valley or Oklahoma Metropolitan orders (or any combination thereof) during the months of September through December 1982 shall qualify as a pool plant in each of the months of February through August 1983 until any month of such period in which the plant fails to meet the 20 percent shipping requirement" are suspended.

§ 1106.13 [Amended]

4. In § 1106.13, paragraph (d)(1) is suspended in its entirety.

Signed at Washington, DC, on March 21, 1988.

Kenneth A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 88–6656 Filed 3–25–88; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 1260

Beef Promotion and Research Program; Procedures for Conduct of Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt as a final rule, with some changes, a proposed rule which was published in the **Federal Register** on January 8, 1988 (53 FR 509). Pursuant to the Beef Promotion and Research Act of 1985, a referendum among cattle producers and cattle and beef importers will be conducted by the Secretary to determine whether the Beef Promotion and Research Order which was implemented July 18, 1986 should be continued. The Act requires the Secretary to conduct such referendum not later than 22 months after the issuance of the Order. This final rule establishes the procedures for conducting the required initial referendum which will be held on May 10, 1988, in all locations except for the State of West Virginia where the referendum will be held on May 9, 1988.

DATE: March 28, 1988.

ADDRESS: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS), USDA, Room 2610–S, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch (202) 447–2650.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation No. 1512–1 and has been classified as a non-major rule under the criteria contained therein.

This action also was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This rule establishes procedures for the conduct of a referendum to determine whether the Beef Promotion and Research Order (Order) should be continued. It permits all eligible cattle producers and importers of cattle, beef, and beef products to register and vote. Participation in the referendun is voluntary. In addition, the referendum is required by statute; therefore, a regulatory flexibility analysis was not prepared. The Administrator of the Agricultural Marketing Service (AMS), has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

The Beef Promotion and Research Act of 1985 (Act) (7 U.S.C. 2901 *et seq.*) provides for the establishment of a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products. The program is financed by a $1-per-head assessment on domestic and imported cattle and an equivalent amount on imported beef and beef products. Pursuant to the Act, an Order was made effective July 18, 1986, and the collection of assessments began on October 1, 1986.

The Act requires that a referendum be conducted not later than 22 months after the issuance of the Order to determine whether the Order should be continued. The initial referendum is to be conducted among persons who were producers of cattle or importers of cattle, beef, or beef products during a representative period specified by the Secretary for the purpose of determining whether the initial Order should be continued. The Secretary has established the representative period as October 1, 1986, to March 31, 1988, and announced those dates in an official Department press release dated February 8, 1988. The Order shall be continued only if it is approved by a majority of persons voting in the referendum. If continuation of the Order is not approved by a majority of those persons voting in the referendum, the Secretary shall terminate collection of assessments under the Order. This will be done within 6 months after the Secretary determines that the continuance of the Order is not favored by a majority of those persons voting in the referendum and the Secretary shall terminate the Order in an orderly manner as soon as practicable after such determination.

The Act specifies that the referendum shall be held on a date established by the Secretary and that eligible persons must register and vote on the same day. The Secretary has established that date as May 10, 1988. That date was announced in an official Department press release dated February 8, 1988. The Act also provides that the referendum shall be conducted at county offices of the U.S. Department of Agriculture's Extension Service.

On January 8, 1988, the (Agricultural Marketing Service) AMS published in the **Federal Register** (53 FR 509) a proposed rule which set forth procedures for the conduct of an initial referendum including provisions concerning definitions, supervision of the referendum, registration, voting procedures, reporting the referendum results, disposition of the ballots and records, and the participation of the Agricultural Stabilization and Conservation Service (ASCS) of the Department, in the conduct of the referendum by: (1) Counting ballots, (2) determining the eligibility of challenged voters, and (3) reporting referendum results.

The proposed rule was published with a request for comments to be submitted by February 8, 1988. The Department of Agriculture received 41 written comments. Five commentors, including two cattle producer associations, one breed association, one national farm organization, and one individual supported the referendum procedures as proposed. Twenty-one commentors expressed support for or opposition to the Beef Promotion and Research Order, but did not comment on the proposed procedures for the conduct of the referendum. The remaining 15 commentors, which included 10 individuals, the Cattlemen's Beef Promotion and Research Board, a State department of agriculture, a milk marketing cooperative, an importer association, and a State beef council, generally supported the proposed procedures for the conduct of the referendum with certain qualifications.

The substantive changes suggested by the commentors are discussed below. Several commentors expressed concern about the established date of May 10, 1988, for the referendum. They were primarily concerned that this date was during a very busy time of the year for many cattle producers and pointed out that it would not be convenient for them to take time out from their farming and ranching activities to vote. They believed an earlier date would be more convenient. The date of the referendum was recommended by the Cattlemen's Beef Promotion and Research Board and approved by the Secretary and announced in an official Department press release dated February 8, 1988. However, since that time, information has come to the Department's attention that the county Extension offices in the State of West Virginia will be closed on May 10, 1988. Accordingly, the referendum will be conducted in the State of West Virginia on May 9, 1988. In all other locations, the referendum will be conducted as announced on May 10, 1988. Conducting a referendum requires advanced preparations including printing of ballots, notifying those persons who will conduct the referendum and those who are eligible to vote in sufficient time to permit participation in the referendum process. In addition, the provision for mail-in absentee ballots as required by the Act and contained in this final rule will provide an opportunity for any cattle producer or importer to participate in the referendum even though they may not be able to personally visit the county extension office to register and cast their ballots.

Numerous commentors expressed the opinion that the period for the conduct of the referendum should be longer than 1 day to afford more persons the opportunity to vote. The length of the period for the referendum is established by the Act. Section 7 of the Act which states in part "Any referendum conducted under this section shall be conducted on a date established by the Secretary * * *." Based on this language, it is clear that the Act contemplates that the referendum should be conducted in any given location in a single day. The Act does not provide the Secretary with the latitude to extend the period beyond 1 day. Accordingly, the 1-day period for the conduct of the referendum is adopted as proposed. In related comments, four commentors proposed that the referendum be conducted by mail rather than in person. The commentors suggested that it would be more convenient to register and vote by mail thus increasing voter participation in the referendum. However, the Act clearly contemplates an in-person vote. Section 7 of the Act states that "Each referendum shall be conducted at county extension offices and there shall be provision for an absentee mail ballot on request." If the Act had not contemplated voting in person it would not have provided for a designated polling place or provided for an absentee mail ballot. Absentee ballots and registration forms will be available upon written request from the State Extension Service Office during the period beginning April 1, 1988, and continuing until close of business April 29, 1988. Accordingly, this proposed change has not been adopted.

Three commentors requested a clarification of voter eligibility. One commentor inquired as to whether all members of a partnership could vote in the referendum. One commentor questioned whether a wife in a family farming operation in which all cattle were sold in the husband's name could vote in the husband's absence and suggested that if a wife could vote in such a situation, it could increase producer participation in the referendum.

The Act contemplates that each producer or importer shall be entitled to only one vote, regardless of whether such producer or importer is an individual or a corporation, partnership, or other entity. Section 3 of the Act defines a producer, in part, as "any person who owns or acquires ownership of cattle * * *" and an importer as "any person who imports cattle, beef, or beef products from outside the United States."

A person is defined in the Act as "any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity." As established by these definitions, a partnership is considered to be a

producer entity as is an individual producer or importer and thus is entitled to only one vote in the referendum as provided in § 1260.428 of this final rule. Any members of the partnership may vote as an individual if they are eligible producers or importers separate from the partnership. Likewise, other forms of joint interest groups such as a family-farming operation are entitled to only one vote. In the case of the family-farming operation, either spouse or any other family member who is a part of the family-farming operation may vote as an authorized representative on behalf of the family farm. However, both husband and wife may not register to vote on behalf of the family farm. Individual family members who own cattle in their own right separate from the family-farming operation would be individual producers and would be eligible to vote.

One commentor suggested that the definition of importer in § 1260.414 be changed so that it references the definition of importer contained in U.S. Customs regulation at 19 CFR 101.1 (1). The definition of importer as published in the proposed rule in § 1260.414 is the same definition contained in the Act and the Order. That definition has been used to identify persons, who as importers, have been subject to assessments since the issuance of the Order on July 18, 1986. It is the intent of the Act and Order that those persons who are subject to assessments shall be eligible to register and vote in the referendum. Accordingly, there is no justification for changing the definition of importers for purposes of the referendum. The Agency does not anticipate that the definition of importer in the Act, and as adopted in the Order, will raise any questions concerning the eligibility of persons who may vote as importers in the referendum. Therefore, the term importer as set forth in the proposed rule is adopted in this final rule. A similar suggestion of using the U.S. Customs definition of importer was made in response to the proposed Order which was published for comment on March 14, 1986. That suggestion was not adopted at that time. The Agency's reasons for not adopting that suggestion are discussed in the supplementary information section of the Order at 51 FR 26134. Those reasons are still valid.

One commentor believed that all dairy cattle farmers should be allowed to vote. The Act provides that any person who owns or acquires ownership of cattle may register and vote as an eligible producer. Since cattle are defined in the Act as "live, domesticated, bovine animals of any age " dairy animals are considered cattle. Consequently, dairy cattle farmers would be eligible to register and vote.

One commentor recommended that all referendum documents (i.e., registration forms and ballots) which request a person to certify that he or she is a "producer" pursuant to the referendum rules include a statement that that person has met all of the requirements of being a "producer" as set forth in §§ 1260.417 and 1260.116. In the commentor's opinion, it is important to make clear that the definition of "producer" for purposes of the referendum is the same as the definition of "producer" under the Order. The definition of producer in § 1260.417 of these rules on *Procedures for Conduct of the Referendum* is the identical definition contained in § 1260.116 of the Order. This same definition has identified producers for purposes of assessments since the Order's issuance on July 18, 1986. The publication of this same definition in both the Order and in these procedures for conducting the referendum is sufficient for purposes of identifying persons who are eligible producers. The Act and the Order make clear that persons who are defined as producers therein and subject to assessments shall be eligible to register and vote in the referendum. Accordingly, documents used in connection with the registration process will require persons to certify that they are producers. However, including references to §§ 1260.417 and 1260.116 on such documents would unnecessarily complicate the registration and certification process without providing additional control over producer self-certification. The provision for challenging the eligibility of persons to register and vote as producers during and immediately following the referendum will help assure that only eligible producers as defined in the Act, Order, and this rule governing the procedure of the referendum are permitted to vote.

One commentor recommended that the representative period to be established by the Secretary be for a period which ends at least 1 month (30 days) prior to the date of the referendum. The commentor believed that establishing the ending date for the representative period well in advance of the referendum would prevent the creation of "producers" solely for the purpose of voting. The inclusive dates of the representative period are established at the discretion of the Secretary. Concurrent with the establishment of May 10 as the date of the referendum, the Secretary established the representative period as October 1, 1986, the date assessments began under the Order, to March 31, 1988. These inclusive dates for the representative period were published together with the date of the referendum in the previously mentioned official Department press release dated February 8, 1988. The dates of the representative period will be included on documents used in connection with registration and certification. The March 31, 1988, ending date is over 1 month prior to date of the referendum.

Two commentors expressed concern that all counties may not have county extension offices and recommended that a county extension office be opened, and staffed in the county seat of every county on the day of the referendum to assure that all producers have easy access to the designated polling place.

The Act requires that the referendum be conducted at county extension offices. The referendum will be conducted at county extension offices in existence and fully operational at the time of the referendum. Despite the fact that there are some counties which do not have a county extension office within the county, such counties are served by county extension offices in adjacent or neighboring counties. Therefore, persons desiring to vote in the referendum will have a polling place for in-person voting. For those persons who are unable to vote in person there are provisions contained in this final rule for voting by absentee ballot.

In a related comment, it was suggested that persons be allowed to vote in the county extension office nearest their residence. The commentor pointed out that in some instances a person's residence may be closer to a county extension office located in a county other than the person's county of residence and it would be more convenient for the person to vote at the nearest county extension office. While such a provision for in-person voting might be more convenient, the entire referendum process including registration, voting, ballot verification, challenging of voter eligibility, and resolution of challenges for both in-person and absentee voting is based on registering and voting in a person's county of residence. To permit persons to vote at the county extension office nearest their residence would create major recordkeeping problems and impair the Department's ability to conduct the referendum in a manner that will ensure the integrity of the vote. For these reasons this suggestion is not adopted in this final rule.

One commentor suggested that the "normal business hours" of county extension offices referenced in § 1260.429 be defined as the time from which the county extension office opens to the time it closes on a normal daily basis and all hours in-between to ensure that all offices would be open during the lunch hour (12 noon to 1 p.m.). The commentor believes that it is necessary to keep offices open during the lunch hour so that producers may take advantage of the time to travel to the offices and vote. While the Agency believes that this suggestion could serve to facilitate voting, the normal business hours of each county extension office and the staffing of the office are regulated by the county or State Extension Service director. All county extension offices are being encouraged to remain open during the lunch hour on the day of the referendum. Additionally, the hours during which a county extension office will be open on the day of the referendum will be included along with other pertinent information in public notices on the referendum. For the above reason this suggestion is not being adopted.

One commentor recommended that § 1260.432(b) be amended to require that an extra envelope pre-addressed with the appropriate county extension office address be provided for mailing the absentee ballots to the county ES office and suggested amendatory language. The commentor contended that providing pre-addressed envelopes would be beneficial by: (1) Eliminating confusion among absentee voters as to which county extension office to mail the absentee ballot, (2) preventing illegible or mis-addressed envelopes, and (3) facilitating the receipt and processing of absentee ballots by the county extension office personnel. There is merit in this suggestion and it is being adopted with certain modifications. In developing the proposed referendum procedures, the envelope marked "Beef Referendum" was intended to be the outer mailing envelope for the completed ballot. Section 1260.432(b) will be revised to indicate that the envelopes marked "Beef Referendum" shall be pre-addressed with the address of the appropriate county extension office if: (1) The person requesting the absentee ballot provides the State ES office with his or her county of residence or location of its main office, if a corporation or other entity, or (2) such county can otherwise be determined. In a related suggestion, this same commentor also recommended that persons requesting absentee ballots be requested to include in their address the county in which they reside. While individuals and corporations or other entities are encouraged to include the county of their residence or location of their main office, as appropriate, it is unnecessary to require such information by regulation.

One commentor pointed out an inconsistency in the procedures for transmitting to the county ASCS office the completed Absentee Voter Request List prepared by the State ES office and suggested that a technical correction was required. The commentor cited § 1260.436(a) which provides that a copy of the applicable Absentee Voter Request List (Form LS–39–3) prepared by the State ES office shall be provided to each ASCS county for absentee voter verification. Additionally, § 1260.436 requires the county ES agent to deliver the Absentee Voter Request List to the ASCS county office. The commentor is concerned that the proposed rules do not specify that the Absentee Voter Request List will be provided to the county ES agent by the State ES office. Section 1260.436(a) is revised in this final rule to reflect that the State ES office will provide to the county ES agent, a copy of the Absentee Voter Request List.

Two commentors suggested changes in the dates absentee ballots are due in county extension offices. One commentor suggested that the proposed due date of 5 working days before the date of the referendum be changed to a postmarked date of May 3, 1988. The other commentor also suggested that the required date be expanded to include: (1) A postmarked date of at least 8 days in advance of the date of the referendum and received by the date of the referendum, and (2) the date mailed by certified or registered mail but no less than 6 business days prior to the date of the referendum and received by the date of the referendum. Both commentors were concerned that delays in mail over which voters have no control would cause absentee ballots to be delivered after the date on which they were due in the county extension office thus making them invalid. Such concern is understandable. However, it is necessary that absentee ballots be received not later than 5 business days before the date of the referendum so that county ES agents will have sufficient time to properly record the names of absentee voters so that they can be reviewed on the day of the referendum and again on the second business day after the referendum at the ASCS county office for purposes of an eligibility challenge and voter verification. Accordingly, this suggestion is not adopted in this final rule.

One commentor suggested that § 1260.432 be modified to provide eligible producers an opportunity to vote in instances where they did not receive an absentee ballot in a timely manner or were not included on the list of absentee voters. The Procedures for the Conduct of the Referendum as proposed do not prevent a person who requests an absentee ballot, but who does not file it for whatever reason, from casting a ballot in person on the day of the referendum. Likewise, if there is no record of a person's absentee ballot being received by the county ES office, in accordance with applicable sections of this final rule, such person, if otherwise eligible, may vote in person on the day of the referendum. Section 1260.432 provides that each eligible producer or importer who has not voted by means of an absentee ballot may cast a ballot in person. Consequently, it is clear that a person who has requested, but not used an absentee ballot is entitled to vote in person. However, it is not clear that a person who casts an absentee ballot that is not recorded as being received or that is not received in the county extension office by the specified date is entitled to vote in person. Accordingly, that section is being clarified in this final rule.

One commentor raised a question about an inconsistency in § 1260.437 "ASCS County Office Report" and cited two sentences in that section. The commentor pointed out that the first sentence states that the results of the referendum in each county *may* be made available to the public. However, the next sentence states that a copy of the report of the results *shall* be posted for 30 days in the ASCS county office in a conspicuous place accessible to the public.

The intent of this section as proposed was that the referendum results in each county could be released immediately upon completion of the counting of ballots and any required review for the verification for accuracy. Additionally, such results would be posted thereafter for a 30 day period. Accordingly, the applicable sentences in § 1260.437 are revised in this final rule to clarify their intent.

Two comments were received concerning the requirements for reporting of the referendum results in each county by the ASCS county office. Both commentors were concerned that no time period had been specified to ensure the prompt compilation and reporting of referendum results by county offices. It was one commentor's

belief that without such specified time periods, there could be market disruptions, numerous compliance problems, and general confusion with the program. That commentor suggested that the results of the referendum in each county be reported by the county ASCS office to the State ASCS office as soon as possible after the ballots have been counted. The other commentor suggested that county ASCS offices be required to report referendum results in each county to the State ASCS office no later than the 11th day following the referendum. The Department acknowledges the importance of timely and accurate reporting of the referendum results and recognizes the potentially disrupting influence which any delay in the reporting of results could have in the marketplace and shares the commentor's concern. It was the Department's intent in setting forth the reporting requirements in §§ 1260.437, 1260.438, and 1260.439 that the results of the referendum in each county would be reported promptly to the State ASCS office by the county ASCS office after the counting of ballots on the 10th business day following the date of the referendum. The Department anticipates that most county ASCS offices will be able to report the referendum results to State ASCS offices by the close of business on the day the ballots are counted. Detailed, written instructions are being provided to all county offices which contain specific reporting requirements and which emphasize the necessity for timely and accurate reporting of results. However, to require absolute time limits in these rules for reporting would impose unreasonable and unduly restrictive limitations on each county's ability to compile, verify, and report accurate results, particularly in view of the magnitude of the reporting process. Over 2900 county ASCS offices will be reporting results to the 50 State ASCS offices, which in turn will compile and report State results to area ASCS offices. Area results will be reported to the ASCS Administrator's office in Washington, DC. For the above stated reason, this suggestion is not being adopted in this final rule.

In order to carry out the statutory timetable for the conduct of the referendum, it is necessary that this final rule be effective on the date of publication in the **Federal Register**. Accordingly, pursuant to 5 U.S.C. 553, it is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Marketing Agreements, Meat and Meat Products, Beef and Beef Products.

For the reasons set forth in the preamble, Title 7 of the CFR, Part 1260 is amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for 7 CFR Part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 *et seq.*

2. Subpart C, consisting of §§ 1260.500 through 1260.640 is redesignated as Subpart D.

3. Add new "Subpart C" to read as follows:

Subpart C—Procedure for the Conduct of Referendum

Definitions

Sec.

1260.401 Act.
1260.402 Administrator.
1260.403 Agricultural Stabilization and Conservation County Committee.
1260.404 Agricultural Stabilization and Conservation Service.
1260.405 Agricultural Stabilization and Conservation Service County Executive Director.
1260.406 Beef.
1260.407 Beef Products.
1260.408 Cattle.
1260.409 Department.
1260.410 Deputy Administrator.
1260.411 Extension Service.
1260.412 Extension Service Agent.
1260.413 Imported Beef and Beef Products.
1260.414 Importer.
1260.415 Order.
1260.416 Person.
1260.417 Producer.
1260.418 Public notice.
1260.419 Referendum.
1260.420 Registration period.
1260.421 Representative period.
1260.422 Secretary.
1260.423 State.
1260.424 United States.
1260.425 Voting period.

Referendum

1260.426 General.
1260.427 Supervision of referendum.
1260.428 Eligibility.
1260.429 Time and place of registration and voting.
1260.430 Facilities for registering and voting.
1260.431 Registration form and ballot.
1260.432 Registration and voting procedure.
1260.433 List of registered producers and importers.
1260.434 Challenge of eligibility.
1260.435 Receiving ballots.
1260.436 Canvassing ballots.
1260.437 ASCS county office report.
1260.438 ASCS State office report.
1260.439 Results of the referendum.
1260.440 Disposition of ballots and records.
1260.441 Instructions and forms.

Subpart C—Procedure for the Conduct of Referendum

Definitions

§ 1260.401 Act.

"Act" means the Beef Promotion and Research Act of 1985 set forth in Title XVI, Subtitle A of the Food Security Act of 1985 (Pub. L. 99–198) and any amendments thereto.

§ 1260.402 Administrator.

"Administrator" means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom there has heretofore been delegated or may hereafter be delegated, the authority to act in the Administrator's stead.

§ 1260.403 Agricultural Stabilization and Conservation County Committee.

"Agricultural Stabilization and Conservation County Committee," also referred to as "ASC County Committee" means the group of persons within a county elected to act as the county Agricultural Stabilization and Conservation Committee.

§ 1260.404 Agricultural Stabilization and Conservation Service.

"Agricultural Stabilization and Conservation Service," also referred to as "ASCS" means the Agricultural Stabilization and Conservation Service of the Department.

§ 1260.405 Agricultural Stabilization and Conservation Service County Executive Director.

"Agricultural Stabilization and Conservation Service County Executive Director," also referred to as "ASCS county Executive Director" means the person employed by the ASC county committee to execute the policies of the ASC county committee and be responsible for the day-to-day operation of the ASCS county office, or the person acting in such capacity.

§ 1260.406 Beef.

"Beef" means flesh of cattle.

§ 1260.407 Beef Products.

"Beef Products" means edible products produced in whole or in part from beef, exclusive of milk and products made therefrom.

§ 1260.408 Cattle.

"Cattle" means live domesticated bovine animals regardless of age.

§ 1260.409 Department.

"Department" means the United States Department of Agriculture.

§ 1260.410 Deputy Administrator.

"Deputy Administrator" means the Deputy or Acting Deputy Administrator, State and County Operations, Agriculture Stabilization and Conservation Service, U.S. Department of Agriculture.

§ 1260.411 Extension Service.

"Extension Service" also referred to as "ES" means the Extension Service of the Department.

§ 1260.412 Extension Service Agent.

"Extension Service Agent" also referred to as "ES Agent" or designee means an employee of the Extension Service of the Department.

§ 1260.413 Imported Beef and Beef Products.

"Imported Beef and Beef Products" means products which are imported into the United States which the Secretary determines contain a substantial amount of beef including those products which have been assigned one or more of the following numbers in the Tariff Schedule of the United States: 106.1020, 106.1040, 106.1060, 106.1080, 107.2000, 107.2520, 107.4000, 107.4500, 107.4820, 107.4840, 107.5220, 107.5240, 107.5500, 107.6100, 107.6200, 107.6300.

§ 1260.414 Importer.

"Importer" means any person who imports cattle, beef or beef products from outside the United States.

§ 1260.415 Order.

"Order" means the Beef Promotion and Research Order.

§ 1260.416 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

§ 1260.417 Producer.

"Producer" means any person who owns or acquires ownership of cattle; provided, however, that a person shall not be considered a producer within the meaning of this subpart if (a) the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee; or (b) the person (1) acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party, (2) resold such cattle no later than ten (10) days from the date on which the person acquired ownership, and (3) certified, as required by regulations prescribed by the Board and approved by the Secretary, that the requirements of this provision have been satisfied.

§ 1260.418 Public Notice.

"Public Notice" means information regarding a referendum which shall be provided by the Secretary, without advertising expenses, through press releases and by State and county ES offices and county ASCS offices, by means of newspapers, television, radio, county newsletters, and the like. Such notice shall contain the referendum date, registration and voting requirements, and other pertinent information.

§ 1260.419 Referendum.

"Referendum" means the initial referendum to be conducted pursuant to the Act by the Secretary not later than 22 months after issuance of an Order whereby producers and importers shall be given the opportunity to vote to determine whether the continuance of the Order is favored by a majority of producers and importers voting.

§ 1260.420 Registration period.

"Registration period" means a 1-day period to be announced by the Secretary for registration of producers and importers desiring to vote in a referendum. The registration period shall be the same day as the voting period.

§ 1260.421 Representative period.

"Representative period" means the period designated by the Secretary pursuant to section 7(a) of the Act.

§ 1260.422 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in the Secretary's stead.

§ 1260.423 State.

"State" means each of the 50 States.

§ 1260.424 United States.

"United States" means the 50 States and the District of Columbia.

§ 1260.425 Voting period.

"Voting period" means a 1-day period to be announced by the Secretary for voting in a referendum.

Referendum

§ 1260.426 General.

(a) A referendum to determine whether eligible producers and importers favor the continuance of the Order shall be conducted in accordance with this subpart.

(b) The Order shall continue only if the Secretary determines that the Order is approved or favored by a majority of the producers and importers casting valid ballots in a referendum.

(c) The referendum shall be conducted at the county offices of the Extension Service of the Department.

(d) The Agricultural Stabilization and Conservation Service of the Departmemt shall assist in the conduct of the referendum.

§ 1260.427 Supervision of referendum.

The Administrator (AMS) shall be responsible for conducting the referendum in accordance with this subpart.

§ 1260.428 Eligibility.

(a) *Eligible Producers.* Each person who was a producer during the representative period is entitled to register and vote in the referendum. Each producer entity shall be entitled to cast only one ballot in the referendum.

(b) *Eligible Importers.* Each person who was an importer during the representative period is entitled to register and vote in the referendum. Each importer entity shall be entitled to cast only one ballot in the referendum.

(c) *Proxy registration and voting.* Proxy registration and voting is not authorized except that an officer or employee of a corporate producer or corporate importer, or any guardian, administrator, executor, or trustee of a producer's or importer's estate, or an authorized representative of any eligible producer entity or eligible importer entity (other than an individual producer or importer), such as a corporation or partnership, may register and cast a ballot on behalf of such entity. Any individual registering to vote in the referendum on behalf of any producer or importer entity shall certify that he or she is authorized by such entity to take such action.

(d) *Joint and group interest.* A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation, engaged in the production of cattle as a producer entity or in the importation of cattle, beef, or beef products into the United States as an importer entity shall be entitled to only one vote; provided, however, that any member of a group may register to vote as a producer or importer if he or she is an eligible producer or importer separate from the group.

§ 1260.429 Time and place of registration and voting.

The referendum shall be held for 1 day on a date to be determined by the Secretary. Eligible persons shall register and vote following the procedures in § 1260.432. Except for absentee ballots, the registration and voting shall take place during the normal business hours of each county ES office.

§ 1260.430 Facilities for registering and voting.

Each county ES office shall provide: (1) Adequate facilities and space to permit producers and importers to register and to mark their ballots in secret and (2) a sealed box or other suitable receptacle for registration forms and ballots which shall be kept under observation during office hours and secured at all times. Copies of the Order shall be available for review.

§ 1260.431 Registration form and ballot.

A registration form/envelope marked "Beef Referendum" (Form LS–40–2) and ballot (Form LS–40) shall be used for voting in person. The information required on the registration form, which is printed on an envelope, includes name, address, phone number, and voter status (producer or importer). The registration form/envelope also contains a certification statement, referenced in § 1260.432(a)(1). The ballot requires producers and importers to check a "yes" or a "no." A similar registration form and ballot (Form LS–39) shall be used for absentee voting.

§ 1260.432 Registration and voting procedure.

(a) *Registering and voting in person.* (1) Each producer and importer desiring to vote in the referendum shall register on the day of voting at the county ES office in which the producer's or importer's residence is located or at the county ES office serving the county in which the producer's or importer's residence is located. Producer or importer entities other than individuals shall register at the county ES office in the county in which their headquarters office or business is located or at the county ES office serving the county in which the entities' headquarters office or business is located. Producers and importers will be required to list their names on the voter registration list (Form LS–40–3) prior to receiving a registration form and ballot. To register, each producer or importer shall complete the registration form/envelope and certify that: (1) They or the entity they represent were producers or importers during the specified representative period and (2) if voting on behalf of an entity referred to in § 1260.428, they are authorized to do so.

(2) Each eligible producer or importer who has not voted by means of an absentee ballot may cast a ballot in person at the location and time set forth in § 1260.429 and on a date to be announced by the Secretary. Eligible persons who enter their names on the voter registration list (Form LS–40–3) will receive a registration form/envelope (Form LS–40–2) and a ballot (Form LS–40). Voting shall be by secret ballot under the supervision of the local county ES agent or designee. The ballot shall be marked by the voter to indicate "yes" or "no." Voters shall place their marked ballots in an envelope marked "Beef Ballot", seal it and place it in the completed and signed registration form/envelope, seal that envelope and personally place it in a box marked "Ballot Box" or other suitable receptacle.

(b) *Absentee voting.* (1) Eligible producers or importers unable to vote in person may request and obtain a combined absentee registration form and absentee ballot (Form LS–39) and two envelopes—one marked "BEEF BALLOT" and the other marked "BEEF REFERENDUM" by mail from the State ES office of the State in which they reside if individuals, or where their main office is located, if a corporation or other entity. To facilitate mailing of absentee ballots the "BEEF REFERENDUM" envelope will be preaddressed with the address of the county ES office in which the person requesting the absentee ballot resides or has its main office, or the county ES office serving the county in which the person requesting the absentee ballot resides or has its main office if: (1) The person requesting the absentee ballot includes in the address his or her county of residence or the county where its main office is located or (2) if such county can be otherwise determined. Only one absentee registration form and absentee ballot will be provided to each eligible producer or importer. Form LS–39 must be requested in writing and will be available from State ES offices during a specified time period which will be announced by the Secretary. The State ES office shall enter on the absentee voter request list (Form LS–39–3) the name and address of each person or entity requesting an absentee ballot, and the date the Form LS–39 was mailed. A copy of the applicable absentee voter request list (Form LS–39–3) prepared by the State ES office shall be provided to the appropriate county ES agent who shall deliver it to each ASCS county office as provided for in § 1260.436 for absentee voter verification.

(2) To register, eligible producers or importers must complete and sign the registration form (Form LS–39), and certify that (1) they or the entity they represent were producers or importers during the specified representative period and (2) if voting on behalf of an entity referred to in § 1260.428, they are authorized to do so.

(3) A producer or importer, after completing the registration form and marking the ballot, shall remove the ballot portion of Form LS–39 and seal the completed ballot in a separate envelope marked "BEEF BALLOT" and place it in a second envelope marked "BEEF REFERENDUM" along with the signed registration form. Producers and importers shall print and sign their names on the envelope marked "BEEF REFERENDUM" and mail it to the local county ES office of the county in which they reside or the county ES office serving the county in which they reside. In the case of a partnership, corporation, estate, or other entity, the registration form and ballot must be mailed to the county ES office in the county in which its main office is located or the county ES office in the county serving the county in which its main office is located.

(4) Absentee ballots must be received in the county ES office by the close of business, 5 business days before the date of the referendum. Absentee ballots received after that date shall be counted as invalid ballots. Upon receiving the "BEEF REFERENDUM" envelope containing the registration form and ballot, the county ES agent or designee shall place it, unopened in a secure ballot box. The county ES agent or designee shall enter the names of absentee voters on the voter registration list (Form LS–40–3).

(5) A person casting an absentee ballot which is not recorded as being received or which is received after the deadline specified in this section may vote in person at the appropriate county ES office on the day of the referendum.

§ 1260.433 List of registered producers and importers.

The voter registration list (Form LS–40–3) shall be available for inspection on the day of the referendum at the county ES office and subsequently at the ASCS county office. It shall be posted during regular office hours in a conspicuous public location at the ASCS county office on the second business day following the date of the referendum.

§ 1260.434 Challenge of eligibility.

(a) *Challenge period.* On the day of the referendum, the names of challenged voters may be reported to the ES county agent who will refer them to the ASCS county office. After that, the names of challenged voters shall be referred directly to the ASCS county office. A challenge of a person's eligibility to vote may be made no later than the close of business on the second business day after the date of the referendum.

(b) *Who may challenge.* A person's eligibility to vote may be challenged by any person.

(c) *Determination of challenges.* The ASC county committee or its representative shall make a determination concerning the eligibility of a producer or importer who has been challenged and notify challenged producers and importers as soon as practicable, but not later than 5 business days after the date of the referendum. If the ASC county committee or its representative is unable to determine whether a person was a producer or importer during the representative period, it may require the person to submit records such as tax returns, sales documents, purchase documents, or other similar documents to prove that the person was a producer or importer during the representative period.

(d) *Challenged ballot.* The registration form/envelopes (Form LS–40–2) containing the ballots cast by producers and importers voting in person whose eligibility is challenged shall be removed from the ballot box and placed in a separate box until the challenge has been resolved. Envelopes containing absentee voter registration forms and absentee ballots (Fons LS–39) of challenged absentee voters also shall be removed from the ballot box and placed in the box containing ballots of challenged producers and importers. A challenged ballot shall be determined to have been resolved if the determination of the ASC county committee or its representative is not appealed within the time allowed for appeal or there has been a determination by the ASC county committee after an appeal.

(e) *Appeal.* A person declared to be ineligible to register and vote by the ASC county comnittee or its representative may file an appeal at the ASCS county office within 3 business days after notification of such decision. Such person may be required to provide documentation such as tax returns, sales documents, or purchase documents in order to demonstrate his or her eligibility. An appeal shall be determined by the ASC county committee as soon as practicable, but in all cases not later than the 9th business day after the date of the referendum. The ASC county committee's determination on an appeal is final.

§ 1260.435 Receiving ballots.

A ballot shall be considered to have been received during the voting period if: (a) It was cast in the county ES office prior to the close of business on the day of the referendum or (b) an absentee ballot was received in the county ES office not later than close of business 5 business days before the date of the referendum.

§ 1260.436 Canvassing ballots.

(a) *Counting the ballots.* The county ES agent or designee shall deliver: (1) The sealed ballot box, (2) the voter registration list (Form LS–40–3) and (3) the absentee voter request list (Form LS–39–3) to the ASCS county office by the close of business on the first business day following the date of the referendum. ASCS county employees and the county ES agent or designee shall check the registration forms of all voters against the voter registration list (Form LS–40–3) and the absentee voter request list (Form LS–39–3) to determine properly registered voters. The ballots of producers or importers voting in person whose names are not on the voter registration list (Form LS–40–3) shall be declared invalid. Likewise, the ballots of producers or importers voting absentee, whose names are not on the absentee voter request list (Form LS–39–3) shall be declared invalid. Ballots declared invalid and all ballots of challenged voters declared ineligible shall be kept separate from the other ballots and the envelopes containing these ballots shall not be opened. The valid ballots shall be counted on the 10th business day after the referendum date. ASCS county office employees shall remove the sealed "BEEF BALLOT" envelopes from the registration form/envelopes or absentee ballot envelopes of all eligible voters and all challenged voters determined to be eligible. When removing the "BEEF BALLOT" envelopes, steps shall be taken to ensure that the voter's name cannot be identified. After removing all "BEEF BALLOT" envelopes, ASCS county employees shall open them and count the ballots. The ballots shall be tabulated as follows: (1) Number of eligible producers and importers casting valid ballots, (2) number of producers and importers favoring the order, (3) number of producers and importers not favoring the order, (4) the number of challenged ballots, (5) the number of challenged ballots deemed ineligible, (6) number of invalid ballots, and (7) the number of spoiled ballots.

(b) *Invalid Ballots.* Ballots shall be declared invalid if a producer or importer voting in person has failed to sign the voter registration list (Form LS–40–3), or an absentee voter's name is not on the absentee voter request list (Form LS–39–3), or the registration form or ballot was incomplete or incorrectly completed.

(c) *Spoiled ballots.* Ballots shall be considered as spoiled ballots when they are mutilated or marked in such a way that it cannot be determined whether it is a "yes" or a "no" vote. Spoiled ballots shall not be considered as approving or disapproving the Order, or as a ballot cast in the referendum.

(d) *Confidentiality.* All ballots shall be confidential and the contents of the ballots shall not be divulged except as the Secretary may direct. The public may witness the opening of the ballot box and tabulation of the votes but may not interfere with the process.

§ 1260.437 ASCS county office report.

The ASCS county office shall notify the ASCS State office of the results of the referendum. Each ASCS county office shall transmit the results of the referendum in its county to the ASCS State office. Such report shall include the information listed in § 1260.436(a). The results of the referendum in each county may be made available to the public immediately after the ballots have been counted and any verification for accuracy has been completed. A copy of the report of those results shall be posted for 30 days in the ASCS county office in a conspicuous place accessible to the public, and a copy shall be kept on file in the ASCS county office for a period of at least 12 months.

§ 1260.438 ASCS State office report.

Each ASCS State office shall transmit to the Deputy Administrator, ASCS, a written summary of the results of the referendum received from all the ASCS county offices within the State. The summary shall include the information on the referendum results contained in the reports from all county offices within each State and be certified by the ASCS State executive director. The ASCS State office shall maintain a copy of the summary where it shall be available for public inspection for a period of not less than 12 months.

§ 1260.439 Results of the referendum.

(a) The Deputy Administrator, ASCS, shall submit to the Administrator, AMS, the results of the referendum. The Administrator shall prepare and submit

to the Secretary a report of the results of the referendum. The results of the referendun shall be issued by the Department in an official press release and published in the **Federal Register**. State reports, and related papers shall be available for public inspection in the office of the Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, Room 2610 South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC.

(b) If the Secretary deems it necessary, the report of any State or county shall be re-examined and checked by such persons that may be designated by the Deputy Administrator, ASCS, or the Secretary.

§ 1260.440 Disposition of ballots and records.

Each ASCS county executive director shall place in sealed containers marked with the identification of the referendum, the voter registration list, absentee voter request list, voted ballots, challenged registration forms/envelopes, challenged absentee voter registration forms, challenged ballots found to be ineligible, invalid ballots, spoiled ballots, and county summaries. Such records shall be placed under lock in a safe place under the custody of the ASCS county executive director for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Deputy Administrator, ASCS, by the end of such time, the records shall be destroyed.

§ 1260.441 Instructions and forms.

The Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart to govern the conduct of the referendum.

Done at Washington, DC, on March 22, 1988.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 88-6556 Filed 3-25-88; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245a

[INS Number: 1052-88]

Definitions of Felony and Misdemeanor

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule defines the terms "felony" and "misdemeanor" that are set forth at 8 CFR 245a.1(o) and 8 CFR 245a.1(p), respectively. The purpose of this rule is to alleviate the harsh effect that the prior definition had on certain otherwise eligible aliens who apply for temporary resident status under section 245A of the Immigration and Nationality Act.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: Lori Scialabba, 202-633-2895, 425 I Street., NW., Room 7048, Washington, DC 20536.

SUPPLEMENTARY INFORMATION: The Immigration Reform and Control Act of 1986 (IRCA) established a program whereby certain aliens who have been residing unlawfully in the United States since January 1, 1982, can legalize their status. IRCA set forth a number of statutory criteria that an alien has to meet in order to legalize his or her status. One of these criteria is that the alien must establish that he or she "has not been convicted of any felony or of three or more misdemeanors committed in the United States." (8 U.S.C. 1255a(a)(4)(B)). After a notice and comment period the Immigration and Naturalization Service (Service) promulgated final regulations implementing the legalization program and defining the terms "felony" and "misdemeanor." (See 52 FR 16205-16216 (May 1, 1987)).

The term "felony" was defined as "a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any." (8 CFR 245a.1(p)). The term "misdemeanor" was defined as "a crime committed in the United States punishable by imprisonment for a term of one year or less but more than five days, regardless of the term such alien actually served, if any." (8 CFR 245a.1(o)).

Since May 5, 1987, aliens have been applying for temporary resident status under the legalization program. During this time the Service has had an opportunity to review the effect of the regulations implementing this provision. Based on that review the Service proposed, on September 30, 1987, 52 FR 36582, that the definitions of "felony" and "misdemeanor" be amended. INS Legalization Offices and the Regional Processing Facilities were informed of the proposed change and instructed to hold the final adjudication of applications that would be affected by the proposed change to the regulations.

Comments on the proposed change were received and are discussed below. Several suggestions from commenters have been incorporated into the final rule.

Comments

Some commenters suggested that the "sentence actually imposed" should determine whether the conviction is to be treated as a "misdemeanor" or "felony" for purposes of legalization. One commenter suggested that the definitions of "misdemeanor" and "felony" follow the guidelines in section 212(a)(9) of the Immigration and Nationality Act ("INA"), in order to address the problem of varying maximum sentences among the states for identical crimes.

The Service has considered and rejected this suggestion based upon the legislative history relating to section 245a(a)(4)(B) of IRCA which provided the definitions of "felony" and "misdemeanor" which were published in the May 1, 1987 regulations, 52 FR 16205. The Senate report on S.1200, dated August 28, 1985 clearly indicates that Congress did not want the Service to consider the term actually served when determining whether an applicant had been convicted of a "felony" or "misdemeanor."

> * * * He must show * * *; that he has not been convicted of any felony (crime punishable at the time of conviction by imprisonment for a term of more than 1 year, regardless of the term such alien actually served, if any) or three or more misdemeanors (crimes each of which was punishable at the time of conviction by imprisonment for a term of 1 year or less, regardless of the term such alien actually served, if any) * * *.

S. Rept. No. 132, 99th Cong., 1st Sess. at 45-46 (1985). The definitions contained in the regulation reflect the intent of Congress. For this reason the Service has rejected the suggestion. However, the term "sentence imposed" which is used in the exception contained in the proposed "felony" definition will be amended to read "sentence actually imposed."

The Service is concerned that certain States' criminal statutes have maximum terms of imprisonment for more than one year, while other States have a maximum term of imprisonment for less than one year for the same offenses. This discrepancy is particularly unfair for purposes of determining whether a crime is a felony, since one felony will render an applicant ineligible for legalization. The regulation proposed on September 30, 1987, which provided an exception to the "felony" definition, was

the Service's response to the effect the May 1, 1987 regulations were having on legalization applicants.

Several commenters also suggested that the exception contained in the definition of felony be amended to read "sentence served" rather than "sentence imposed." The commenters suggested this change because the term "sentence imposed" is difficult to interpret, particularly when a defendant is granted probation. The Service has rejected this suggestion, since it is also contrary to legislative intent. However, the following discussion addresses the issues raised by these commenters.

"Sentence Actually Imposed"

Under U.S. law, courts may do the following regarding sentencing persons convicted of crimes: The court may (1) impose a sentence, or (2) suspend imposition of the sentence. If the court imposes a sentence, it may suspend execution of that sentence.

It is the Service's position that when imposition of the sentence is suspended, no sentence has been actually imposed. When a sentencing court issues such an order, the defendant is generally placed on probation. In this situation the alien will not have had a sentence of more than one year actually imposed. Therefore, assuming the offense is defined as a misdemeanor by the state, the offense would be a misdemeanor for purposes of legalization eligibility. However, if the crime renders the alien excludable under 212(a) (9), (10) or (23) of the INA, the classification of the crime as a "misdemeanor" or "felony" will be irrelevant.

In a case where the execution of the sentence is suspended, a sentence has actually been imposed, even though probation may also be granted. In this situation, the sentence that was suspended would have to be one year or less for the crime to be considered "misdemeanor" under the felony exception.

The reason for this distinction is that when imposition of the sentence is suspended, the trial court may, on revocation of probation, impose any sentence it might originally have imposed. However, if the sentence is imposed and its execution is suspended, the sentence may not be increased when probation is revoked.

Another aspect of this issue is whether probation itself is a "sentence." There may be instances in which probation is the actual sentence imposed, rather than the court suspending the imposition of the sentence or suspending the execution of the sentence. The Circuit Courts are split on this point. However, for purposes of interpreting the term "sentence actually imposed" in the felony exception, the Service will not consider probation to be a sentence. Therefore, an alien who is sentenced to probation, as opposed to having the execution of the sentence suspended and being granted a period of probation, will not have been sentenced to more than one year and may qualify for legalization under the felony exception.

Comments: "Felony" Definition

One commenter pointed out that the exception to the proposed "felony" definition is inconsistent with the proposed definition of "misdemeanor." The exception to the proposed "felony" definition provided that any offense that carried a possible sentence of more than one year would not be considered a felony for purposes of legalization if the state defined the offense as a misdemeanor and the sentence imposed was less than one year. This exception is inconsistent with the proposed definition of "misdemeanor," which provided that any crime punishable by imprisonment for a term of one year or less but more than five days, regardless of the term such alien actually served, if any, is a misdemeanor for purposes of legalization. The commenter suggested that the exception to the "felony" definition be worded the same as the definition for "misdemeanor." The Service has accepted this suggestion in part.

The exception to the "felony" definition in the proposed rule provided that the sentence imposed must be less than one year. The exception to the "felony" definition has been amended to provide that the crime committed shall be considered a misdemeanor if the state defines the offense as a misdemeanor and the sentence actually imposed is one year or less. This change clarifies that the exception includes a sentence of one year.

The exception to the "felony" definition will not, however, include the language in the proposed "misdemeanor" definition that relates to the five-day petty offense provision. The purpose of the felony exception is to alleviate the harsh effect of the "felony" definition on the eligibility of an alien for legalization. The inclusion of the five-day petty offense provision in the felony exception would allow an applicant, who has been convicted of a crime punishable by a term of imprisonment of more than one year, a "felony," to have that conviction reduced to a petty offense. For this reason the exception to the felony definition will not include the five-day petty offense provision contained in the proposed "misdemeanor" definition.

Comments: "Misdemeanor" Definition

The Service received no comments directly related to the proposed "misdemeanor" definition. However, it was apparent from the comments received that the proposed "misdemeanor" definition did not clearly indicate the policy of the Service with regard to the five-day petty offense provision. The policy of the Service is that any crime which carries a maximum sentence of five days will not be considered a misdemeanor for purposes of legalization. In order to clarify this policy the "misdemeanor" definition has been amended.

Conclusion

Accordingly, consistent with the spirit of the legalization program, the Service is amending the definition of "felony" by creating an exception to the definition when the offense is defined by the state as a misdemeanor and the sentence actually imposed is one year or less. The definition of "misdemeanor" is amended to include any crime which meets the requirements of the exception under the "felony" definition and to clarify the five-day petty offense exception.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule would not, if promulgated, have a significant impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 245a

Aliens, Temporary resident status and permanent resident status.

PART 245a—[AMENDED]

1. The authority citation for Part 245a continues to read as follows:

Authority: Pub. L. 99-603, 100 Stat. 3359; 8 U.S.C. 1101 note.

2. In § 245a.1, paragraphs (o) and (p) are revised to read as follows:

§ 245a.1 Definitions.

* * * * *

(o) "Misdemeanor" means a crime committed in the United States, either (1) punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or (2) a crime treated as a misdemeanor under 8 CFR 245a.1(p). For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a misdemeanor.

(p) "Felony" means a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any, except: When the offense is defined by the State as a misdemeanor and the sentence actually imposed is one year or less regardless of the term such alien actually served. Under this exception, for purposes of 8 CFR Part 245a, the crime shall be treated as a misdemeanor.

Dated: March 17, 1988.

Mark W. Everson,

Deputy Commissioner, INS.

[FR Doc. 88-6707 Filed 3-25-88; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-149-AD; Amdt. 39-5884]

Airworthiness Directives; Boeing Model 737-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Model 737-300 series airplanes, which requires modification of the escape slide, packing method, and installation on the forward doors. This amendment is prompted by reports of slide girt material interfering with the girt bar stowage brackets during door opening, arresting the door opening motion. This condition, if not corrected, could cause delay during an emergency evacuation.

EFFECTIVE DATE: May 9, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124; and from Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Gardlin, Airframe Branch, ANM-120S; telephone (206) 431-1932. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires modification of the forward escape slides and containers of certain Model 737-300 series airplanes, was published in the **Federal Register** on December 14, 1987 (52 FR 47399).

In the preamble to the Notice of Proposed Rulemaking (NPRM), it was stated that The Boeing Company was developing a service bulletin which would contain specific instructions for the accomplishment of the proposed modifications. The FAA has now reviewed and approved Boeing Alert Service Bulletin 737-25A1221, dated December 17, 1987, which references Air Cruisers Service Bulletin 103-25-11, and contains instructions for installing the required modifications. Paragraph A. of the final rule has been revised to reflect this particular modification as an acceptable means of compliance.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

One commenter directed its comments at the content of Boeing Alert Service Bulletin 737-25A1221. The commenter questioned the effectiveness of the modification described in that service bulletin as a remedy for the problem and proposed a different modification. The operator also objected to the use of a placard (depicting the proper stowed configuration of the girt) described in the Boeing service bulletin, believing this will require inspection by the flight crew prior to each flight. While there may be other modifications which would effectively correct the girt retention problem, and which, therefore, may be used in accordance with paragraph B. of the AD, the FAA finds that Boeing Alert Service Bulletin 737-25A1221 describes a satisfactory modification. With respect to operational impact of the modification, it is not intended that flight crewmembers be required to maintain the escape slide in its modified configuration. The service bulletin does describe provisions for a placard that is visible to crewmembers; however, the placard illustrates the proper configuration should the slide be inadvertently altered.

The second commenter noted that the proposed modifications might require more manhours than stated in the NPRM, and requested an extension of the compliance time from 6 months to 15 months to allow the work to be done at more convenient "C" check intervals. The FAA agrees that more manhours would be required to accomplish the modification in accordance with Boeing Alert Service Bulletin 737-25A1221. Accordingly, the estimated economic impact, as discussed below, has been revised to reflect an increase from 4 manhours to 9 manhours per airplane to accomplish the required actions.

With respect to the compliance time, the FAA has determined that a 6-month compliance time is appropriate for accomplishing this modification. Parts are readily available and the required modifications allow flexibility in how they are accomplished. Spares can be rotated into the fleet to avoid down time. Therefore, the compliance time remains at 6 months, as proposed.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule.

It is estimated that 175 airplanes of U.S. registry will be affected by this AD, that it will take approximately 9 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The cost of parts is estimated to be $76 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $76,300.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because few, if any, Model 737-300 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 737-300 series airplanes, as listed in Boeing Alert Service Bulletin 737-25A1221, dated December 17, 1987, certificated in any category. Compliance required within 6 months after the effective date of this amendment, unless previously accomplished.

To prevent failure or interference of opening of the forward doors during an emergency evacuation, accomplish the following:

A. Modify escape slide packing and slide containers in accordance with Boeing Alert Service Bulletin 737-25A1221, dated December 17, 1987, or later FAA-approved revision.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124; and Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 9, 1988.

Issued in Seattle, Washington, on March 21, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-6623 Filed 3-25-88; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 87-ASW-42; Amdt. 39-5875]

Airworthiness Directives; Robinson Helicopter Model R22 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Robinson Model R22 series helicopters, certificated in any category, by individual priority letters. The AD requires visual inspection and checks to determine if cracks are present in components of each main rotor pitch link assembly with immediate replacement of any component found to contain a crack. Additionally, the AD requires replacement of a particular pitch link component within 10 hours' time in service, regardless of condition. The AD is needed to prevent loss of control of the helicopter.

DATES: *Effective Date:* April 25, 1988, as to all persons except those persons to whom it was made immediately effective by priority letter AD 87-18-03, issued August 28, 1987, which contained this amendment.

Compliance: As stated in the body of the AD.

ADDRESSES: The applicable Service Bulletin No. 57 and the maintenance manual information may be obtained from Robinson Helicopter Company, 24747 Crenshaw Boulevard, Torrance, California 90505. A copy of this Service Bulletin is contained in the Rules Docket at the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, Fort Worth, Texas, 76193-0007.

FOR FURTHER INFORMATION CONTACT: Charles W. Matheis, Airframe Section, ANM-172W, FAA, Northwest Mountain Region, Western Aircraft Certification Office, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007; telephone (213) 297-1356.

SUPPLEMENTARY INFORMATION: On August 28, 1987, priority letter AD No. 87-18-03 was issued and made effective immediately to all known U.S. owners and operators of certain Robinson Model R22 series helicopters. The AD requires inspection and checks of components of the main rotor pitch link assembly to determine if cracks are present and immediate replacement of any component found to contain a crack. The AD was prompted by a report of the discovery of cracks or material flaws in bar stock from a metal heat from which the components were manufactured. Failure of the pitch link assembly could lead to loss of control and subsequent loss of the helicopter.

Since it was found that immediate corrective action was required, it was determined that notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual priority letters issued August 28, 1987, to all known U.S. owners and operators of Robinson Model R22 series helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register**, with minor editorial changes in paragraphs (a), (a)(1), (a)(4) and its note, and (a)(4) (i) and (v), as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Robinson Helicopter Company: Applies to Model R22 series helicopters, certificated in any category, Serial Numbers 0580 through 0644, and helicopters which have had the A258–1 main rotor pitch link assembly, A258–2 fitting, A258–3 link, or A258–4 link assembly replaced between August 15, 1986, and May 7, 1987.

Compliance is required as indicated, unless already accomplished.

(a) Prior to further flight after the effective date of this AD, visually inspect main rotor pitch link assembly A258–1 (two per aircraft) as follows:

(1) Remove paint and visually inspect the A258–1 pitch link assembly using a 3X or greater magnifying glass.

(2) If a crack is found in the A258–2 upper fitting, replace it with a like serviceable part, prior to further flight.

(3) If a crack is found in the A258–3 lower link, replace the A258–1 pitch link assembly with a like serviceable part, prior to further flight.

Note: The A258–3 lower link and the B163–1 rod end make up the lower end A258–4 link assembly, as shown in Figure 2 of Robinson Helicopter Company Service Bulletin No. 57, dated May 11, 1987.

(4) Replace the A258–2 upper fitting in the pitch link assembly using the following steps:

Note: Reference the procedure given in Part B of Robinson Helicopter Company, Service Bulletin No. 57, dated May 11, 1987.

(i) Color code swashplate arms, pitch horns, and both pitch control link rod ends. If matching color marks are lost or length of pitch link assembly changes, track and balance the main rotor blades per Section 10.200, Track and Balance, dated May 22, 1987, of Robinson Helicopter Company maintenance manual or an approved equivalent.

(ii) Remove pitch links and measure overall length using a caliper or large micrometer. Record length to nearest 0.001 inch.

(iii) Disassemble pitch link. Do not remove rod end attached to A258–3 link assembly. Replace A258–2 fitting with like serviceable part.

(iv) Reassemble pitch link(s), keeping overall length to within ±0.005 of length measured before disassembly.

(v) Install on helicopter and torque attaching bolts to 100 inch-lbs., plus nut drag per Section 8.412, Swashplate Installation, dated May 22, 1987, of Robinson Helicopter Company maintenance manual or an approved equivalent.

(vi) Touch up paint using an epoxy primer and grey exterior paint. Mark all joints with a torque stripe.

(b) If no cracks are found in a link assembly, upper fitting or lower link, after visual inspection in paragraph (a)(1), the helicopter may be returned to service for an interval of time not to exceed 10 hours' time in service.

(c) Prior to each flight during the time interval specified in paragraph (b), visually check for cracks in the link assembly. The checks required by this AD may be performed by the pilot and must be recorded in accordance with FAR Section 43.9.

(d) Within the next 10 hours' time in service after receipt of this AD, remove and replace A258–2 fittings with serviceable parts. Conduct a dye penetrant or equivalent inspection for crack indications in the A258–3 link. Install airworthy parts in accordance with paragraph (a)(4).

(e) Replacement of all A258–2 fittings specified in this AD with serviceable fittings and inspection of the A258–3 links terminate action for the repetitive checks required by this AD.

(f) An alternate method of compliance with this AD, which provides an equivalent level of safety, may be used when approved by the Manager, Western Aircraft Certification Office, FAA, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007.

This amendment becomes effective on April 25, 1988, as to all persons except those persons to whom it was made immediately effective by priority letter AD 87–18–03, issued August 28, 1987, which contained this amendment.

Issued in Fort Worth, Texas, on March 3, 1988.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 88–6622 Filed 3–25–88; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 87–ANE–46; Amdt. 39–5882]

Airworthiness Directives; Teledyne Continental Motors IO–520BA, BB, IO–550B, and TSIO–520BE, LB, UB, and WB Series Engines Equipped With Air Conditioners

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Teledyne Continental Motors IO–520BA, BB, IO–550B, and TSIO–520BE, LB, UB, and WB series engines by individual priority letter. The AD requires the removal of the air conditioner compressor drive belt on those engine installations so equipped. The AD is needed to prevent possible starter adapter shaftgear assembly failure which could result in loss of lubricating oil and complete loss of engine power.

DATES: Effective April 17, 1988, as to all persons except those to whom it was made immediately effective by individual priority letter AD 87–26–01, issued December 16, 1987, which contained this amendment.

Compliance is required before further flight, unless already accomplished.

ADDRESSES: The applicable Service Bulletin may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601. A copy of the Service Bulletin is contained in the Rules Docket Number 87–ANE–46, Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jerry Robinette, Aerospace Engineer, Propulsion Branch, ACE–140A, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; telephone (404) 991–3810.

SUPPLEMENTARY INFORMATION: On December 16, 1987, priority letter AD 87–26–01, was issued and made effective immediately as to all known U.S. owners and operators of certain Teledyne Continental Motors IO–520, IO–550, and TSIO–520 series engines. The AD requires the removal of the air conditioner compressor drive belt on those engine installations so equipped. There have been four failures of the starter adapter shaftgear resulting in forced landings. The shaftgear failures are partially due to loads imposed by the air conditioner drive belt. AD action was necessary to prevent possible starter adapter shaftgear assembly failure with resultant loss of lubrication oil and complete loss of engine power.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual priority letter, issued December 16, 1987, as to all known U.S. owners and operators of certain Teledyne Continental Motors IO–520, IO–550, and TSIO–520 series engines. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Conclusion

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

been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11304; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Teledyne Continental Motors (TCM): Applies to IO-520BA, BB, IO-550B, and TSIO-520BE, LB, UB, and WB series engines equipped with an air conditioner.

Compliance is required before further flight, unless already accomplished.

To prevent possible starter adapter shaftgear assembly failure, accomplish the following:

(a) Remove the top engine cowl and gain access to the air conditioner (freon compressor) drive pulley.

(b) With a light and mirror, determine if the sheave attach nut is a steel locking type. (Reference paragraph II of TCM Service Bulletin (SB) M87-24, dated December 15, 1987.)

(1) If the nut is a steel locking type, remove the freon compressor drive belt.

(2) If the nut is castellated, determine via log books and maintenance records that the castellated nut is the original nut and has not been substituted for a steel locking type nut.

(i) If the castellated nut is the original, no further action is required, proceed to paragraph (c).

(ii) If the castellated nut is not the original, but a substitution for the original installed steel locking type nut, remove the freon compressor drive belt.

(iii) If it cannot be determined that the castellated nut is the original, remove the freon compressor drive belt.

(c) Replace top engine cowl.

(d) Make appropriate log book entry showing compliance with this AD.

(e) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349.

Notes: 1. This action is an interim measure. Additional instructions to restore use of the air conditioner will be promulgated as soon as possible.

2. TCM SB No. M87-24, dated December 15, 1987, refers to this subject.

3. Compliance with this AD is required independently of those requirements of AD 87-14-02, (52 FR 36755; October 1, 1987).

This amendment becomes effective April 17, 1988, as to all persons except those persons to whom it was made immediately effective by priority letter AD, issued December 16, 1987, which contained this amendment.

Issued in Burlington, Massachusetts, on March 17, 1988.

Jack A. Sain,

Acting Director, New England Region.

[FR Doc. 88-6624 Filed 3-25-88; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 87-ASO-13]

Designation of Transition Area, Jackson, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action amends the description of the transition area centered on the Julian Carroll Airport by correcting the geographical coordinates. This is a typographical correction.

EFFECTIVE DATE: 0901 UTC, April 6, 1988.

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

SUPPLEMENTARY INFORMATION:

History

On Thursday, January 21, 1988, the FAA adopted an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating the Jackson, Kentucky, transition area (53 FR 1614). Inadvertently, there was a typographical error made in the description of the transition area. The final rule provides controlled airspace for aircraft executing a new instrument approach procedure to Julian Carroll Airport. The operating status of the airport was changed to IFR. Interested parties were invited to participate in this rulemaking proceeding (52 FR 44138) by submitting written comments on the proposal to the FAA. This amendment conforms the final rule to that contained in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

The Rule

This correction to the amendment to Part 71 of the Federal Aviation Regulations correctly designates the Jackson, Kentucky, transition area and lowers the base of controlled airspace in the vicinity of Julian Carroll Airport from 1200' to 700' above the surface.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In consideration of the safety need to lower the base of controlled airspace, I find that good cause exists for making this rule effective in less than 30 days in order to promote the safe and efficient handling of air traffic in that area.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Jackson, Kentucky (New)

That airspace extending upward from 700' above the surface within a 6.5 mile radius of the Julian Carroll Airport (Lat. 37°35'19"N., Long. 83°19'03"W.); within 2.5 miles either side of the 348° radial from Hazard VOR (Lat. 37°23'23"N, Long. 83°15'59"W.), extending

from the 6.5 mile radius to 7.5 miles south of the airport.

Issued in East Point, Georgia, on March 8, 1988.

William D. Wood,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 88-6621 Filed 3-25-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 87-AGL-28]

Alteration of VOR Federal Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the descriptions of Federal Airway V-181 and Jet Routes J-107, J-515 and J-532 by changing the name Pembina, ND, to Humboldt, MN. Also, the name of the Pembina, ND, High and Low Altitude Compulsory Reporting Points have been changed to Humboldt, MN. These actions are the result of the name change of the Pembina VORTAC to Humboldt and an error in the state location of the VORTAC.

EFFECTIVE DATE: 0901 UTC, May 5, 1988.

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

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations amend the descriptions of VOR Federal Airway V-181 and Jet Routes J-107, J-515 and J-532 by changing the name Pembina to Humboldt wherever the name appears in the descriptions. In addition, the name of the High and Low Altitude Compulsory Reporting Points have been changed from Pembina, ND, to Humboldt, MN. Because this only involves a name change, I find that notice and public procedure under 5 U.S.C. 533(b) are unnecessary because these actions are minor technical amendments in which the public would not be particularly interested. Sections 71.123, 71.203, 71.207 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

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

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways, Compulsory reporting points and jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, as follows:

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

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

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

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-181 [Amended]

By removing the words "Pembina, ND; INT Pembina 356° radial" and substituting the words "Humboldt, MN; INT Humboldt 356° radial"

§ 71.203 [Amended]

3. Section 71.203 is amended as follows:

Pembina, ND [Removed]

Humboldt, MN [New]

§ 71.207 [Amended]

4. Section 71.207 is amended as follows:

Pembina, ND [Removed]

Humboldt, MN [New]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

5. The authority citation for Part 75 continues to read as follows:

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

§ 75.100 [Amended]

6. Section 75.100 is amended as follows:

J-107, J-515 and J-532 [Amended]

Wherever the words "Pembina, ND" appear substitute the words "Humboldt, MN"

Wherever the word "Pembina" appears substitute the word "Humboldt"

Issued in Washington, DC, on March 10, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-6620 Filed 3-25-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 111

[Docket No. R-88-796]

Fair Housing Assistance Program; Program Description and Eligibility Criteria

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Technical amendment.

SUMMARY: This document amends 24 CFR Part 111 of HUD regulations to include OMB control numbers at the end of §§ 111.106 and 111.108 where current information collection requirements are described.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: Maxine B. Cunningham, Director, Federal, State and Local Programs Division, Office of the Deputy Assistant Secretary for Enforcement and Compliance, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-0455. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control number listed below.

Text of the Amendments

Accordingly, following the text at the end of §§ 111.106(f) and 111.108(d) of Title 24, add the following statement:

(Approved by the Office of Management and Budget under OMB control number 2529-0005)

Date: March 23, 1988.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 88-6710 Filed 3-25-88; 8:45 am]

BILLING CODE 4210-28-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 235, 237, and 240

[Docket No. R-88-1357; FR-2382]

Mortgage Insurance for the Allegany Reservation of the Seneca Nations of Indians; Announcement of Effective Date

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

ACTION: Notice of announcement of effective date for interim rule.

SUMMARY: This notice announces the effective date for an interim rule published in the **Federal Register** on December 21, 1987 (52 FR 48197). The rule explained the conditions under which the Secretary will insure mortgages on certain leased property in Salamanca, New York, within the Allegany Reservation of the Seneca Nation of Indians, as authorized by section 203(q) of the National Housing Act. The effective date section of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register**.

Thirty calendar days of continuous session of Congress have expired in the present Congress since the rule was published.

EFFECTIVE DATE: The effective date for the interim rule published December 21, 1987 (52 FR 48197) is March 28, 1988.

FOR FURTHER INFORMATION CONTACT: John Coonts, Deputy Director, Insured Single Family Housing, Department of Housing and Urban Development, Room 9266, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-3046. (This is not a toll-free number.)

Dated: March 23, 1988.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 88-6711 Filed 3-25-88; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Parts 201, 203, and 234

[Docket No. N-88-1786; FR-2498]

Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

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

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This Notice amends the listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by adding the mortgage limits for Rensselaer County, New York. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Christopher Peterson, Director, Office of Manufactured Housing and Regulatory Functions, Room 9158; telephone (202) 755-5210; 451 Seventh Street SW., Washington, DC 20410. (These are not toll-free numbers.).

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA), 12 U.S.C. (1710-1749), authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured home lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

On March 3, 1988 (53 FR 6922), the Department published its most recent annual complete listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act, and their applicable limits for each area.

This Document

Today's document adds high-cost mortgage amounts for Rensselaer County, New York.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists changes for single family residences insured under section 203(b) or 234(c) of the National Housing Act.

National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. *Section 2(b)(1)(D). Combination manufactured home and lot (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by .80. For example, Rensselaer County (New York) has a one-family limit of $75,900. The combination home and lot loan limit for Rensselaer County is $75,900 x .80, or $60,720.

B. *Section 2(b)(1)(E): Lot only (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Rensselaer County (New York) has a one-family limit of $75,900. The lot-only loan limit for Rensselaer County is $75,900 x .20, or $15,180.

C. *Section 2(b)(2). Alaska, Guam and Hawaii limits:* The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: $56,700. (40,500 X 140%).

2. For combination manufactured homes and lots: 75,600. ($54,000 X 140%).

3. For lots only: $18,900. (13,500 X 140%).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area Wide Mortgage Limits

REGION II.—HUD FIELD OFFICE—ALBANY OFFICE

Market area designation and local	1-family and condo unit	2-family	3-family	4-family
Rensselaer County.....	$75,900	$85,450	$105,850	$119,850

Date: March 21, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing–Federal Housing Commissioner.

[FR Doc. 88–6709 Filed 3–25–88; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8188]

Income Tax; Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary; Corrections

AGENCY: Internal Revenue Service, Treasury.

ACTION: Corrections to temporary regulations.

SUMMARY: This document contains corrections to temporary regulations that were published in the **Federal Register** on Thursday, March 17, 1988 (53 FR 8747) as Treasury Decision 8188. The rules relate to the addition of new § 1.1502–32T to the consolidated return regulations and supplement the adjustment under § 1.1502–32(g) on the disposition by a member of stock of a subsidiary.

FOR FURTHER INFORMATION CONTACT: Judith Winkler, at 202–566–3458 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of these corrections reflect the addition of temporary regulations § 1.1502–32T to Part 1 of Title 26 of the Code of Federal Regulations.

Need For Corrections

As published, Treasury Decision 8188 contains three omissions. This document corrects those omissions.

Corrections of Publication

Accordingly, the publication of temporary regulations (T.D. 8188), which was the subject of FR. Doc. 88–5907, is corrected as follows:

Paragraph 1. On page 8749, first column, the following language should be inserted after the fourth line to read:

List of Subjects in 26 CFR Part 602

Reporting and recordkeeping requirements.

Par. 2. On page 8749, first column, current lines 7 and 8, the language "Accordingly, 26 CFR Part 1 is amended as follows:" is corrected to read "Accordingly, 26 CFR Parts 1 and 602 are amended as follows:"

Par. 3. On page 8750, first column, immediately following the second paragraph which ends with the language "made to the basis reduction account." The following should be inserted:

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 4. The authority citation for 26 CFR Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 5. Section 602.101(c) is amended by inserting in the appropriate places in the table

"§ 1.1502–32T..... 1545–1021".

Donald E. Osteen,

Director, Legislation and Regulations Division.

[FR Doc. 88–6689 Filed 3–25–88; 8:45 am]

BILLING CODE 4830–01–M

26 CFR Parts 1 and 602

[T.D. 8189]

Income Taxes; 2-percent Floor on Miscellaneous Itemized Deductions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document provides temporary regulations under new section 67 of the Internal Revenue Code relating to the 2-percent floor on miscellaneous itemized deductions. The text to the temporary regulations set forth in this document also serves as the text of proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

DATES: The regulations apply to taxable years beginning after December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Beverly A. Baughman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) (202–566–3297, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary Income Tax Regulations under section 132 of the Tax Reform Act of 1986 (Pub. L. 99–514, 100 Stat. 2113). That section added new section 67 to the Internal Revenue Code. Section 67(c) directs that regulations be issued relating to the indirect deduction through pass-through entities of amounts for expenses that would be subject to the 2-percent floor on miscellaneous itemized deductions if paid or incurred directly by an individual. In addition section 67(c) directs that regulations be issued relating to the reporting requirements that are necessary to carry out the purposes of the section.

These temporary regulations are issued under the authority contained in Internal Revenue Code sections 67(c) and 7805 (100 Stat. 2114, 26 U.S.C. 67(c); 68A Stat. 917, 26 U.S.C. 7805, respectively).

2-Percent Floor on Miscellaneous Itemized Deductions

Pursuant to section 67 of the Code, § 1.67–1T(a)(1) of the temporary regulations disallows deductions for miscellaneous itemized deductions in computing the taxable income of individuals (*i.e.*, so-called "below-the-line" deductions) to the extent that the aggregate of such expenses does not exceed 2 percent of the individual's adjusted gross income. Examples of expenses that, if otherwise deductible, are subject to the 2-percent floor include unreimbursed employee business expenses, expenses for the production or collection of income such as investment advisory fees and the cost of safe deposit boxes, and expenses for tax advice. To the extent that any other limitation is placed on the amount of a miscellaneous deduction, that limitation generally applies prior to the application of the 2-percent floor. For example, pursuant to section 274(n) the amount allowable as a deduction for meal and entertainment expenses cannot exceed 80 percent of the amount of such expense that is otherwise deductible. The 2-percent floor is applied to the

amount allowable after application of the 80-percent limitation.

The term "miscellaneous itemized deduction" means the deductions alowable from adjusted gross income in determining taxable income other than the deductions listed in § 1.67–1T(b) of the temporary regulations, such as the deductions under sections 163, 164, and 217 relating to interest, taxes, and moving expenses, respectively.

Temporary § 1.67–1T(c) provides that, if a taxpayer incurs expenses that relate to both a trade or business activity and a production of income or tax preparation activity, the taxpayer shall allocate such expense between the activities on a reasonable basis.

Members of Congress

Section 1.67–1T(d) of the temporary regulations provides that the 2-percent floor is applied prior to the application of the $3,000 limitation on deductions for living expenses of Members of Congress referred to in section 162(a). The amount of miscellaneous itemized deductions of a Member of Congress that is disallowed because of the 2-percent floor is allocated between deductions for living expenses (within the meaning of section 162(a)) and other miscellaneous itemized deductions of a Member of Congress.

Reimbursed and Unreimbursed Employee Expenses

Temporary § 1.62–1T(e)(1) provides that expenses paid or incurred by an employee that are otherwise deductible from gross income in computing taxable income and for which the employee is reimbursed by the employer, its agent, or third party (for whom the employee performs a benefit as an employee of the employer) under an express agreement for reimbursement or pursuant to an express expense allowance arrangement may be deducted from gross income in computing adjusted gross income (*i.e.*, so-called "above-the-line" deductions). The same rules apply with respect to amounts allowable as a deduction under section 162(h)(1)(B) to state legislators that are reimbursed by the State.

Section 1.62–1T(e)(1) of the temporary regulations provides generally that, if an employee is reimbursed by his or her employer, its agent, or a third party in an amount less than the total expenses paid or incurred by the employee, the determination of to which of the employee's business expenses the reimbursement applies and the amount of each expense that is covered by the reimbursement is made on the basis of all of the facts and circumstances of the particular case. Section 1.62–1T(e)(2) of the temporary regulations provides rules for allocating reimbursements between meal and entertainment expenses and other business expenses when the facts and circumstances are not clear and the employee pays or incurs meal or entertainment expenses. Section 274(n)(2) excepts from the 80-percent limitation contained in section 274(n), by cross-reference to section 274(e)(3), expenses paid or incurred by an employee, in connection with the performance by the employee of services for the employer, under a reimbursement or other expense allowance arrangement with the employer, but only to the extent the employer does not treat such expenses under section 274(e)(2) as compensation to the employee and as wages for purposes of withholding. In this situation the 80-percent limitation applies to the employer.

For taxable years beginning after December 31, 1986, any portion of the amount allowable to state legislators as a deduction pursuant to section 162(h)(1)(B) that is not reimbursed by the state or a third party is allocated among expenses for lodging, meals, and incidental expenses in the manner described in § 1.62–1T(e)(4) of the temporary regulations.

Temporary § 1.62–1T(f) defines the phrase "reimbursement or other expense allowance arrangement." In addition, a payment under a reimbursement or other expense allowance arrangement must be identified either by making a separate payment or by specifically indicating the separate amount if both wages and the reimbursement or expense allowance are combined in a single payment. It shall be presumed that any amounts treated as compensation to an employee by an employer on the employer's return of tax under chapter 1 of the Code and as wages to such employee for purposes of chapter 24 of the Code (relating to withholding of income tax at source of wages) do not constitute reimbursements or other expense allowances for purposes of section 62. This presumption may be rebutted by clear and convincing evidence to the contrary that includes evidence of an obligation by the employee to make an adequate accounting to the employer for the employee's business expenses.

Treatment of Pass-Through Entities

Temporary § 1.67–2T provides rules for the application of section 67 to holders of interests in pass-through entities. In general, an "affected investor" in a pass-through entity is required to separately take into account as an item of both income and expense an amount equal to his or her allocable share of the "affected expenses" of the pass-through entity for purposes of determining his or her taxable income. In general, the expenses so taken into account are treated as paid or incurred by the affected investor in the same manner as paid or incurred by the pass-through entity.

A pass-through entity includes, pursuant to temporary § 1.67–2T(g), a grantor trust, a partnership, an S corporation, a common trust fund, a nonpublicly offered regulated investment company, and a real estate mortgage investment conduit (REMIC). It does not include an estate, a nongrantor trust, a cooperative, a real estate investment trust, or other entities such as a qualified pension plan, an individual retirement account, or an insurance company holding assets in a separate asset account to fund certain variable contracts.

Section 1.67–2T(b) of the temporary regulations provides rules for the application of section 67 to affected investors in partnerships, S corporations, and grantor trusts and temporary § 1.67–2T(d) provides such rules for affected investors in common trust funds. In addition, section 1.67–2T(c) of the temporary regulations cross-references temporary § 1.67–3T for rules regarding the application of section 67 to holders of interests in REMICs. Temporary § 1.67–2T(p) reserves on the rules regarding publicly offered regulated investment companies. The rules for the application of section 67 to REMICs, estates, and nongrantor trusts are the subject of separate regulations projects. The application of section 67 to estates and trusts and their beneficiaries is the subject of pending technical corrections legislation. Guidance on this issue will be published separately.

The application of section 67 to affected investors that are shareholders in a nonpublicly offered regulated investment company is described in temporary § 1.67–2T(e). In general, an affected investor shall be treated both as having received or accrued a dividend and as having paid or incurred an expense described in section 212. The amount of the dividend and the amount of the expense are each equal to the affected investor's allocable share of the affected RIC expenses of the nonpublicly offered regulated investment company. The affected investor shall take into account such amounts in the affected investor's taxable year with which (or within which) the calendar year with respect to which the expenses are allocated ends. A shareholder of a nonpublicly offered regulated investment company that is

not an affected investor does not take into account in computing its taxable income any amount of its allocable share of affected RIC expenses.

Definitions of Certain Terms

The term "affected investor" generally means a partner, shareholder, beneficiary, participant (or other interest holder in a pass-through entity), that is (a) an individual (other than certain nonresident aliens), (b) a person that computes its taxable income in the same manner as in the case of an individual, or (c) a pass-through entity, interests in which are owned by affected investors.

In general, the term "affected expenses" means expenses that, if paid or incurred by an individual, would be deductible, if at all, as miscellaneous itemized deductions. In the case of a nonpublicly offered regulated investment company, the term "affected expenses" means only affected RIC expenses. Temporary § 1.67–2T(j)(1) generally defines the term "affected RIC expenses" as the excess of (a) the aggregate amount of the expenses paid or incurred in the calendar year that are allowable as a deduction in determing the investment company taxable income (without regard to section 852(b)(2)(D)) of the nonpublicly offered regulated investment company for a taxable year that begins or ends with or within the calendar year, over (b) certain expenses, such as registration fees, directors' or trustees' fees, transfer agent fees, and certain legal and accounting fees. For this purpose deductions described in section 62(a)(3) and § 1.67–1T(b) (*e.g.*, losses from the sale or exchange of property, taxes, and interest) are excluded. A nonpublicly offered regulated investment company must determine the amount of the affected RIC expenses on a calendar year basis regardless of whether its taxable year is the calendar year.

Section 1.67–2T(j)(2) of the temporary regulations provides an elective safe harbor under which a nonpublicity offered regulated investment company may treat 40 percent of certain deductions for the calendar year as its affected RIC expenses for that year. The election once made remains in effect for each succeeding calendar year unless revoked with the consent of the Commissioner.

Allocation of Expenses by Nonpublicly Offered Regulated Investment Companies

A nonpublicly offered regulated investment company is required to allocate to each of its affected investors that is a shareholder at any time during the calendar year the affected investor's allocable share of the affected RIC expenses of the nonpublic offered regulated investment company for that calendar year. (This allocable share is the amount that the affected shareholder is treated as having received or accrued as a dividend and paid or incurred as an expense described in section 212.) A nonpublicly offered regulated investment company may use any reasonable method to make the allocation. Temporary § 1.67–2T(k)(1) provides that an allocation method shall not be reasonable if, for example, it can be expected to have the effect (a) of allocating to the shareholders an amount of affected RIC expenses that is less than the affected RIC expenses of the nonpublicly offered regulated investment company for the calendar year or (b) of allocating a disproportionately high share of the affected RIC expenses of the nonpublicly offered regulated investment company to either (1) shareholders that are not affected investors, or (2) affected investors, the amount of whose miscellaneous itemized deductions exceed the 2-percent floor described in section 67.

Section 1.67–2T(k)(2) of the temporary regulations describes a reasonable allocation method. In general, under this method an affected investor's allocable share of the affected RIC expenses of a nonpublicly offered regulated investment company is the amount that bears the same ratio to the amount of affected RIC expenses of the nonpublicly offered regulated investment company for the calendar year as the amount of dividends paid to the affected investor during the calendar year bears to the sum of (a) the aggregate amount of dividends paid by the nonpublicly offered regulated investment company during the calendar year to all shareholders and (b) any amount on which tax is imposed under section 852(b)(1) for any taxable year of the nonpublicly offered regulated investment company ending within or with the calendar year. If a nonpublicly offered regulated investment company does not make a reasonable allocation of affected RIC expenses to its affected investors, a reasonable allocation shall be made by an appropriate District Director.

Special Rules

The amount of dividend income that an affected investor is treated as receiving as a result of an allocation of affected RIC expenses is not subject to backup withholding under section 3406.

Temporary § 1.67–2T(m) describes persons who may, for certain purposes, treat an affected investor's allocable share of the affected RIC expenses of a nonpublicly offered regulated investment company as being an amount determined on the basis of a reasonable estimate published by the nonpublicly offered regulated investment company in a widely available financial publication (*e.g.*, *Wall Street Journal* or *Standard and Poor's Weekly Dividend Record*). For example, a nominee who is required to report dividends paid by a nonpublicly offered regulated investment company to the Internal Revenue Service and to the person to whom the payment is made may rely on the estimate for purposes of such reporting. In addition, the affected investor to which the nominee reports may rely on the estimate for purposes of calculating its taxable income and the amount of its affected expenses.

Reporting Requirements

If a nonpublicly offered regulated investment company is required to make an information return to the Internal Revenue Service pursuant to section 6042 (or would be required to make such a return but for the $10 threshold described in section 6042(a)(1) (A) and (B)) with respect to an affected investor to which an allocation of affected RIC expenses is required to be made, the nonpublicly offered regulated investment shall report to the Internal Revenue Service the amount of affected RIC expenses required to be allocated to the affected investor for the calendar year, as well as certain other information. Temporary § 1.67–2T(n)(1)(ii) requires a nonpublicly offered regulated investment company to provide to each affected investor for each calendar year (whether or not the nonpublicly offered regulated investment company is required to make an information return with respect to the affected investor pursuant to section 6042), a written statement that includes the amount of affected RIC expenses required to be allocated to the affected investor for the calendar year and certain other information. If an affected investor's shares in a nonpublicly offered regulated investment company are held in the name of a nominee, the nonpublicly offered regulated investment company may make the information return with respect to the nominee and provide the written statement to the nominee. Section 1.67–2T(n)(2) of the temporary regulations provides reporting requirements for nominees to which a nonpublicly offered regulated investment company provides a written statement. These requirements are similar to the ones with which

regulated investment companies must comply.

Pursuant to temporary § 1.67–2T(n)(5), a nonpublicly offered regulated investment company or a nominee fulfills its reporting obligations with respect to an affected investor (a) by the timely filing with the Internal Revenue Service of an information return pursuant to section 6042 (*i.e.*, Form 1099–DIV) that contains the required information and (b) by furnishing the affected investor with a copy of such information return. Thus, a nonpublicly offered regulated investment company or a nominee is not required to file more than one Form 1099–DIV with respect to an affected investor.

With respect to each affected investor, temporary § 1.67–2T(o) requires a common trust fund to state on the return it is required to make pursuant to section 6032 the amount of the affected investor's proportionate share of the affected expenses for the taxable year as well as certain other information.

Special Analyses

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. The reporting requirements added by this document have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. The reporting requirements have been approved by OMB.

Drafting Information

The principal author of these temporary regulations is Beverly A. Baughman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.61–1 through 1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Sections 1.67–2T and 1. 67–3T also issued under 26 U.S.C. 67 (c).

§ 1.62–1 [Removed]

Par. 2. Section 1.62–1 is removed and a new § 1.62–1T is added in its place to read as follows:

§ 1.62–1T Adjusted gross income (temporary).

(a) *Basis for determining the amount of certain deductions.* The term "adjusted gross income" means the gross income computed under section 61 minus such of the deductions allowed by chapter 1 of the Code as are specified in section 62(a). Adjusted gross income is used as the basis for determining the following:

(1) The limitation on the amount of miscellaneous itemized deductions (under section 67).

(2) The limitation on the amount of the deduction for casualty losses (under section 165(h)(2)),

(3) The limitation on the amount of the deduction for charitable contributions (under section 170(b)(1)),

(4) The limitation on the amount of the deduction for medical and dental expenses (under section 213),

(5) The limitation on the amount of the deduction for qualified retirement contributions for active participants in certain pension plans (under section 219(g)), and

(6) The phase-out of the exemption from the disallowance of passive activity losses and credits (under section 469(i)(3)).

(b) *Double deduction not permitted.* Section 62 (a) merely specifies which of the deductions provided in chapter 1 of the Code shall be allowed in computing adjusted gross income. It does not create any new deductions. The fact that a particular item may be described in more than one of the paragraphs under section 62(a) does not permit the item to be deducted twice in computing adjusted gross income or taxable income.

(c) *Deductions allowable in computing adjusted gross income.* The deductions specified in section 62(a) for purposes of computing adjusted gross income are:

(1) Deductions allowable under chapter 1 of the Code (other than by part VII (section 211 and folllowing), subchapter B of such chapter) that are attributable to a trade or business carried on by the taxpayer not consisting of services performed as an employee;

(2) Deductions allowable under part VI (section 161 and following), subchapter B, chapter 1 of the Code, that consist of exprenses paid or incurred by the taxpayer in connection with the performances of services by him or her as an employee under an express reimbursement or other expense allowance arrangement (as defined in paragraph (f) of this section) with his or her employer;

(3) For taxable years beginning after December 31, 1986, deductions allowable under section 162 that consist of expenses paid or incurred by a qualified performing artist (as defined in section 62(b)) in connection with the performance by him or her of services in the performing arts as an employee;

(4) Deductions allowable under part VI as losses from the sale or exchange of property;

(5) Deductions allowable under part VI, section 212, or section 611 that are attributable to property held for the production of rents or royalties;

(6) Deductions for depreciation or depletion allowable under sections 167 or 611 to a life tenant of property or to an income beneficiary of property held in trust or to an heir, legatee, or devisee of an estate;

(7) Deductions allowed by section 404 for contributions on behalf of a self-employed individual;

(8) Deductions allowed by section 219 for contributions to an individual retirement account described in section 408(a), or for an individual retirement annuity described in section 408(b);

(9) Deductions allowed by section 402(e)(3) with respect to a lump-sum distribution;

(10) For taxable years beginning after December 31, 1972, deductions allowed by section 165 for losses incurred in any transaction entered into for profit though not connected with a trade or business, to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit, or similar class of deposit;

(11) For taxable years beginning after December 31, 1976, deductions for

alimony and separate maintenance payments allowed by section 215;

(12) Deductions allowed by section 194 for the amortization of reforestation expenditures; and

(13) Deductions allowed by section 165 for the repayment (made in a taxable year beginning after December 28, 1980) to a trust described in paragraph (9) or (17) of section 501(c) of supplemental unemployment compensation benefits received from such trust if such repayment is required because of the receipt of trade readjustment allowances under section 231 or 232 of the Trade Act of 1974 (19 U.S.C. 2291 and 2292).

(d) *Expenses directly related to a trade or business.* For the purpose of the deductions specified in section 62, the performance of personal services as an employee does not constitute the carrying on of a trade or business, except as otherwise expressly provided. The practice of a profession, not as an employee, is considered the conduct of a trade or business within the meaning of such section. To be deductible for the purposes of determining adjusted gross income, expenses must be those directly, and not those merely remotely, connected with the conduct of a trade or business. For example, taxes are deductible in arriving at adjusted gross income only if they constitute expenditures directly attributable to a trade or business or to property from which rents or royalties are derived. Thus, property taxes paid or incurred on real property used in a trade or business are deductible, but state taxes on net income are not deductible even though the taxpayer's income is derived from the conduct of a trade or business.

(e) *Reimbursed and unreimbursed employee expenses*—(1) *In general.* Expenses paid or incurred by an employee that are deductible from gross income under part VI in computing taxable income (determined without regard to section 67) and for which the employee is reimbursed by the employer, its agent, or third party (for whom the employee performs a benefit as an employee of the employer) under an express agreement for reimbursement or pursuant to an *express* expense allowance arrangement may be deducted from gross income in computing adjusted gross income. Except as provided in paragraphs (e)(2) and (e)(4) of this section, for taxable years beginning after December 31, 1986, if the amount of a reimbursement (as defined in paragraph (f) of this section) made by an employer, its agent, or third party to an employee is less than the total amount of the business expenses paid or incurred by the employee, the determination of to which of the employee's business expenses the reimbursement applies and the amount of each expense that is covered by the reimbursement is made on the basis of all of the facts and circumstances of the particular case.

(2) *Facts and circumstances unclear on business expenses for meals and entertainment.* If—

(i) The facts and circumstances do not make clear—

(A) That a reimbursement does not apply to business expenses for meals or entertainment, or

(B) The amount of business expenses for meals or entertainment that is covered by the reimbursement, and

(ii) The employee pays or incurs business expenses for meals or entertainment,

the amount of the reimbursement that applies to such expenses (or portion thereof with respect to which the facts and circumstances are unclear) shall be determined by multiplying the amount of the employee's business expenses for meals and entertainment (or portion thereof with respect to which the facts and circumstances are unclear) by a fraction, the numerator of which is the total amount of the reimbursement (or portion thereof with respect to which the facts and circumstances are unclear) and the denominator of which is the aggregate amount of all the business expenses of the employee (or portion thereof with respect to which the facts and circumstances are unclear).

(3) *Deductibility of unreimbursed expenses.* The amount of expenses that is determined not to be reimbursed pursuant to paragraph (e) (1) or (2) of this section is deductible from adjusted gross income in determining the employee's taxable income subject to the limitations applicable to such expenses (*e.g.*, the 2-percent floor of section 67 and the 80-percent limitation on meal and entertainment expenses provided for in section 274(n)).

(4) *Unreimbursed expenses of State legislators.* For taxable years beginning after December 31, 1986, any portion of the amount allowed as a deduction to State legislators pursuant to section 162(h)1)(B) that is not reimbursed by the State or a third party shall be allocated between lodging and meals in the same ratio as the amounts allowable for lodging and meals under the Federal per diem applicable to the legislator's State capital at the end of the legislator's taxable year (see Appendix 1–A of the Federal Travel Regulations (FTR), which as of March 28, 1988, are contained in GSA Bulletin FPMR A–40, Supplement 20). For purposes of this paragraph (e)(4), the amount allowable for meals under the Federal per diem shall be the amount of the Federal per diem allowable for meals and incidental expenses reduced by $2 per legislative day (or other amount allocated to incidental expenses in 1–7.5(a)(2) of the FTR). The unreimbursed portion of each type of expense is deductible from adjusted gross income in determining the State legislator's taxable income subject to the limitations applicable to such expenses. For example, the unreimbursed portion allocable to meals shall be reduced by 20 percent pursuant to section 274(n) before being subjected to the 2-percent floor of section 67 for purposes of computing the taxable income of a State legislator. See § 1.67–1T(a)(2).

(5) *Expenses paid directly by an employer, its agent, or third party.* In the case of an employer, its agent, or a third party who provides property or services to an employee or who pays an employee's expenses directly instead of reimbursing the employee, see section 132 and the regulations thereunder for the income tax treatment of such expenses.

(6) *Examples.* The provisions of this paragraph (e) may be illustrated by the following examples:

Example (1). During 1987, A, an employee, while on business trips away from home pays $300 for travel fares, $200 for lodging and $100 for meals. In addition, A pays $50 for business meals in the area of his place of employment ("local meals"), $250 for continuing education courses, and $100 for business-related entertainment (other than meals). The total amount of the reimbursements received by A for his employee expenses from his employer is $750, and it is assumed that A's expenses meet the deductibility requirements of sections 162 and 274. A includes the amount of the reimbursement in his gross income. A's employer designates the reimbursement to cover in full A's expenses for travel fares, lodging, and meals while away from home, local meals, and entertainment, and no facts or circumstances indicate a contrary intention of the employer. Because the facts and circumstances make clear the amount of A's business expenses for meals and entertainment that is covered by the reimbursement, the reimbursement will be allocated to these expenses. In determining his adjusted gross income under section 62, A may deduct the full amount of the reimbursement for travel fares, lodging, and meals while away from home, local meals, and entertainment. In determining his taxable income under section 63, A may deduct his expenses for continuing education courses to the extent allowable by sections 67 and 162.

Example (2). Assume the facts are the same as in example (1) except that the facts and circumstances make clear that the reimbursement covers all types of deductible

expenses but they do not make clear the amount of each type of expense that is covered by the reimbursement. The amount of the reimbursement that is allocated to A's business expenses for meals and entertainment is $187.50. This amount is determined by multiplying the total amount of A's business expenses for meals and entertainment ($250) by the ratio of A's total reimbursement to A's total business expenses ($750/$1,000). The remaining amount of the reimbursement, $562.50 ($750−$187.50), is allocated to A's business expenses other than meal and entertainment expenses. Therefore, in determining his adjusted gross income under section 62, A may deduct $750 for reimbursed business expenses (including meals and entertainment). In determining his taxable income under section 63, A may deduct (subject to the limitations and conditions of sections 67, 162, and 274) the unreimbursed portion of his expenses for meals and entertainment ($62.50 ($250−$187.50), and other employee business expenses ($187.50 ($750−$562.50)).

Example (3). Assume the facts are the same as in example (1) except that the amount of the reimbursement is $500. Assume further that the facts and circumstances make clear that the reimbursement covers $100 of expenses for meals and that the remaining $400 of the reimbursement covers all types of deductible expenses (including any expenses for meals in excess of the $100 already designated) other than expenses for entertainment. The amount of the reimbursement that is allocated to A's business expenses for meals and entertainment is $125. This amount is equal to the sum of the amount of the reimbursement that clearly applies to meals ($100) and the amount of the reimbursement with respect to which the facts are unclear that is allocated to meals ($25). The latter amount is determined by multiplying the total amount of A's business expenses for meals and entertainment with respect to which the facts are unclear ($50) by the ratio of A's total reimbursement with respect to which the facts are unclear to A's total business expenses with respect to which the facts are unclear ($400/$800). The remaining amount of the reimbursement, $375 ($500−$125) is allocated to A's business expenses other than meals and entertainment. Therefore, in determining his adjusted gross income under section 62, A may deduct $500 for reimbursed business expenses (including meals). In determining his taxable income under section 63, A may deduct (subject to the limitations and conditions of sections 67, 162, and 274) the unreimbursed portion of his expenses for meals ($25 ($150−$125)), entertainment ($100), and other employee business expenses ($375 ($750−$375)).

Example (4). During 1987 B, a research scientist, is employed by Corporation X. B gives a speech before members of Association Y, a professional organization of scientists, describing her most recent research findings. Pursuant to a reimbursement arrangement, Y reimburses B for the full amount of her travel fares to the site of the speech and for the full amount of her expenses for lodging and meals while there. B includes the amount of the reimbursement in her gross income. B may deduct the full amount of her travel expenses pursuant to section 62(a)(2)(A) in computing her adjusted gross income.

(f) *Reimbursement or other expense allowance arrangement.* For purposes of this section, the phrase "reimbursement or other expense allowance arrangement" means advances, allowances (including per diem allowances and mileage allowances), or reimbursements received by a taxpayer for business expenses that are allowable as deductions by part VI and paid or incurred by the taxpayer in connection with the performance of services by him or her as an employee under a reimbursement or other expense allowance arrangement with the employer (whether the reimbursement is actually received from the employer, its agent, or a third party for whom the employee performs a benefit as an employee of the employer), as well as amounts charged directly or indirectly to the employer through credit card systems or otherwise. In addition, the reimbursement or other expense allowance arrangement must be identified either by making a separate payment or by specifically indicating the separate amount if both wages and the reimbursement or expense allowance are combined in a single payment. It shall be presumed that any amounts treated as compensation to an employee by an employer on the employer's return of tax under chapter 1 of the Code and as wages to such employee for purposes of chapter 24 of the Code (relating to withholding of income tax at source on wages) do not constitute reimbursements or other expense allowances for purposes of section 62 and this section. This presumption may be rebutted by clear and convincing evidence to the contrary that includes evidence of an obligation by the employee to make an adequate accounting (as defined in § 1.274–5(e)(4)) to the employer for the employee's business expenses.

(g) *Moving expenses.* For taxable years beginning after December 31, 1986, a taxpayer described in section 217(a) shall not take into account the deduction described in section 217 relating to moving expenses in computing adjusted gross income under section 62 even if the taxpayer is reimbursed for his or her moving expenses. Such a taxpayer shall include the amount of any reimbursement for moving expenses in income pursuant to section 82. The deduction described in section 217 shall be taken into account in computing the taxable income of the taxpayer under section 63. Pursuant to section 67(b)(6), the 2-percent floor described in section 67(a) does not apply to moving expenses.

(h) *Cross-reference.* See 26 CFR 1.62–1 (Rev. as of April 1, 1986) with respect to pre-1987 deductions for travel, meal, lodging, transportation, and other trade or business expenses of an employee, reimbursed expenses of an employee, expenses of an outside salesperson, long-term capital gains, contributions described in section 405(c) to a bond purchase plan on behalf of a self-employed individual, moving expenses, amounts not received as benefits pursuant to section 1379(b)(3), and retirement bonds described in section 409 (allowed by section 219).

Par. 3. Immediately after § 1.63–2, new §§ 1.67–1T and 1.67–2T are added, and a heading for § 1.67–4T is added. The added provisions read as follows:

§ 1.67–1T 2-percent floor on miscellaneous itemized deductions (temporary).

(a) *Type of expenses subject to the floor*—(1) *In general.* With respect to individuals, section 67 disallows deductions for miscellaneous itemized deductions (as defined in paragraph (b) of this section) in computing taxable income (*i.e.*, so-called "below-the-line" deductions) to the extent that such otherwise allowable deductions do not exceed 2 percent of the individual's adjusted gross income (as defined in section 62 and the regulations thereunder). Examples of expenses that, if otherwise deductible, are subject to the 2-percent floor include but are not limited to—

(i) Unreimbursed employee expenses, such as expenses for transportation, travel fares and lodging while away from home, business meals and entertainment, continuing education courses, subscriptions to professional journals, union or professional dues, professional uniforms, job hunting, and the business use of the employee's home.

(ii) Expenses for the production or collection of income for which a deduction is otherwise allowable under section 212 (1) and (2), such as investment advisory fees, subscriptions to investment advisory publications, certain attorneys' fees, and the cost of safe deposit boxes,

(iii) Expenses for the determination of any tax for which a deduction is otherwise allowable under section 212(3), such as tax counsel fees and appraisal fees, and

(iv) Expenses for an activity for which a deduction is otherwise allowable under section 183.

See section 62 with respect to deductions that are allowable in computing adjusted gross income (*i.e.*, so-called "above-the-line" deductions).

(2) *Other limitations.* Except as otherwise provided in paragraph (d) of this section, to the extent that any limitation or restriction is placed on the amount of a miscellaneous itemized deduction, that limitation shall apply prior to the application of the 2-percent floor. For example, in the case of an expense for food or beverages, only 80 percent of which is allowable as a deduction because of the limitations provided in section 274(n), the otherwise deductible 80 percent of the expense is treated as a miscellaneous itemized deduction and is subject to the 2-percent limitation of section 67.

(b) *Definition of miscellaneous itemized deductions.* For purposes of this section, the term "miscellaneous itemized deductions" means the deductions allowable from adjusted gross income in determining taxable income, as defined in section 63, other than—

(1) The standard deduction as defined in section 63(c),

(2) Any deduction allowable for impairment-related work expenses as defined in section 67(d),

(3) The deduction under section 72(b)(3) (relating to deductions if annuity payments cease before the investment is recovered),

(4) The deductions allowable under section 151 for personal exemptions,

(5) The deduction under section 163 (relating to interest),

(6) The deduction under section 164 (relating to taxes),

(7) The deduction under section 165(a) for losses described in subsection (c)(3) or (d) of section 165,

(8) The deduction under section 170 (relating to charitable contributions and gifts),

(9) The deduction under section 171 (relating to deductions for amortizable bond premiums),

(10) The deduction under section 213 (relating to medical and dental expenses),

(11) The deduction under section 216 (relating to deductions in connection with cooperative housing corporations),

(12) The deduction under section 217 (relating to moving expenses),

(13) The deduction under section 691(c) (relating to the deduction for estate taxes in the case of income in respect of the decedent),

(14) The deduction under 1341 (relating to the computation of tax if a taxpayer restores a substantial amount held under claim of right), and

(15) Any deduction allowable in connection with personal property used in a short sale.

(c) *Allocation of expenses.* If a taxpayer incurs expenses that relate to both a trade or business activity (within the meaning of section 162) and a production of income or tax preparation activity (within the meaning of section 212), the taxpayer shall allocate such expenses between the activities on a reasonable basis.

(d) *Members of Congress*—(1) *In general.* With respect to the deduction for living expenses of Members of Congress referred to in section 162(a), the 2-percent floor described in section 67 and paragraph (a) of this section shall be applied to the deduction before the application of the $3,000 limitation on deductions for living expenses referred to in section 162(a). (For purposes of this paragraph (d), the term "Member(s) of Congress" include any Delegate or Resident Commissioner.) The amount of miscellaneous itemized deductions of a Member of Congress that is disallowed pursuant to section 67 and paragraph (a) of this section shall be allocated between deductions for living expenses (within the meaning of section 162(a)) and other miscellaneous itemized deductions. The amount of deductions for living expenses of a Member of Congress that is disallowed pursuant to section 67 and paragraph (a) of this section is determined by multiplying the aggregate amount of such living expenses (determined without regard to the $3,000 limitation of section 162(a) but with regard to any other limitations) by a fraction, the numerator of which is the aggregate amount disallowed pursuant to section 67 and paragraph (a) of this section with respect to miscellaneous itemized deductions of the Member of Congress and the denominator of which is the amount of miscellaneous itemized deductions (including deductions for living expenses) of the Member of Congress (determined without regard to the $3,000 limitation of section 162(a) but without regard to any other limitations). The amount of deductions for miscellaneous itemized deductions (other than deductions for living expenses) of a Member of Congress that are disallowed pursuant to section 67 and paragraph (a) of this section is determined by multiplying the amount of miscellaneous itemized deductions (other than deductions for living expenses) of the Member of Congress (determined with regard to any limitations) by the fraction described in the preceding sentence.

(2) *Example.* The provisions of this paragraph (d) may be illustrated by the following example:

Example. For 1987 A, a Member of Congress, has adjusted gross income of $100,000, and miscellaneous itemized deductions of $10,750 of which $3,750 is for meals, $3,000 is for other living expenses, and $4,000 is for other miscellaneous itemized deductions (none of which is subject to any percentage limitations other than the 2-percent floor of section 67). The amount of A's business meal expenses that are disallowed under section 274(n) is $750 ($3,750 × 20%). The amount of A's miscellaneous itemized deductions that are disallowed under section 67 is $2,000 ($100,000 × 2%). The portion of the amount disallowed under section 67 that is allocated to A's living expenses is $1,200. This portion is equal to the amount of A's deductions for living expenses allowable after the application of section 274(n) and before the application of section 67 ($6,000) multiplied by the ratio of A's total miscellaneous itemized deductions disallowed under section 67 to A's total miscellaneous itemized deductions, determined without regard to the $3,000 limitation of section 162(a) ($2,000/$10,000). Thus, after application of section 274(n) and section 67, A's deduction for living expenses is $4,800 ($6,750 − $750 − $1,200). However, pursuant to section 162(a), A may deduct only $3,000 of such expenses. The amount of A's other miscellaneous itemized deductions that are disallowed under section 67 is $800 ($4,000 × $2,000/$10,000). Thus, $3,200 ($4,000 − $800) of A's miscellaneous itemized deductions (other than deductions for living expenses) are allowable after application of section 67. A's total allowable miscellaneous itemized deductions are $6,200 ($3,000 + $3,200).

(e) *State legislators.* See § 1.62–1T(e)(4) with respect to rules regarding state legislator's expenses.

§ 1.67–2T Treatment of pass-through entities (temporary).

(a) *Application of section 67.* This section provides rules for the application of section 67 to partners, shareholders, beneficiaries, participants, and others with respect to their interests in pass-through entities (as defined in paragraph (g) of this section). In general, an affected investor (as defined in paragraph (h) of this section) in a pass-through entity shall separately take into account as an item of income and as an item of expense an amount equal to his or her allocable share of the affected expenses (as defined in paragraph (i) of this section) of the pass-through entity for purposes of determining his or her taxable income. Except as provided in paragraph (e)(1)(ii)(B) of this section, the expenses so taken into account shall be treated as paid or incurred by the affected investor in the same manner as paid or incurred by the pass-through entity. For rules regarding the application of section 67 to affected investors in—

(1) Partnerships, S corporations, and grantor trusts, see paragraph (b) of this section,

(2) Real estate mortgage investment conduits, see paragraph (c) of this section,

(3) Common trust funds, see paragraph (d) of this section,

(4) Nonpublicly offered regulated investment companies, see paragraph (e) of this section, and

(5) Publicly offered regulated investment companies, see paragraph (p) of this section.

(b) *Partnerships, S corporations, and grantor trusts*—(1) *In general.* Pursuant to section 702(a) and 1366(a) of the Code and the regulations thereunder, each partner of a partnership or shareholder of an S corporation shall take into account separately his or her distributive or pro rata share of any items of deduction of such partnership or corporation that are defined as miscellaneous itemized deductions pursuant to section 67(b). The 2-percent limitation described in section 67 does not apply to the partnership or corporation with respect to such deductions, but such deductions shall be included in the deductions of the partner or shareholder to which that limitation applies. Similarly, the limitation applies to the grantor or other person treated as the owner of a grantor trust with respect to items that are paid or incurred by a grantor trust and are treated as miscellaneous itemized deductions of the grantor or other person pursuant to subpart E, part 1, subchapter J, chapter 1 of the Code, but not to the trust itself. The 2-percent limitation applies to amounts otherwise deductible in taxable years of partners, shareholders, or grantors beginning after December 31, 1986, regardless of the taxable year of the partnership, corporation, or trust.

(2) *Example.* The provisions of this paragraph (b) may be illustrated by the following example:

Example. P, a partnership, incurs $1,000 in expenses to which section 212 applies during its taxable year. A, an individual, is a partner in P. A's distributive share of the expenses to which section 212 applies is $20, determined without regard to the 2-percent limitation of section 67. Pursuant to section 702(a), A must take $20 of expenses to which section 212 applies into account in determining his income tax. Pursuant to section 67, in determining his taxable income A may deduct his miscellaneous itemized deductions (including his $20 distributive share of deductions from P) to the extent the total amount exceeds 2 percent of his adjusted gross income.

(c) *Real estate mortgage investment conduit.* See § 1.67–3T for rules regarding the application of section 67 to holders of interests in REMICs.

(d) *Common trust funds*—(1) *In general.* For purposes of determining the taxable income of an affected investor that is a participant in a common trust fund—

(i) The ordinary taxable income and ordinary net loss of the common trust fund shall be computed under section 584(d)(2) without taking into account any affected expenses, and

(ii) Each affected investor shall be treated as having paid or incurred an expense described in section 212 in an amount equal to the affected investor's proportionate share of the affected expenses.

The 2-percent limitation described in section 67 applies to amounts otherwise deductible in taxable years of participants beginning after December 31, 1986, regardless of the taxable year of the common trust fund.

(2) *Example.* The provisions of this paragraph (d) may be illustrated by the following example:

Example. During 1987, the gross income and deductions of common trust fund C, a calendar year taxpayer, consist of the following items: (i) $50,000 of short-term capital gains; (ii) $150,000 of long-term capital gains; (iii) $1,000,000 of dividend income; (iv) $10,000 of deductions that are not affected expenses; and (v) $60,000 of deductions that are affected expenses. The proportionate share of Trust T in the income and losses of C is one percent. In computing its taxable income for 1987, T, a calendar year taxpayer, shall take into account the following items: (A) $500 of short-term capital gains (one percent of $50,000, C's short-term capital gains); (B) $1,500 of long-term capital gains (one percent of $150,000, C's long-term capital gains); (C) $9,900 of ordinary taxable income (one percent of $990,000, the excess of $100,000, C's gross income after excluding capital gains and losses, over $10,000, C's deductions that are not affected expenses); (D) $600 of expenses described in section 212 (one percent of $60,000, C's affected expenses).

(e) *Nonpublicly offered regulated investment companies*—(1) *In general.* For purposes of determining the taxable income of an affected investor that is a shareholder of a nonpublicly offered regulated investment company (as defined in paragraph (g)(3) of this section) during a calendar year—

(i) The current earnings and profits of the nonpublicly offered regulated investment company shall be computed without taking into account any affected RIC expenses that are allocated among affected investors, and

(ii) The affected investor shall be treated—

(A) As having received or accrued a dividend in an amount equal to the affected investor's allocable share of the affected RIC expenses of the nonpublicly offered regulated investment company for the calendar year, and

(B) As having paid or incurred an expense described in section 212 (or section 162 in the case of an affected investor that is a nonpublicly offered regulated investment company) in an amount equal to the affected investor's allocable share of the affected RIC expenses of the nonpublicly offered regulated investment company for the calendar year

in the affected investor's taxable year with which (or within which) the calendar year with respect to which the expenses are allocated ends. An affected investor's allocable share of the affected RIC expenses is the amount allocated to that affected investor pursuant to paragraph (k) of this section.

(2) *Shareholders that are not affected investors.* A shareholder of a nonpublicly offered regulated investment company that is not an affected investor shall not take into account in computing its taxable income any amount of income or expense with respect to its allocable share of affected RIC expenses.

(3) *Example.* The provisions of this paragraph (e) may be illustrated by the following example:

Example. During calendar year 1987, nonpublicly offered regulated investment company M distributes to individual shareholder A, a calendar year taxpayer, capital gain dividends of $1,000 and other dividends of $5,000. A's allocable share of the affected RIC expenses of M is $200. In computing A's taxable income for 1987, A shall take into account the following items: (i) $1,000 of long-term capital gains (the capital gain dividends received by A); (ii) $5,200 of dividend income (the sum of the other dividends received by A and A's allocable share of the affected RIC expenses of M); and (iii) $200 of expenses described in section 212 (A's allocable share of the affected RIC expenses of M). A is allowed a deduction for miscellaneous itemized deductions (including A's $200 allocable share of the affected RIC expenses of M, which is treated as an expense described in section 212) for 1987 only to the extent the aggregate of such deductions exceeds 2 percent of A's adjusted gross income for 1987.

(f) *Cross-reference.* See § 1.67–1T with respect to limitations on deductions for expenses described in section 212 (including amounts treated as such expenses under this section).

(g) *Pass-through entity*—(1) *In general.* Except as provided in paragraph (g)(2) of this section, for purposes of section 67(c) and this section, a pass-through entity is—

(i) A trust (or any portion thereof) to which subpart E, part 1, subchapter J, chapter 1 of the Code applies,

(ii) A partnership,

(iii) An S corporation,

(iv) A common trust fund described in section 584,

(v) A nonpublicly offered regulated investment company,

(vi) A real estate mortgage investment conduit, and

(vii) Any other person—

(A) Which is not subject to the income tax imposed by subtitle A, chapter 1, or which is allowed a deduction in computing such tax for distributions to owners or beneficiaries, and

(B) The character of the income of which may affect the character of the income recognized with respect to that person by its owners or beneficiaries.

Entities that do not meet the requirements of paragraph (g)(1)(vii) (A) and (B) of this section, such as qualified pension plans, individual retirement accounts, and insurance companies holding assets in separate asset accounts to fund variable contracts defined in section 817(d), are not described in this paragraph (g)(1).

(2) *Exception.* For purposes of section 67(c) and this section, a pass-through entity does not include:

(i) An estate;

(ii) A trust (or any portion thereof) not described in paragraph (g)(1)(i) of this section,

(iii) A cooperative described in section 1381(a)(2), determined without regard to subparagraphs (A) and (C) thereof, or

(iv) A real estate investment trust.

(3) *Nonpublicly offered regulated investment company—(i) In general.* For purposes of this section, the term "nonpublicly offered regulated investment company" means a regulated investment company to which Part I of Subchapter M of the Code applies that is not a publicly offered regulated investment company.

(ii) *Publicly offered regulated investment company.* For purposes of this section, the term "publicly offered regulated investment company" means a regulated investment company to which Part I of Subchapter M of the Code applies the shares of which are—

(A) Continuously offered pursuant to a public offering (within the meaning of section 4 of the Securities Act of 1933, as amended (15 U.S.C. 77a to 77aa)),

(B) Regularly traded on an established securities market, or

(C) Held by or for no fewer than 500 persons at all times during the taxable year.

(h) *Affected investor*—(1) *In general.* For purposes of this section, the term "affected investor" means a partner, shareholder, beneficiary, participant, or other interest holder in a pass-through entity at any time during the pass-through entity's taxable year that is—

(i) An individual (other than a nonresident alien whose income with respect to his or her interest in the pass-through entity is not effectively connected with the conduct of a trade or business within the United States),

(ii) A person, including a trust or estate, that computes its taxable income in the same manner as in the case of an individual; or

(iii) A pass-through entity if one or more of its partners, shareholders, beneficiaries, participants, or other interest holders is (A) a pass-through entity or (B) a person described in paragraph (h)(1) (i) or (ii) of this section.

(2) *Examples.* The provisions of this paragraph (h) may be illustrated by the following examples:

Example (1). Corporation X holds shares of nonpublicly offered regulated investment company R in its capacity as a nominee or custodian for individual A, the beneficial owner of the shares. Because the owner of the shares for Federal income tax purposes is an individual, the shares are owned by an affected investor.

Example (2). Individual retirement account I owns shares of a nonpublicly offered regulated investment company. Because an individual retirement account is not a person described in paragraph (h)(1) of this section, the shares are not owned by an affected investor.

(i) *Affected expenses— (1) In general.* In general, for purposes of this section, the term "affected expenses" means expenses that, if paid or incurred by an individual, would be deductible, if at all, as miscellaneous itemized deductions as defined in section 67(b).

(2) *Special rule for nonpublicly offered regulated investment companies.* In the case of a nonpublicly offered regulated investment company, the term "affected expenses" means only affected RIC expenses.

(j) *Affected RIC expenses*—(1) *In general.* In general, for purposes of this section the term "affected RIC expenses" means the excess of—

(i) The aggregate amount of the expenses (other than expenses described in sections 62(a)(3) and 67(b) and § 1.67–1T(b)) paid or incurred in the calendar year that are allowable as a deduction in determining the investment company taxable income (without regard to section 852(b)(2)(D)) of the nonpublicly offered regulated investment company for a taxable year that begins or ends with or within the calendar year, over

(ii) The amount of expenses taken into account under paragraph (j)(1)(i) of this section that are allocable to the following items (whether paid separately or included as part of a fee paid to an investment advisor or other person for a variety of services):

(A) Registration fees;

(B) Directors' or trustees' fees;

(C) Periodic meetings of directors, trustees, or shareholders;

(D) Transfer agent fees;

(E) Legal and accounting fees (other than fees for income tax return preparation or income tax advice); and

(F) Shareholder communications required by law (*e.g.* the preparation and mailing of prospectuses and proxy statements).

Expenses described in paragraph (j)(1)(ii) (A) through (F) of this section do not include, for example, expenses allocable to investment advice, marketing activities, shareholder communications and other services not specifically described in paragraph (j)(1)(ii) (A) through (F) of this section, and custodian fees.

(2) *Safe harbor.* If a nonpublicly offered regulated investment company makes an election under this paragraph (j)(2), the affected RIC expenses for a calendar year shall be treated as equal to 40 percent of the amount determined under paragraph (j)(1)(i) of this section for that calendar year. The nonpublicly offered regulated investment company shall make the election by attaching to its income tax return for the taxable year that includes the last day of the first calendar year for which the nonpublicly offered regulated investment company makes the election a statement that it is making an election under paragraph (j)(2) of this section. An election made pursuant to this paragraph (j)(2) shall remain in effect for all subsequent calendar years unless revoked with the consent of the Commissioner.

(3) *Reduction for unused RIC expenses.* The amount determined under paragraph (j)(1)(i) of this section shall be reduced by the nonpublicly offered regulated investment company's net operating loss, if any, for the taxable year ending with or within the calendar year. In computing the nonpublicly offered regulated investment company's net operating loss for purposes of this section, the deduction for dividends paid shall not be allowed and any net capital gain for the taxable year shall be excluded.

(4) *Exception.* The affected RIC expenses of a nonpublicly offered regulated investment company will be treated as zero if the amount of its gross income for the calendar year (determined without regard to capital

gain net income) is not greater than 1 percent of the sum of (i) such gross income and (ii) the amount of its interest income for the calendar year that is not includible in gross income pursuant to section 103.

(k) *Allocation of expenses among nonpublicly offered regulated investment company shareholders*—(1) *General rule.* A nonpublicly offered regulated investment company shall allocate to each of its affected investors that is a shareholder at any time during the calendar year, the affected investor's allocable share of the affected RIC expenses of the nonpublicly offered regulated investment company for that calendar year. (See paragraph (m) of this section for rules regarding estimates with respect to the amount of an affected investor's share of affected RIC expenses upon which certain persons can rely for certain purposes.) A nonpublicly offered regulated investment company may use any reasonable method to make the allocation. A method of allocation shall not be reasonable if—

(i) The method can be expected to have the effect, if applied to all affected RIC expenses and all shareholders (whether or not affected investors), of allocating to the shareholders an amount of affected RIC expenses that is less than the affected RIC expenses of the nonpublicly offered regulated investment company for the calendar year,

(ii) The method can be expected to have the effect of allocating a disproportionately high share of the affected RIC expenses of the nonpublicly offered regulated investment company to shareholders that are not affected investors or affected investors, the amount of whose miscellaneous itemized deductions (including their allocable share of affected RIC expenses) exceeds the 2-percent floor described in section 67, or

(iii) A principal purpose of the method of allocation is to avoid allocating affected RIC expenses to persons described in paragraph (h)(1) (i) or (ii) of this section whose miscellaneous itemized deductions (inclusive of their allocable share of affected RIC expenses) may not exceed the 2-percent floor described in section 67.

(2) *Reasonable allocation method described*—(i) *In general.* The allocation method described in this paragraph (k)(2) shall be treated as a reasonable allocation method. Under the method described in this paragraph, an affected investor's allocable share of the affected RIC expenses of a nonpublicly offered regulated investment company is the amount that bears the same ratio to the amount of affected RIC expenses of the nonpublicly offered regulated investment company for the calendar year as—

(A) The amount of dividends paid to the affected investor during the calendar year, bears to

(B) The sum of—

(1) The aggregate amount of dividends paid by the nonpublicly offered regulated investment company during the calendar year to all shareholders, and

(2) Any amount on which tax is imposed under section 852(b)(1) for any taxable year of the nonpublicly offered regulated investment company ending within or with the calendar year.

(ii) *Exception.* Paragraph (k)(2)(i) of this section does not apply if the amount of the deduction for dividends paid during the calendar year is zero.

(iii) *Dividends paid.* For purposes of this paragraph (k)(2)—

(A) Dividends that are treated as paid during a calendar year pursuant to section 852(b)(7) are treated as paid during that calendar year and not during the succeeding calendar year.

(B) The term "dividends paid" does not include capital gain dividends (as defined in section 852(b)(3)(C)), exempt-interest dividends (as defined in section 852(b)(5)(A)), or any amount to which section 302(a) applies.

(C) The dividends paid during a calendar year is determined without regard to section 855(a).

(3) *Reasonable allocation made by District Director.* If a nonpublicly offered regulated investment company does not make a reasonable allocation of affected RIC expenses to its affected investors as required by paragraph (k)(1) of this section, a reasonable allocation shall be made by the District Director of the internal revenue district in which the principal place of business or principal office or agency of the nonpublicly offered regulated investment company is located.

(4) *Examples.* The provisions of this paragraph (k) may be illustrated by the following examples:

Example (1). Nonpublicly offered regulated investment company M, in calculating its investment company taxable income, claims a dividends paid deduction for a portion of redemption distributions (to which section 302(a) applies) to shareholders, as well as for nonredemption distributions. M allocates affected expenses among shareholders who have received nonredemption distributions by multiplying the amount of nonredemption distributions distributed to each shareholder by a fraction, the numerator of which is the affected RIC expenses of M and the denominator of which is M's investment company taxable income, determined on a calendar year basis and without regard to deductions described in section 852(b)(2)(D). No affected RIC expenses are allocated with respect to the redemption distributions. This allocation method can be expected to have the effect of allocating among the shareholders an amount of expenses that is less than the total amount of affected RIC expenses of M. Accordingly, the allocation method is not reasonable.

Example (2). Nonpublicly offered regulated investment company N has two classes of stock, a "capital" class and an "income" class. Owners of the capital class receive the benefit of all capital appreciation on the stocks owned by N, and bear the burden of certain capital expenditures of N; owners of the income class receive the benefit of all other income of N, and bear the burden of all expenses of N that are deductible under section 162. M allocates all affected RIC expenses among shareholders of the income class shares under a method that would be reasonable if the income class were the only class of N stock. Corporations and other shareholders that are not affected investors own a higher proportion of income class shares than of capital class shares. The affected RIC expenses of N are properly allocated among the shareholders who bear the burden of those expenses. Accordingly, the allocation method does not have the effect of allocating a disproportionately high share of the affected RIC expenses of N to shareholders that are not affected investors merely because a disproportionate share of income class shares are owned by shareholders that are not affected investors. The allocation method is reasonable.

Example (3). Nonpublicly offered regulated investment company O has two classes of stock, Class A and Class B. Shares of Class A, which may be purchased without payment of a sales or brokerage commission, are charged with the expenses of a Rule 12b–1 distribution plan of O. Shares of Class B, which may be purchased only upon payment of a sales or brokerage commission, are not charged with the expenses of the Rule 12b–1 distribution plan of O. O allocates all affected RIC expenses among shareholders of Class A and Class B shares under a method that would be reasonable if Class A or Class B shares, respectively, were the only class of O stock. The affected RIC expenses attributable to the Rule 12b–1 plan are allocated to the shareholders of Class A shares. Shareholders that are not affected investors own a higher proportion of Class A shares than of Class B shares. The affected RIC expenses of O are properly allocated among the shareholders who bear the burden of those expenses. Accordingly, the allocation method does not have the effect of allocating a disproportionately high share of the affected RIC expenses of O to shareholders that are not affected investors merely because a disproportionately high share of Class A shares are owned by persons that are not affected investors. The allocation method is reasonable.

Example (4). Assume the facts are the same as in example (3) except that a portion of the affected RIC expenses attributable to the Rule 12b–1 plan are allocated to the shareholders of Class B shares, and

shareholders that are not affected investors own a higher proportion of Class B shares than of Class A shares. Thus, the affected RIC expenses are not allocated among the class of shareholders that bear the burden of the expenses. Accordingly, the allocation method has the effect of allocating a disproportionate share of the affected RIC expenses of O to the shareholders of Class B shares. Because shareholders that are not affected investors own a higher proportion of Class B shares than Class A shares, the method can be expected to allocate a disproportionately high share of the affected RIC expenses of O to shareholders that are not affected investors. Accordingly, the allocation method is not reasonable.

(l) *Affected RIC expenses not subject to backup withholding.* The amount of dividend income that an affected investor in a nonpublicly offered regulated investment company is treated as having received or accrued under paragraph (e)(1)(ii) of this section is not subject to backup withholding under section 3406.

(m) *Reliance by nominees and pass-through investors on notices*—(1) *General Rule.* Persons described in paragraph (m)(3) of this section may, for the purposes described in that paragraph (m)(3), treat an affected investor's allocable share of the affected RIC expenses of a nonpublicly offered regulated investment company as being equal to an amount determined by the nonpublicly offered regulated investment company on the basis of a reasonable estimate (*e.g.*, of allocable expenses as a percentage of dividend distributions or allocable expenses per share) that is (i) reported in writing by the nonpublicly offered regulated investment company to the person or (ii) reported in a newspaper or financial publication having a nationwide circulation (*e.g.*, the *Wall Street Journal* or *Standard and Poor's Weekly Dividend Record*).

(2) *Estimates must be reasonable.* In general, for purposes of paragraph (m)(1) of this section, estimates of affected RIC expenses of a nonpublicly offered regulated investment company will be treated as reasonable only if the nonpublicly offered regulated investment company makes a reasonable effort to offset material understatements (or overstatements) of affected RIC expenses for a period by increasing (or decreasing) estimates of affected RIC expenses for a subsequent period. Understatements or overstatements of affected RIC expenses that are not material may be corrected by making offsetting adjustments in future periods, provided that understatements and overstatements are treated consistently.

(3) *Application.* Paragraph (m)(1) of this section shall apply to the following persons for the following purposes:

(i) A nominee who, pursuant to section 6042(a)(1)(B) and paragraph (n)(2) of this section, is required to report dividends paid by a nonpublicly offered regulated investment company to the Internal Revenue Service and to the person to whom the payment is made, for purposes of reporting to the Internal Revenue Service and the person to whom the payment is made the amount of affected RIC expenses allocated to such person.

(ii) An affected investor to whom a nominee (to which paragraph (m)(3)(i) of this section applies) reports, for purposes of calculating the affected investor's taxable income and the amount of its affected expenses.

(iii) A shareholder that is a pass-through entity, for purposes of calculating its taxable income and the amount of its affected expenses.

(n) *Return of information and reporting to affected investors by a nonpublicly offered regulated investment company.*—(1) *In general*—(i) *Return of information.* A nonpublicly offered regulated investment company shall make an information return (*e.g.*, Form 1099–DIV, Dividends and Distributions, for 1987) with respect to each affected investor to which an allocation of affected RIC expenses is required to be made pursuant to paragraph (k) of this section and for which the nonpublicly offered regulated investment company is required to make an information return to the Internal Revenue Service pursuant to section 6042 (or would be required to make such information return but for the $10 threshold described in section 6042 (a)(1) (A) and (B). The nonpublicly offered regulated investment company shall make the information return for each calendar year and shall state separately on such return—

(A) The amount of affected RIC expenses required to be allocated to the affected investor for the calendar year pursuant to paragraph (k) of this section,

(B) The sum of—

(1) The aggregate amount of the dividends paid to the affected investor during the calendar year, and

(2) The amount of the affected RIC expenses required to be allocated to the affected investor for the calendar year pursuant to paragraph (k) of this section, and

(C) Such other information as may be specified by the form or its instructions.

(ii) *Statement to be furnished to affected investors.* A nonpublicly offered regulated investment company shall provide to each affected investor for each calendar year (whether or not the nonpublicly offered regulated investment company is required to make an information return with respect to the affected investor pursuant to section 6042), a written statement showing the following information:

(A) The information described in paragraph (n)(1)(i) of this section with respect to the affected investor;

(B) The name and address of the nonpublicly offered regulated investment company;

(C) The name and address of the affected investor; and

(D) If the nonpublicly offered regulated investment company is required to report the amount of the affected investor's allocation of affected RIC expense to the Internal Revenue Service pursuant to paragraph (n)(1)(i) of this section a statement to that effect.

(iii) *Affected investor's shares held by a nominee.* If an affected investor's shares in a nonpublicly offered regulated investment company are held in the name of a nominee, the nonpublicly offered regulated investment company may make the information return described in paragraph (n)(1)(i) of this section with respect to the nominee in lieu of the affected investor and may provide the written statement described in paragraph (n)(1)(ii) of this section to such nominee in lieu of the affected investor.

(2) *By a nominee*—(i) *In general.* Except as otherwise provided for in paragraph (n)(2)(iii) of this section, in any case in which a nonpublicly offered regulated investment company provides, pursuant to paragraph (n)(1)(iii) of this section, a written statement to the nominee of an affected investor for a calendar year, the nominee shall—

(A) If the nominee is required to make an information return pursuant to section 6042 (or would be required to make an information return but for the $10 threshold described in section 6042(a)(1) (A) and (B), make an information return (*e.g.*, Form 1099–DIV, Dividends and Distributions, for 1987) for the calendar year with respect to each affected investor and state separately on such information return the information described in paragraph (n)(1)(i) of this section, and

(B) Furnish each affected investor with a written statement for the calendar year showing the information required by paragraph (n)(2)(ii) of this section (whether or not the nominee is required to make an information return with respect to the affected investor pursuant to section 6042).

(ii) *Form of statement.* The written statement required to be furnished for a calendar year pursuant to paragraph (n)(2)(i)(B) of this section shall show the following information:

(A) The affected investor's proportionate share of the items described in paragraph (n)(1)(i) of this section for the calendar year,

(B) The name and address of the nominee,

(C) The name and address of the affected investor, and

(D) If the nominee is required to report the affected investor's share of the allocable investment expenses to the Internal Revenue Service pursuant to paragraph (n)(2)(i)(A) of this section, a statement to that effect.

(iii) *Return not required.* A nominee is not required to make an information return with respect to an affected investor pursuant to paragraph (n)(2)(i)(A) of this section if the nominee is excluded from the requirements of section 6042 pursuant to §1.6042–2(a)(1)(ii) or (iii).

(iv) *Statement not required.* A nominee is not required to furnish a written statement to an affected investor pursuant to paragraph (n)(2)(i)(B) of this section if the nonpublicly offered regulated investment company furnishes the written statement to the affected investor pursuant to an agreement with the nominee described in § 1.6042–2(a)(1)(iii).

(v) *Special rule.* Paragraph (n)(1)(i) and (ii) of this section applies to a nonpublicly offered regulated investment company that agrees with the nominee to satisfy the requirements of section 6042 as described in § 1.6042–2(a)(1)(iii) with respect to the affected investor.

(3) *Time and place for furnishing returns.* The returns required by paragraph (n)(1)(i) and (2)(i)(A) of this section for any calendar year shall be filed at the time and place that a return required under section 6042 is required to be filed. See § 1.6042–2(c).

(4) *Time for furnishing statements.* The statements required by paragraph (n)(1)(ii) and (2)(i)(B) of this section to be furnished by a nonpublicly offered regulated investment company and a nominee, respectively, to an affected investor for a calendar year shall be furnished to such affected investor on or before January 31 of the following year.

(5) *Duplicative returns and statements not required*—(i) *Information return.* The requirements of paragraph (n)(1)(i) and (2)(i)(A) of this section for the making of an information return shall be met by the timely filing of an information return pursuant to section 6042 that contains the information required by paragraph (n)(1)(i).

(ii) *Written statement.* The requirements of paragraph (n)(1)(ii) and (2)(i)(B) of this section for the furnishing of a written statement (including the statement required by paragraph (n)(1)(ii)(D) and (2)(ii)(D) of this section) shall be met by furnishing the affected investor a copy of the information return to which section 6042 applies (whether or not the nonpublicly offered regulated investment company or nominee is required to file an information return with respect to the affected investor pursuant to section 6042) that contains the information required by paragraph (n)(1)(ii) or (2)(ii), whichever is applicable, of this section. Nonpublicly offered regulated investment companies and nominees may use a substitute form that contains provisions substantially similar to those of the prescribed form if the nonpublicly offered regulated investment company or nominee complies with all revenue procedures relating to substitute forms in effect at the time. The statement shall be furnished either in person or in a statement mailed by first-class mail that includes adequate notice that the statement is enclosed. A statement shall be considered to be furnished to an affected investor within the meaning of this section if it is mailed to such affected investor at its last known address.

(o) *Return of information by a common trust fund.* With respect to each affected investor to which paragraph (d) of this section applies, the common trust fund shall state on the return it is required to make pursuant to section 6032 for its taxable year, the following information:

(1) The amount of the affected investor's proportionate share of the affected expenses for the taxable year as described in paragraph (d)(1)(ii) of this section.

(2) The amount of the affected investor's proportionate share of ordinary taxable income or ordinary net loss for the taxable year determined pursuant to paragraph (d)(1)(i) of this section, and

(3) Such information as may be specified by the form or its instructions.

(p) *Publicly offered regulated investment companies.* [Reserved]

§ 1.67–4T Allocation of expenses by nongrantor trusts and estates (temporary). [Reserved]

Par. 4. Section 1.162–1 is amended by adding a new paragraph (b)(7) to read as set forth below.

§ 1.162–1 Business expenses.

* * * * *

(b) *Cross references.* * * *

(7) For limitations on the deductibility of miscellaneous itemized deductions, see section 67 and §§ 1.67–1T through 1.67–4T.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 5. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 6. Paragraph (c) of § 602.101 is amended by inserting in the appropriate place in the table

"§ 1.67–2T..... 1545–0110".

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved:

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

March 8, 1988.

[FR Doc. 88–6471 Filed 3–25–88; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Approval of Permanent Regulatory Program Amendments for the State of Arkansas

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval, with certain exceptions, of proposed amendments submitted by the State of Arkansas as modifications to its permanent regulatory program (hereinafter referred to as the Arkansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments contain additions and/or revisions to parts of the Arkansas Surface Coal Mining and Reclamation Code (ASCMRC)

Subchapter A, General; Subchapter F, Areas Unsuitable for Mining; Subchapter G, Surface Coal Mining and Reclamation Operations, Permits and Coal Exploration Procedures Systems; Subchapter J, Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations; and Subchapter K, State Program Performance Standards that includes the inspection, enforcement, and civil penalty provisions of the Arkansas program.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. James Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135, Telephone: (918) 581–6430..

SUPPLEMENTARY INFORMATION: .

I. Background

The Secretary of the Interior approved the Arkansas program on November 21, 1980. Information pertinent to the permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions approval, can be found in the November 21, 1980 **Federal Register** (45 FR 77003). Subsequent actions concerning program amendments are identified at 30 CFR 904.10 and 904.15.

II. Submission of Program Amendments

On April 17, 1985, in accordance with the provisions of 30 CFR 732.17 (d), (e) and (f), OSMRE notified Arkansas of the changes necessary to ensure that the approved regulatory program was in accordance with SMCRA and no less effective than its implementing regulations, as revised since November 21, 1980, when the Arkansas program was originally approved. To comply with this letter, the State of Arkansas submitted proposed program amendments to OSMRE on March 10, 1986 (Administrative Record AR–302).

OSMRE announced receipt of the amendments in the April 15, 1986, **Federal Register** (51 FR 12713) and in the same notice, initiated a 30-day public comment period and provided an opportunity for a public hearing on the substantive adequacy of the proposed amendments. No public comments were received by May 15, 1986, the close of comment period, and because no one requested an opportunity to testify, no public hearing was held. During review of these amendments, OSMRE identified several concerns. A letter dated September 3, 1986, was sent to the State identifying substantive changes that were required for the Director to approve the amendments. In response to the letter, the State submitted a revised amendment to OSMRE on October 17, 1986 (Administrative Record No. AR–312). Because the resubmission contained several differences from the initial set of rules that were submitted on March 10, 1986, OSMRE reopened the public comment period on November 24, 1986 (51 FR 41166). No public comments were received by December 9, 1986, the close of the extended comment period.

Following a review of the Arkansas amendments, OSMRE notified the State on February 23, 1987, of its concerns regarding its amendments. A number of OSMRE concerns were based on the U.S. District Court for the District of Columbia decisions in *In Re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79–1144 (hereinafter referred to as PSMRL II).

Arkansas, in a letter (Administrative Record AR–318) dated May 1, 1987, submitted the necessary changes, and additional changes in three sections. Due to the submission of the new sections, OSMRE again reopened a 30-day public comment period and provided opportunity for a public hearing on the new sections on July 21, 1987 (FR 27419). No public comments were received by August 20, 1987, the close of the comment period, and since no one requested to testify, no public hearing was held.

The amendment contains additions and/or revisions to the ASCMRC at the following Parts:

701 State program
761 Areas designated by Act of Congress
762 Criteria for designating areas as unsuitable for surface coal mining operations
764 State processes for designating areas unsuitable for surface coal mining operations
771 General requirements for permits and applications
772 Surface coal mining and reclamation operations affecting two acres or less
776 General requirements for coal exploration operations
779 Surface mining permit applications—minimum requirements for information on environmental resources
780 Surface mining permit applications—minimum requirement for reclamation and operation plan
784 Underground mining permit applications—minimum requirements for reclamation and operation plan
785 Requirements for permits for special categories of mining
786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions
788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits
795 Small operator assistance
800 General requirements for bonding of surface coal mining and reclamation operations under the State program
805 Amount and duration of performance bond
806 Form, conditions, and terms of performance bonds and liability insurance
807 Procedures, criteria, and schedule for release of performance bond
808 Performance bond forfeiture criteria and procedures
815 State program performance standards—coal exploration and operations affecting 2 acres or less
816 Permanent program performance standards
819 Special State program performance standards—auger mining
823 Special State program performance standards—operations on prime farmland
826 Special State program performance standards—operations on steep slopes
827 Special State program performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine
842 Inspections
843 Enforcement
845 Civil penalties
1000 Suspension notices

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendments submitted by Arkansas on May 1, 1987. Only those revisions of particular interest are discussed. Any amendments not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal rules. Amendments that are not discussed contain language similar to the corresponding Federal rules, concern nonsubstantive wording changes, or involve provisions that lack a Federal counterpart and that do not adversely affect other aspects of the program. In the future, the Director may require further changes to these rules, or any other rules in the program, as a result of Federal regulatory revisions and court

decisions, and OSMRE's ongoing review of the Arkansas program.

Finding No. 1: ASCMRC Part 772, 2-Acre Exemption

The Arkansas regulations at ASCMRC Part 772 established the minimum general criteria for permits and permit application requirements for operations affecting 2 acres or less. On November 26, 1985, in accordance with the provisions of 30 CFR 732.17(f)(1), OSMRE notified Arkansas of changes necessary to ensure ASCMRC 772.2 was no less effective than the then current Federal requirements at 30 CFR 700.11 (b) and (c), regarding operations under the 2-acre exemption in section 528 of SMCRA. Arkansas made the required changes in its October 17, 1986 submission of proposed program amendments. Thereafter, Public Law 100–34 was signed into law on May 7, 1987, repealing the 2-acre exemption of section 528 of SMCRA, thereby pre-empting the Federal 2-acre exemption regulation and any State law or regulation that permits surface coal mining operations for commercial purposes on sites of 2 acres or less without satisfying the requirements of SMCRA. The Arkansas regulations addressing the 2-acre exemption were pre-empted by Pub. L. 100–34 and may no longer be enforced. Therefore, the Director is disapproving the amendments to ASCMRC 772.

Finding No. 2: ASCMRC Section 816.116(b)(3)(ii), Trees and Shrubs

Both Arkansas and OSMRE programs require that the period of responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, except approved normal husbandry practices.

The District Court ruled (PSMRL II), that the administrative record did not show that the replanting of trees and shrubs is a normal husbandry practice. Consequently, replanting would either restart the period of responsibility for successful revegetation, or trees and shrubs replanted during the period could not be counted in determining the success of revegetation. In response to the court ruling, OSMRE suspended 30 CFR 816.116(b)(3)(ii) and 817.117(b)(3)(ii) on November 20, 1986, insofar as they authorized the counting of trees and shrubs which have been in place less than the full period of responsibility in determining the success of revegetation (51 FR 41952).

ASCMRC section 816.116(b)(3)(ii) provided, in part, that trees and shrubs in place for less than the full 5 year period of revegetation responsibility may be counted in determining success of tree and shrub stocking. The Director finds the Arkansas regulation ASCMRC section 816.116(b)(3)(ii) less effective than the Federal requirements and is disapproving the regulation. Arkansas must amend its regulations to be consistent with the Court's decision and subsequent actions taken by OSMRE, or resubmit the regulation with sufficient documentation in the record to show the replanting of trees and shrubs is a normal husbandry practice in Arkansas.

Finding No. 3: ASCMRC section 816.116(c)(4), Rills and Gullies

ASCMRC section 816.116(c)(4) allows approval of selective husbandry practices on reclaimed land without extending the period of responsibility for revegetation success or bond liability. Along with other requirements in the rule, the practices must be normal conservation practices for unmined lands of similar use in the region. The wording of the Arkansas regulation closely parallels the wording of OSMRE regulation 30 CFR 816.116(c)(4) and the Arkansas regulation is as effective as the OSMRE regulation.

OSMRE promulgated 30 CFR 816.116(c)(4) on September 2, 1983 (48 FR 40160). The preamble to the final rule explained that the practice of repair of rills and gullies, including reseeding or transplanting, could be approved under the rule without extending the period of responsibility for revegetation success. The practice could be approved only if it met applicable requirements in the regulation, including the requirement that it be a normal conservation practice in the region. The regulation was challenged and the District Court ruled in PSMRL II, that the record did not support the proposition that repair of rills and gullies is a normal conservation practice in any region of the country. In response to the court action, OSMRE suspended 30 CFR 816.116(c)(4) insofar as it permits the repair of rills and gullies without restarting the period of responsibility (51 FR 41962).

The Director is approving ASCMRC 816.116(c)(4) with the understanding that Arkansas will implement the rule with the same interpretation as the corresponding Federal regulation and prohibit the repair of rills and gullies without restarting the responsibility period. Therefore, the State of Arkansas cannot allow the repair of rills and gullies without restarting the responsibility period and the Director finds the Arkansas rule at ASCMRC 816.116(c)(4) is no less effective than the Federal rule.

Finding No. 4: ASCMRC 1000, Removal of Affirmative Disapprovals

On November 21, 1980 the Secretary gave conditional approval to the Arkansas program (FR 45 7703). In accordance with the decision of the U.S. District Court for the District of Columbia in *In Re: Permanent Surface Mining Regulation Litigation I* (Civil Action No. 79–1144) date May 16, 1980, the Secretary affirmatively disapproved, to some extent, Arkansas regulations at ASCMRC 761.11(c), 761.12(f)(1), 779.20, 780.16, 783.20 and 784.21. The affirmative disapproval was codified at 30 CFR 904.10(b) 5, 7, and 30.

ASCMRC 1000(6) originally suspended those provisions of ASCMRC 761.11(c) and 761.12(f)(1) that limit or prohibit mining that would adversely affect publicly owned parks and privately owned sites listed on the National Register of Historic Places. To be no less effective than the Federal rules at 30 CFR 761.11(c) and 761.12(f)(1), which extend protection to these areas, Arkansas reinstated the suspended provisions. Specifically, Arkansas deleted ASCMRC 1000(6). The Director finds the regulations to now be no less effective than 30 CFR 761.11(c) and 761.12(f)(1). OSMRE will revise 30 CFR 904.10(b)(5) to remove the affirmative disapproval originally placed on these State provisions.

On February 21, 1985, OSMRE reinstated its permitting requirements for fish and wildlife resource information and protection plans (50 FR 7278). To be no less effective than the reinstated Federal rules at 30 CFR 779.20, 780.16, 783.20, and 784.21, Arkansas revised ASCMRC Part 1000 to remove its suspension of the corresponding State rules, ASCMRC 779.20, 780.16, 783.20, and 784.21. Specifically, Arkansas deleted ASCMRC 1000(10), (13), (16), and (19). The Director finds the regulations now to be no less effective than 30 CFR 779.20, 780.16, 783.20, and 784.21. OSMRE will revise 30 CFR 904.10(b)(7) to remove the affirmative disapproval originally placed on these rules.

Finding No. 5: ASCMRC 1000, Crop Production

ASCMRC 1000(50) and (51) suspend ASCMRC 823.11(c) and 823.15 (b) and (c) insofar as they require actual crop production from reclaimed prime farmlands. However, the Federal regulations at 30 CFR 785.17(e)(1) allow the issuance of a permit for the mining and reclamation of prime farmland only if the approved postmining land use is cropland. Furthermore, revised 30 CFR

823.15(b) requires that prime farmland soil productivity restoration be measured on all or a representative sample of the reclaimed lands using actual crop yields. Therefore, to be no less effective that the Federal rules, Arkansas was required to remove the suspension of ASCMRC 823.11(c), 823.15 (b) and (c) described in ASCMRC 1000(50) and (51).

In preparation of the issue letter of September 3, 1986 (AR–333), OSMRE inadvertently overlooked the requirement to remove ASCMRC 1000(50). Arkansas did remove ASCMRC 1000(51) and that action is approved in this final rule. However, the Director finds the ASCMRC 1000(50) suspension of Arkansas regulation ASCMRC 823.11(c) less effective than the Federal requirements and Arkansas must remove the rule suspension at ASCMRC 1000(50) as well. OSMRE will then revise 30 CFR 904.10(b)(30) to reflect the deletion of ASCMRC 1000(51) and remove the affirmative disapproval originally placed on these Arkansas provisions.

IV. Public Comment

The Director solicited public comment on the proposed amendment and provided opportunity for a public hearing. No comments were received. Because no one requested an opportunity to testify at a public hearing, no hearing was held. Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various State and Federal agencies. No comments were received.

V. EPA Concurrence

OSMRE requested the concurrence of Environmental Protection Agency (EPA) on those aspects of the amendments submitted by Arkansas which relate to air or water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*) and the Clean Air Act, as amended (42 U.S.C. 7401 *et seq*). In accordance with section 503(b) of SMCRA, OSMRE is required to obtain the concurrence of the EPA. OSMRE received EPA's letter of concurrence dated June 15, 1987 and has entered it in the Administrative Record as AR–322.

VI. Director's Decision

Based on the above findings, and with the exception of those provisions determined to be inconsistent with SMCRA or the Federal regulations, the Director is approving the proposed amendments submitted to OSMRE by Arkansas on May 1, 1987, provided that Arkansas promulgates these regulations in a form identical, with the exception of typographical errors, to that May 1, 1987 submission.

The Director is disapproving the following provisions of the proposed amendments:

(1) As discussed in finding number 1, ASCMRC Part 772, concerning the 2-acre exemption rule.

(2) As discussed in finding number 2, ASCMRC section 816.116(b)(3)(ii), concerning the counting of trees and shrubs in determining revegetation success.

The Director is requiring the following amendments:

(1) Arkansas must amend its regulations at ASCMRC section 816.116(b)(3)(ii) to be consistent with OSMRE's actions, or resubmit the regulation at ASCMRC 816.116(b)(3)(ii) with sufficient documentation in the record to show the replanting of trees and shrubs is a normal husbandry practice in the State of Arkansas.

(2) Arkansas must amend its regulations at ASCMRC 1000(51) to remove the suspension of ASCMRC 823.11(c).

The Director is amending Part 904 of 30 CFR Chapter VII to implement this decision.

VII. Procedural Requirements

1. *Compliance with the National Environmental Policy Act*

The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act*

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of a State regulatory program. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review of OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*). This rule would not impose any new requirements; rather it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act*

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 904

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

Date: March 17, 1988.

Brent Walquist,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T, of the Code of Federal Regulations is amended as set forth below:

PART 904—ARKANSAS

1. The authority citation for Part 904 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq*).

2. Section 904.10 is amended by revising paragraphs (a) (1), (2) and (3), and (b)(30) and by removing and reserving paragraphs (b)(5) and (b)(7) as follows:

§ 904.10 State regulatory program approval.

(a) * * *

(1) Arkansas Department of Pollution Control and Ecology, Mining Reclamation Division, 8001 National Drive, Little Rock, Arkansas 72209, Telephone (501) 562–7444.

(2) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135, Telephone (918) 581–6430.

(3) Office of Surface Mining Reclamation and Enforcement, 1100 L Street NW., Room 5131, Washington, DC 20240, telephone (202) 343–5447.

(b) * * *

(30) Section 823.11(c) to the extent it requires an operator on prime farmland to actually return the land to crop production.

* * * * *

3. Section 904.12 is added to read as follows:

§ 904.12 State program provisions and amendments disapproved.

The following amendments to the Arkansas Surface Coal Mining and Reclamation Code as submitted to OSMRE on May 1, 1987, are hereby disapproved:

(a) ASCMRC Part 722, all revisions and additions which address surface coal mining and reclamation operations previously exempted under the 2-acre exemption rule of section 528 of SMCRA.

(b) ASCMRC section 816.116(b)(3)(ii), revisions to the extent that they allow trees and shrubs in place for less than the liability period to be used in determining the success of stocking and the adequacy of plant arrangement.

4. Section 904.15 is amended by adding a new paragraph (d) as follows:

§ 904.15 Approval of amendments to State regulatory program.

* * * * *

(d) The following amendments to the Arkansas Surface Mining and Reclamation Code, as submitted to OSMRE on May 1, 1987, are approved effective March 28, 1988. Revisions to Arkansas regulations at Sections:

701.5
761.12(b)(2)
761.12(e) (1) and (2)
761.12(e)(3) (i) and (ii)
761.15
762.5
764.13
764.15(a)(1)
771.23(c)(4)
776.12
776.12(a)(3)(vi)
776.14(a)
778.14(c)
779.14(a)
779.14(b)(1)
779.17
780.18(b)(4)
780.21
785.13(e)
785.13(e)(5)
785.13 (i), (j), and (k)
785.17(b)(1)(ii)
786.1(d)
786.11(a)
786.15(a)(4)
786.16(a)
786.17(a)(1)
786.19(d)(8)
786.29(c)
788.18(d)
795.13
795.14(d)(4)
795.19(a)(5)
800.11(h)
800.13(g)
805.13(b)
805.14(a)
806.11(b)
806.11(d)(2)(v)
808.14(c)
815.15(a)
816.41(d)
816.42(a)(7)
816.43
816.44(b)(3)
816.46
816.49
816.52(a)(4)
816.53
816.55(d)
816.57(a)(2)
816.71
816.72
816.73
816.74
816.79
816.81
816.83
816.84
816.87
816.89
816.97(b)
816.97(d)(10)
816.102(a)(2)
816.102 (b) and (f)
816.107
816.111
816.116
816.126-U (a), (e), and (f)
816.133(b)(1)
816.150
816.151
819.11(c)(1)
819.11(c)(2)
823.12(a)(1)
823.15
826.12(c)
827.11
842.16(a)
843.11(a) (2) and (3)
845.12(b)
1000 (6), (10), (13), (16), (19), and (51).

This approval is contingent upon the State's promulgation of the proposed regulations in the identical form submitted for OSMRE's review and approval with the exception of typographical errors.

5. Section 904.16 is amended by removing the reserved status and adding the following:

§ 904.16 Required program amendments.

Pursuant to 30 CFR 732.17 Arkansas is required to make the following program amendments:

(a) By May 27, 1988, Arkansas shall amend its regulations at ASCMRC section 816.116(b)(3)(ii) to be consistent with OSMRE's actions, or resubmit the proposed regulation at ASCMRC 816.116(b)(3)(ii) with sufficient documentation in the record to show the replanting of trees and shrubs is a normal husbandry practice in the State of Arkansas.

(b) By May 27, 1988, Arkansas shall revise its regulations at ASCMRC 1000(51) to remove the suspension of ASCMRC 823.11(c).

6. Section 904.20 is revised as follows:

§ 904.20 Approval of Arkansas abandoned mine land reclamation plan.

The Arkansas Reclamation Plan, as submitted on July 7, 1982, is approved. Copies of the approved program are available at:

Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135

State of Arkansas Department of Pollution Control and Ecology, Division of Surface Mining Reclamation, 8001 National Drive, Little Rock, Arkansas 72209

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 L Street NW., Washington, DC 20240.

[FR Doc. 88-6693 Filed 3-25-88; 8:45 am]

BILLING CODE 4310-05-M

---

30 CFR Part 944

Approval of Amendment to Utah Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing approval of an amendment to the Utah permanent regulatory program (hereinafter referred to as the Utah program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or "the Act"). The amendment pertains to civil penalty assessments.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 625 Silver Avenue, SW., Suite 310, Albuquerque, NM 87102 (Telephone (505) 766-1486).

SUPPLEMENTARY INFORMATION:

I. Background

The Utah program was conditionally approved by the Secretary of the Interior, effective January 21, 1981, by notice published in the **Federal Register** (46 FR 5913). Information regarding the general background, revisions, modifications, and amendments to the Utah program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Utah program, can also be found in the January 21, 1981 **Federal Register.** Actions taken subsequent to the approval of the Utah program may be found at 30 CFR 944.15 and 944.16.

II. Discussion of the Amendments

On February 17, 1987, Utah submitted a proposed amendment to the Utah regulations for OSMRE's review and approval (Administrative Record No. UT-436). The amendment would add a paragraph at SMC/UMC 845.15(b)(2) providing that a penalty for failure to abate a violation shall not be assessed

for more than 30 days for each violation and that, if the permittee has not abated a violation within the 30-day period, the Division of Oil, Gas and Mining (Division) will, within 30 days, appeal such noncompliance to the Board of Oil, Gas and Mining ("the Board") for resolution under Utah H.B. 138, Chapter 10, Sections 40–10–20(5) (criminal penalties), 40–10–20(6) (individual civil penalties), 40–10–22(1)(d) (permit suspension or revocation), 40–10–22(2) (civil action), or by other appropriate means.

On March 27, 1987, OSMRE published a notice in the **Federal Register** announcing receipt of the proposed amendment and inviting public comment (52 FR 9891, Administrative Record No. UT–445). The notice stated that a public hearing would be held on April 21, 1987, only if requested. Since there were no requests for a hearing, a hearing was not held. The comment period closed on April 27, 1987. After reviewing the proposed amendment and all comments received, OSMRE notified Utah on June 10, 1987, of a provision that appeared to be inconsistent with the Federal regulations (Administrative Record No. UT–453). By letter dated July 7, 1987, Utah provided clarification (Administrative Record No. UT–455). OSMRE requested additional clarification by letter to Utah dated August 7, 1987 (Administrative Record No. UT–456). Utah responded to this request by letter dated August 31, 1987, by proposing revised language and providing further clarification of the amendment provisions (Administrative Record No. UT–457).

OSMRE therefore reopened and extended the comment period to allow the public an opportunity to comment on the additional material (52 FR 41738, October 30, 1987). The comment period closed on November 16, 1987. No substantive comments were received. On January 8, 1988, Utah submitted final rules SMC/UMC 845.15(b)(2) for review (Administrative Record No. UT–480). The final rule was not substantially different from the proposed rule (Administrative Record No. UT–457).

III. Director's Findings

The Director finds, in accordance with SMCRA, 30 CFR 732.15, and 30 CFR 732.17, that the program amendment submitted by Utah on February 17, 1987, subsequently revised and clarified on August 31, 1987, and submitted in final form on January 8, 1988, meets the requirements of SMCRA and 30 CFR Chapter VII as discussed below. The Director is approving the rules with the provision that they be implemented in a manner that is no less effective than the Federal regulations and no less stringent than SMCRA.

Utah proposes to amend section SMC/UMC 845.15 of its regulations by redesignating the current contents of paragraph (b)(2) as (b)(1)(ii) and adding a new paragraph (b)(2). As amended, SMC/UMC 845.15(b)(2) provides that any daily penalty for failure to abate a violation shall not be assessed for more than 30 days for each violation. The proposed amendment further provides that, if the violation remains unabated after 30 days, the Division of Oil, Gas and Mining will be required within 30 days thereafter to appeal such noncompliance to the Board of Oil, Gas and Mining for resolution under Utah H. B. 138, Chapter 10, Sections 40–10–20(5) (criminal penalties), 40–10–20(6) (individual civil penalties), 40–10–22(1)(d) (permit suspension or revocation), 40–10–22(2) (civil action), or by other appropriate means.

The corresponding Federal regulations at 30 CFR 845.15(b)(2) also provides a 30-day cap on civil penalties and requires, if the violation remains unabated after 30 days, that alternative enforcement action be initiated within 30 days. The Federal regulation specifies that such action is to be taken pursuant to section 518(e) (criminal penalties), 518(f) (individual civil penalties), 521(a)(4) (permit suspension or revocation), or 521(c) (civil action) of SMCRA.

The requirements of the Utah and Federal rules are the same with one exception. The Federal rule limits alternative enforcement actions or remedies to those enumerated, while the Utah rule allows the use of other appropriate means. By letter dated August 31, 1987, Utah provided a written opinion dated August 26, 1987, from the Office of the Utah Attorney General (Administrative Record No. UT–457) to support its inclusion of the phrase "or by other appropriate means." This opinion: (1) Reiterates the statutory provisions of section 518(i) of the Act that allows States to implement additional enforcement rights or procedures that are not specifically enumerated in the Act; (2) states that the proposed language does not allow Utah the latitude to select alternative remedies that are less effective than the Federal regulations, and that, "* * * since Utah may apply the rule in an 'as effective as' manner, the rule should stand as written unless it is later determined that it has been applied less effectively;" and (3) identifies two additional unenumerated remedies available to the State as being no less effective than the Federal rule.

OSMRE agrees with the Assistant Attorney General that States may implement additional enforcement rights or procedures that are not specifically enumerated in the State or Federal program. Utah may, without program amendment, adopt additional enforcement rights and procedures, such as the two discussed in the Assistant Attorney General's opinion, beyond the four statutory remedies enumerated in the State and Federal programs. On the other hand, Utah cannot adopt enforcement rights and procedures in lieu of the enumerated statutory remedies without program amendment. Any approved alternative to these statutory remedies must be no less stringent than the statutory sanctions and must be no less effective in achieving the purpose of 30 CFR 845.15(b)(2), namely, ensuring abatement of the violation or that there will not be a recurrence of the failure to abate. Therefore, the Director finds that the amendment is no less effective than the Federal requirements, provided that Utah submits any alternative enforcement remedies in lieu of those specifically enumerated in the State and Federal programs, for OSMRE review and approval prior to implementation.

IV. Public Comments

No public comments were received and all agencies responding to these proposed regulations had no comment. Acknowledgements were received from the following Federal agencies: The Fish and Wildlife Service, the Bureau of Mines, the Soil Conservation Service, and the Environmental Protection Agency. This disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10(i).

V. Director's Decision

The Director, based on the above findings, is approving the amendments as submitted by Utah on February 17, 1987, revised and clarified on August 31, 1987, and submitted in final form on January 8, 1988. The Director is amending Part 944 of Chapter VII to reflect approval of the State program amendments. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs to the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 944

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

Date: March 17, 1988.

Brent Walquist,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below.

PART 944—UTAH

1. The authority citation for Part 944 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.15 is amended by adding a new paragraph (l) to read as follows:

§ 944.15 Approval of amendments to State regulatory program.

* * * * *

(l) The following amendment is approved effective March 28, 1988:

Modification to the Utah State Program regulations submitted to OSMRE by Utah on January 8, 1988. The modification was as follows: redesignation of the existing SMC/UMC 845.15 (b)(2) as (b)(1)(ii) and adding a new paragraph (b)(2) to provide for a 30-day cap on civil penalty assessments.

[FR Doc. 88-6692 Filed 3-25-88; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-87-055]

Drawbridge Operations Regulations; Kent Island Narrows, MD

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Maryland Congressional Delegation, the Governor of Maryland, and the Maryland Department of Transportation, the Coast Guard is changing the regulations governing operation of the drawbridge on U.S. Route 50/301 across Kent Island Narrows near Grasonville, Maryland, by eliminating bridge openings during peak vehicular traffic periods on weekends during the summer months. This amendment also adds one afternoon opening on Sundays and Monday holidays, and extends the Saturday opening schedule to Fridays, when Friday is a holiday. The Friday schedule will be in effect on the Thursdays before Friday holidays. This action will relieve some of the serious traffic conditions that result on summer weekends, while providing for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on May 1, 1988.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, (804) 398-6222.

SUPPLEMENTARY INFORMATION: On May 8, 1987, a notice of proposed rulemaking was published in the **Federal Register** (52 FR 17413) concerning this bridge. The Commander, Fifth Coast Guard District, also published the proposal as a Public Notice dated May 1, 1987.

On July 7, 1987, a supplemental notice of proposed rulemaking was published in the **Federal Register** (52 FR 25389). The Commander, Fifth Coast Guard District, also published the supplemental proposal as a Public Notice dated July 10, 1987. In both notices, interested persons were given until November 30, 1987, to submit comments. On June 4, 1987, a public hearing was held in Stevensville, Maryland, to receive additional public comments.

Temporary regulations were issued in response to both the original notice of proposed rulemaking and the supplemental notice of proposed rulemaking in order to evaluate the proposals and alternative schedules. These temporary rules were published in the **Federal Register** on May 14, 1987 (52 FR 18229) and July 14, 1987 (52 FR 26341), respectively.

Drafting Information

The drafters of these regulations are Ann B. Deaton, Project Officer, and CDR Robert J. Reining, Project Attorney.

Discussion of Comments

The Coast Guard received 52 written comments in response to the notice of proposed rulemaking. These comments and the results of the public hearing were discussed in the supplemental notice of proposed rulemaking published.

Three comments were received in response to the supplemental notice of proposed rulemaking. One was from a private boat owner applauding the addition of the 3:30 p.m. opening on Sundays, stating that this opening will be of substantial assistance to boaters. Another comment was from a motorist who believes that the change will substantially improve highway traffic conditions on U.S. 50/301 during the summer. The final comment from the Boat Owners Association of the United States objected to any further restrictions on the opening of this bridge. Their position was that the elimination of a few openings will do little to improve weekend traffic jams that are simply caused by too many cars on an inadequate roadway.

The results of our contacts with marine-related businesses in the area and boat owners who routinely transit Kent Narrows show that the majority of these interests accept the elimination of the 9:00 a.m. opening on Saturdays, and are pleased with the 3:30 p.m. opening on Sunday, as compared to no opening on Sunday afternoons or evenings as originally proposed by the State of Maryland. In addition, all of our data showed that highway traffic along U.S. 50/301 is particularly heavy at 9:00 a.m. on Saturdays and 8:00 p.m. on Sundays. Openings at these times are being eliminated. The data further showed that highway traffic counts on Sundays were lower at 3:30 p.m., than at other times that would provide meaningful access to boaters. The results of tests

run during the summer of 1987 show that the schedule being adopted does show some improvement in highway traffic flow over the previous opening schedule.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation's regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that the regulations will have no effect on commercial navigation or on any industries that depend on waterborne transportation. The economic impact on marinas and other small, water-related businesses in the Kent Island area has been found not to be significant. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they 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, Part 117 of Title 33, Code of Federal Regulations, is amended 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).

2. In § 117.561, the introductory paragraph, paragraphs (b) (1) through (4) and the introductory text of paragraph (b), and paragraph (c) are revised to read as follows:

§ 117.561 Kent Island Narrows

The draw of the U.S. Route 50/301 bridge, mile 1.0, Kent Island Narrows, operates as follows:

* * * * *

(b) From May 1 through October 31:

(1) On Monday (except when Monday is a holiday) through Thursday (except when Thursday is the day before a Friday holiday), the draw shall open on signal on the hour from 7 a.m. to 7 p.m., but need not be opened at any other time.

(2) On Friday (except when Friday is a holiday) and on Thursday when it is the day before a Friday holiday, the draw shall open on signal on the hour from 6 a.m. to 3 p.m. and at 8 p.m., but need not be opened at any other time.

(3) On Saturday and on a Friday holiday, the draw shall open on signal at 6 a.m. and 12 noon and on signal on the hour from 3 p.m. to 8 p.m., but need not be opened at any other time.

(4) On Sunday and on a Monday holiday, the draw shall open on signal on the hour from 6 a.m. to 1 p.m. and at 3:30 p.m., but need not be opened at any other time.

* * * * *

(c) The draw shall open on signal for public vessels of the United States, State, or local government vessels used for public safety purposes, commercial vessels, and vessels in distress.

Dated: March 18, 1988.

R.M. Polant,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 88–6687 Filed 3–25–88; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

New Domestic Mail Manual Regulations To Implement Changes In Rates, Fees and Classifications

AGENCY: Postal Service.

ACTION: Final rule and request for comments.

SUMMARY: As announced elsewhere in today's issue of the **Federal Register**, new domestic postal rates, fees, and classifications are scheduled to take effect on April 3, 1988, at 12:01 a.m. Implementing regulations for these rate, fee, and classification changes have been developed and are set forth below. Although they are to take effect on April 3, 1988, except for regulations on the computation of nonsubscriber and nonrequester copy limits, which are effective on January 1, 1989, comments on these regulations are solicited, and any proposed changes will be considered and acted upon as appropriate. In addition, the interim regulations that became effective October 25, 1987, allowing registered mail service and merchandise return service to be used with each other, and allowing special handling and merchandise return service to be used with each other are adopted in final form without change.

EFFECTIVE DATES: April 3, 1988, except the regulations on the computation of nonsubscriber and nonrequester copy limits, which become effective January 1, 1989. *Comment Date:* Written comments on these implementing regulations should be received on or before May 3, 1988.

ADDRESS: Written comments should be directed to the Director, Office of Classification and Rates Administration, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, DC 20260–5360. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, 475 L'Enfant Plaza West SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lynn Martin, (202) 268–5176.

SUPPLEMENTARY INFORMATION: In addition to incorporating in the Domestic Mail Manual the new rates and fees approved by the Governors of the Postal Service, these implementing regulations also include new provisions that are necessary to implement the various mail classification changes also approved by the Governors. The following is a summary of the changes made to the Domestic Mail Manual as a result of the rate, fee, and classification changes.

A. First-Class Mail

1. *General.* All rates, except Priority Mail, will change.

NOTE: All rates in the Domestic Mail Manual (DMM) are now expressed in dollars (as opposed to being expressed in cents). Do NOT Move the decimal two places to the left before computing postage.

2. *Single Piece Rate First-Class Mail (Other than Cards).* There is a change in the rate structure. These rates will apply only to pieces weighing 11 ounces or less.

3. *Presorted First-Class Rate.* There is a change in the rate structure. For pieces weighing over two ounces, a lower rate for the first ounce is prescribed. See Exhibit 310.

4. *ZIP + 4 Presort Rate.* The tolerance for the placement of the barcode in the barcode clear zone, for those wishing to barcode as an option in a ZIP + 4 Presort mailing, has been relaxed.

5. *ZIP + 4 Barcoded Rate.* A new ZIP + 4 Barcoded rate is established. See DMM 325.

6. *Carrier Route First-Class Rate.* There is a change in the rate structure. For pieces weighing over two ounces, a lower rate for the first ounce is prescribed. See Exhibit 310.

7. *Priority Mail Nonmenclature.* The name "Zone Rate (Priority) First-Class Mail" is changed to "Priority Mail." Priority Mail rates will now apply to all single piece First-Class pieces weighing more than 11 ounces. (Pieces at lower

weights may also be mailed at Priority Mail rates at the mailer's option.)

8. *Nonstandard Surcharge.* A lower surcharge of $0.05 per piece has been established for nonstandard pieces mailed at the Presorted First-Class and Carrier Route First-Class rates. The surcharge remains at $0.10 for nonstandard size pieces at the single piece rates.

B. Express mail

1. *General.* All rates change.

2. *Rate Structure Changes.* a. A new lower letter rate for up to ½ pound is now available for all service options. The Post Office to Addressee letter rate is $8.75.

b. Zones are eliminated for all weights.

c. Custom Designed Service rates are lowered.

3. *Pick-up Service.* On-call pickup service may be provided in addition to scheduled pickup at designated postal facilities. A new pickup fee of $4.00 per stop is available for all service options.

4. *Second-Day Service Added.* A Second-Day Express Mail Service to resolve off-net problems is added.

5. *Noon Delivery.* Postage refund guarantee is extended to include noon delivery within the major market network.

C. Second-Class Mail

1. *General.* All rates change.

Note: All rates in the DMM are now expressed in dollars (as opposed to being expressed in cents). To compute second-class postage, multiply the applicable postage (which is in dollars) times the appropriate number of pounds or pieces. DO NOT move the decimal two places to the left before computing postage.

2. *Rate Structure Change.* The outside county per piece discount for the nonadvertising portion of publications (the nonadvertising adjustment) is increased for regular rate and science-of-agriculture rate publications, and a nonadvertising adjustment is added for special nonprofit and classroom rate publications.

3. *Mailing Statement Submission for Combined Mailings.* For mailings that include more than one second-class publication and/or edition, separate mailing statements for each publication and/or edition in the mailing will be required. See 468.4.

4. *Computation of Nonsubscriber and Nonrequester Copy Limits.* Effective January 1, 1989, the 10 percent limits on (a) the number of nonsubscriber copies eligible for preferred rates, and (b) the number of nonsubscriber/nonrequester copies eligible for subscriber/requester rates without being commingled with subscriber or requester copies, will be applied to the number of copies, as opposed to the weight of copies, mailed to subscribers/requesters during the calendar year.

D. Third-Class Mail

1. *General.* All rates change.

Note: All rates in the DMM are now expressed in dollars (as opposed to being expressed in cents). DO NOT move the decimal two places to the left before computing postage.

2. *Sorting Requirements for 5-Digit Presort Level Rate.* Third-class 5-digit presort level rate sorting requirements are revised to eliminate the requirement that there be at least 10 pounds or 50 pieces for any 5-digit ZIP Code separation in non-unique 3-digit sacks. Packages of 10 or more pieces to a 5-digit ZIP Code in a 3-digit sack will qualify for this rate in accordance with 667.42.

3. *New Basic ZIP + 4 Rate.* A new basic ZIP + 4 rate is established. See DMM 622.14 and 662.4.

4. *New 5-Digit ZIP + 4 Rate.* A new 5-digit ZIP + 4 rate is established. See DMM 622.15 and 662.5.

5. *New ZIP + 4 Barcoded Rate.* A new ZIP + 4 barcoded rate is established. See DMM 622.16 and 662.6.

6. *Required Marking for Special Bulk Third-Class Rates.* The option to show the Marking "Nonprofit" instead of "Nonprofit Org." on pieces mailed by organizations authorized the special bulk third-class rates has been added to DMM 662.2b.

E. Fourth-Class Mail

1. *General.* All rates change.

Note: All rates in the DMM are now expressed in dollars (as opposed to being expressed in cents). DO NOT move the decimal two places to the left before computing postage.

F. Special Services

1. *General.* All fees are increased except for: Merchandise Return Service fees which are reduced, Money Order Fees (see also change noted in item 5), corrections to mailing lists (including lists corrected in conjunction with sequencing of address cards), and address changes provided to election boards and registration commissions, which remain the same.

2. *New Business Reply Mail Discount Category (BRMAS).* A new discount category is available for ZIP + 4 prebarcoded business reply mail paid for through a business reply account (requires payment of a permit and accounting fee). See 917.14, 917.213, 917.343a, 917.525, 917.528, and 917.6.

3. *Merchandise Return Service.* Temporary changes adding registry service and special handling as service options in conjunction with merchandise return service are made permanent. Interim regulations implementing these new service options were put into effect on October 25, 1987 (52 FR 38407). These interim regulations are adopted without change as final regulations. Since they are already in the Domestic Mail Manual, they are not being republished here.

4. *Insured Mail.* The fee structure is changed. A $0.70 fee will insure items valued at $50 or less.

5. *Money Orders.* The upper dollar value limit for the first category of money order fees changes from $25 to $35.

6. *New Return Receipt for Merchandise Service.* A new return receipt service, that may be obtained without any other special service, is added for merchandise mailed at Priority Mail, third-class, and fourth-class parcel post rates.

H. Stamped Envelopes

1. *Sizes.* Additional sizes are added to all product lines.

2. *New Double Window Envelopes.*

3. *Envelopes in "Household Quantities."* Printed envelopes (both regular and window) will be available in quantities of 50. A double window envelope will also be available in quantities of 50.

I. Annual Fees

1. *General.* All annual fees increase.

2. *Fee Payment Structure.* The fee payment structure for all annual fees changes from once each calendar year to once each year effective with the month and day of payment. The following fees are affected by this change.

a. Annual Presort Fee (First-Class).

b. Annual Bulk Mailing Fee (Third Class).

c. Annual Presorted Special Fourth-Class Mailing Fee.

d. Annual Business Reply Mail Permit Renewal Fee.

e. Annual Business Reply Mail Accounting Fee.

f. Annual Merchandise Return Service Permit Fee.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service ordinarily invites comment from the public whenever it proposes a new or amended regulation which might have a substantive effect on the public. In this

instance, however, the Governor's decision approving the underlying mail classification changes reflected in the new or amended regulations set forth below followed ten months of on-the-record hearings at the Postal Rate Commission (Docket No. R87-1, see 39 U.S.C. 3624). Interested parties had a full opportunity to comment on those changes during the course of those hearings.

Accordingly, the Postal Service finds it unnecessary to follow its customary practice of publishing the rules set forth below as proposed rules for comment before they become effective. See 5 U.S.C. 553(d). However, we reiterate that comments are welcomed on the published rules, and that any proposed changes will be considered and acted upon as appropriate.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

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

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

2. The Domestic Mail Manual is amended to read as follows:

BILLING CODE 7710-12-M

Chapter 1
Domestic Mail Services

* * * * *

137 Official Mail

* * * * *

137.2 Penalty Mail - Executive and Judicial Officers

* * * * *

.26 Services, Classes, Rates and Preparation Requirements

* * * * *

.263 Mail Preparation

* * * * *

b. Bulk Rate Mailings

* * * * *

(3) Rate Eligibility and Presort. Mailings at the First-Class ZIP + 4 nonpresort rate; Presort First-Class rates (ZIP + 4 Presort, ZIP + 4 Barcoded, First-Class carrier route, Presorted First-Class); second-class rates; bulk third-class rates (basic, 5-digit, carrier route presort, basic ZIP + 4, 5-digit ZIP + 4, ZIP + 4 Barcoded); presorted special fourth-class rates, bulk bound printed matter rates, and carrier route bulk bound printed matter rates must meet the same eligibility requirements for these rates as mail of other mailers (see 323, 324, 325, 420, 622, 723, and 724) and must be prepared under 360, 460, 660, or 760, respectively. The postmaster will furnish appropriate sack or tray labels with which to identify the various types of mail. Penalty mail must be presented for acceptance and verification at the entry post office in accordance with the same instructions and requirements as for other mailers. (See 137.42.)

* * * * *

(5) Rate Documentation. In accordance with the same requirements other mailers must meet, agencies or their contractors must provide the appropriate documentation for pieces mailed at First-Class carrier route, ZIP + 4 presort, and ZIP + 4 barcoded rates; and third-class carrier route, 5-digit presort, basic ZIP + 4, 5-digit ZIP + 4, and ZIP + 4 barcoded rates. (See the specific requirements applicable to the respective classes of mail.)

* * * * *

.27 Penalty Mail Indicia Formats

* * * * *

.276 Penalty Reply Mail

* * * * *

g. Penalty Business Reply

* * * * *

(3) Payment of Postage and Fees. Agencies will be charged a permit fee once each 12-month period in accordance with 917.22 and 917.33. In addition, the business reply mail permit and accounting fee will be charged once each 12-month period for each permit issued, as described in 917.343b. However, post offices will not collect money from agencies in connection with the issuance of penalty business reply permits, accounting fees, or for postage and fees due on such mail. Agencies will pay permit fees, accounting fees, postage, and business reply fees in accordance with the reimbursement procedures of 137.22.

* * * * *

h. Penalty Merchandise Return

* * * * *

(c) The agency must review the license by the expiration date of the permit by providing the post office with a renewal request letter that contains up-to-date local contact information for the agency and the annual fee payment in accordance with 137.276h(8)(c).

* * * * *

(8) Payment of Postage and Fees

(a) Agencies will be charged a merchandise return permit fee of $60 once each 12-month period for each post office to which merchandise return matter is returned.

(b) The amount to be paid for penalty mail merchandise return matter is the appropriate postage for the class of service requested plus a fee of $0.20 per parcel. The registered fee, special handling fee, or insurance fee is additional, where applicable.

* * * * *

140 Postage

141 Stamped Envelopes, Postal Cards, Aerogrammes

141.1 Plain Stamped Envelopes

141.11 Envelopes Available at Post Offices

Kind	Size	Denomination	Price		
			Each (less than 500)	500	1,000
Regular	6-3/4	$0.25	$0.30	$131.40	$262.80
Regular	10 [1]	0.25	0.30	133.40	266.80
Window	6-3/4	$0.25		$132.00	$264.00
Window	10 [1]	0.25		134.00	268.00
Double Window	10 [1]	$0.25		$137.00	$274.00
Nonprofit Regular	6-3/4	$0.09		51.40	102.80
Nonprofit Regular	10 [1]	.09		53.40	106.80
Nonprofit Window	6-3/4	$0.09		52.00	104.00
Nonprofit Window	10 [1]	.09		54.00	108.00

[1] Applies to all intermediate sizes up to and including 10.

141.12 Sales at Post Offices. Only sizes 6-3/4 and 10 regular are sold in less than full box lots. Boxes contain 500 envelopes.

141.13 Nonprofit Envelopes. Only nonprofit organizations and political committees that have obtained authorizations to mail at the special bulk third-class rates (see 623) may purchase nonprofit envelopes. Sales are made in full box lots only, except

at philatelic outlets (see 141.15). Nonprofit envelopes are precanceled.

141.14 Window Envelopes.

141.141 Sale. Window envelopes are sold in full box lots only, except at philatelic outlets (see 141.15).

141.142 Standard Window Sizes. Standard windows are 1-1/8 inches high and 4-3/4 inches wide and are located 1/2 inch from the bottom of the envelope. In size 6-3/4 envelopes, the window is located 7/8 inch from the left edge; in size 10 envelopes, it is 3/4 inch from the left edge. On double window envelopes, the second window (designed for a return address) is located 1/2 inch from the top and left edges, and measures 3/4 inch high and 2-1/2 inches wide.

141.143 Other Window Sizes. Other window sizes and locations occasionally may be produced. Window sizes cannot exceed 1-1/2 inches high and 5 inches wide, window location cannot be nearer than 3/8 inch to any edge of the envelope, and must conform to general Postal Service mail addressing guidelines.

141.15 Envelope Sales at Philatelic Centers. Window and nonprofit stamped envelopes may be sold at philatelic outlets in less than full box lots of 500. The selling price of a single window or nonprofit stamped envelope will be the price listed for each appropriate size and type on the current issue of Form 3300, *Philatelic Catalog*. Philatelic outlets will not sell full box lots of window and nonprofit stamped envelopes.

141.16 Envelope Dimensions

141.161 Regular Sizes. Dimensions may vary 1/16 inch, as follows:

a. Size 6-3/4: 3-5/8 by 6-1/2 inches.

b. Size 10: 4-1/8 by 9-1/2 inches.

141.162 Intermediate Sizes. Intermediate sizes are those between 6-3/4 and 10 (as determined by surface area in square inches). Guidelines include:

a. Length: No greater than 9-1/2 inches nor less than 6-1/2 inches;

b. Height: No greater than 5 inches nor less than 3-5/8 inches;

c. Surface Area: No greater than 39 square inches; and

d. Length divided by height: Between 1.3 and 2.5, inclusive.

141.17 Private Printing of Return Addresses. Stamped envelopes may be privately printed in any style, provided there is at least 3-1/2 inches of clear space left at the right end of the address side of the envelope.

141.2 Printed Stamped Envelopes (Special Request)

141.21 Printed Stamped Envelopes Available (by Mail Order)

Kind	Size	Denomination	Price 50	500	1,000
Regular	6-3/4	$0.25	$15.00	$134.90	$269.80
Regular	10 [1]	.25	15.20	136.90	273.80
Window	6-3/4	$0.25	$15.10	$135.50	$271.00
Window	10 [1]	.25	15.30	137.50	275.00
Nonprofit Regular	6-3/4	$0.09	--	$54.90	$109.80
Nonprofit Regular	10 [1]	.09	--	56.90	113.80
Nonprofit Window	6-3/4	$0.09	--	$55.50	$111.00
Nonprofit Window	10 [1]	.09	--	57.50	115.00

[1] Applies to all intermediate sizes up to and including 10.

* * * * *

141.23 Style of Printing Return Addresses. All lines of the return address will be printed in capital and lower case letters with flush left margin, using 8-point Helvetica type, with the firm or main line(s) printed in bold type, as shown in this sample.

Mr. and Mrs. John Doe	*(bold sanserif)*
475 L'Enfant Plaza, SW	*(light sanserif)*
Washington, DC 20260-9998	

* * * * *

141.3 Postal Cards Available

Denomination	Description
$0.15	Domestic regular or commemorative cut single cards
0.15	Domestic regular, sheet of 40. (See note below.)
0.30	Domestic regular double reply-paid cards
0.28	International surface rate cut single cards
0.36	International airmail rate cut single cards

Note: Postal cards in sheets for use in printing must be cut to regulation size, 3-1/2 x 5-1/2 inches, so that the stamp appears in the upper right corner. Cases of sheet postal cards may be broken for sale. Each sheet sells for $6. Return addresses are not printed on postal cards by the Postal Service.

141.4 Aerogrammes. See the *International Mail Manual* (IMM). Aerogrammes, also known as air letter sheets, sell for face value at $0.39 each.

142 Adhesive Stamps

142.1 Availability and Use

142.11 Types

Purpose	Form	Denominations
Regular Postage	Single or Sheet (panes of 100)	$0.01, .02, .03, .04, .05, .06, .07, .08, .09, .10, .11, .14, .15, .17, .18 .19, .20, .21, .22, .23 .25, .28, .30, .40, .45, .50, .65; $1.00, 2.00
Regular Postage	Panes of 20	$5.00, 8.75, 12.00
Airmail	Panes of 50	$0.36 and .45 (for international airmail use)
Commemorative	Panes of up to 50	$0.25 or other denominations, including airmail, as announced
Regular postage	6-, 12-, or 20-stamp booklets	$0.25 ($1.50, 3.00 or 5.00 booklets)
Commemorative	20-stamp booklet	$0.25 ($5.00 booklets)
Regular Postage	Coils of 3000	$0.01, .02, .03, .04, .05, .06, .09, .10, .11, .12, .14, .15, .17, .18, .20, .21, .22, .25; $1.00
Regular Postage	Coils of 500	$0.01, .02, .03, .04, .05, .06, .09, .10, .11, .12, .14, .15, .17, .18, .20, .21, .22, .25; $1.00
Regular Postage	Coils of 100	$0.17, .20, .22, .25 (Dispensers and stamp affixers for use with these coils are also available.)
Precanceled Postage	Single or sheet; coils of 500 & 3000	Various denominations, available only to permit holders (see 143).

142.12 Use. Affix stamps firmly in the upper right corner of the address side of the mail cover. Any stamp partly concealed by an overlapping stamp may not be counted as postage. Postal employees (other than rural carriers as prescribed in 156.41) are not required to affix stamps to mail.

• • • • •

142.14 Reuse Prohibited. Reuse of stamps with intent to cause loss to the Government or the Postal Service is punishable by fine and imprisonment.

• • • • •

143 Precanceled Stamps

• • • • •

143.2 Philatelic Sales

143.21 Nonpermit Holders

• • • • •

143.212 Precanceled stamps are available at post offices which have them on hand or have a handstamp for precanceling purposes. Post offices may not acquire a precancel handstamp solely to meet philatelic demand. Precancelations may be applied only to regular-issue stamps, not commemoratives, and only to those denominations which see legitimate use by local mailers. The creation of philatelic oddities, or the precanceling of issues or denominations which would not otherwise see legitimate mail use, is not permitted. Handstamps, once acquired, may be retained by post offices to fill requests from philatelists.

143.213 Postmasters will comply with requests for imprints of a precanceling device on their own stamp stock, but not for imprints on blank sheets of paper or on stamps submitted by a collector or other individual. Care should be exercised when precanceling stamps for collectors to ensure legible and well-centered impressions. Permanent ink must be used for precanceling.

• • • • •

143.4 Stamps Precanceled by Postal Service

• • • • •

143.42 Required Format

• • • • •

143.424 Stamps Precanceled with Presorted First-Class Legend

a. Endorsement. Precanceled stamps can be requisitioned with the "Presorted First-Class" legend preprinted as the precancellation device. Precancellation is accomplished by the printed legend as opposed to the legend and parallel horizontal lines as in the past. These stamps can be used only for the first ounce presort rate with postcards and mail of letter size mailed as part of a qualifying Presort First-Class mailing. Mailpieces bearing the "Presorted First-Class"precancellation legend must include the return address. If the return address is not within the delivery area of the post office of mailing, the mailer must place a cancellation endorsement on the piece or submit information to the post office shown in the return address as required by 143.421.

• • • • •

143.441 Small Quantities Precanceled by Handstamp. Small quantities of regular-issue stamps may be precanceled by handstamp designed to precancel 10 stamps at each impression.

• • • • •

144 Postage Meters and Meter Stamps

• • • • •

144.3 Setting Meters

• • • • •

144.35 On-Site Meter-Setting Program

144.351 General

• • • • •

c. Fees for on-site meter settings are:

On a scheduled basis:	$25 for the first meter, plus $4 for each additional meter
	OR
On an unscheduled basis:	$28 for the first meter, plus $4 for each additional meter
	- PLUS -
For each meter checked in or out of service: $5	

d. The on-site meter setting fees listed in 144.351c apply to meters set either at a customer's place of business or at a meter company's offices.

e. The $5 surcharge must be paid for *each* meter checked in or out of service, *in addition to* the on-site fee.

* * * * *

144.355 Setting Meters at Meter Company Branch Offices

a. Installation of New Meter

(1) If the customer has no postage meter license, a license may be issued after telephoning the licensing post office to confirm the approval. Ensure that the customer does not already have a postage meter license at that post office and that no postage meter license has been previously revoked. See 144.351 for the applicable fees to be collected.

* * * * *

b. Checking Meters Out of Service

* * * * *

(8) See 144.351 for the applicable fees to be collected.

c. Transferring Postage from One Meter to a New Meter.

* * * * *

(6) See 144.351 for the applicable fees to be collected.

* * * * *

144.4 Meter Stamps

* * * * *

144.49 Ad Plates

* * * * *

144.492 Postal markings related to the class or category of mail such as "First-Class," "Presorted First-Class," "Priority Mail," "ZIP + 4," "ZIP + 4 Presort," "ZIP + 4 Barcoded," "Third-Class," "Blk. Rt.," "Nonprofit Org.," "Carrier Route Presort," "Basic ZIP + 4," "5-Digit ZIP + 4," "Fourth-Class," "Fourth-Class Bulk Rates," "Special Fourth-Class Rate," "Presorted Special Fourth-Class Rate," "Bound Printed Matter," and "Library Rate," are permissible. If a postal marking is to appear in the ad plate area, no other matter is to be printed. The marking must fill the entire ad plate area to the extent practicable. All words must be in bold capital letters which are at least 1/4 inch in height or 18-point type, and legible at 2 feet. Exceptions for small ad plates which will not accommodate any of the above markings will not be considered.

* * * * *

145 Permit Imprints (Mail Without Affixed Postage)

* * * * *

145.2 Permit

145.21 Application. A permit to use permit imprints and pay postage in cash at the time of, or in advance of, mailing may be obtained by submitting Form 3601, *Application to Mail Without Affixing Postage Stamps*, with a fee of $60, to the post office where mailings will be made. The postmaster will give the applicant a receipt for the fee on Form 3544. There is no other fee for the use of permit imprints, as long as the permit remains active.

Note: The applicant must also pay an annual bulk mailing fee if matter will be mailed at Presort First-Class rates, third-class bulk rates, or Presorted Special Fourth-Class rates. (See Exhibit 310, D through H, 341, 612.1, 641, and 712.1.)

* * * * *

145.4 Content of Permit Imprints

145.41 First-Class Mail. Permit imprints must show city and state; "First-Class Mail," or "Priority," or "Priority Mail"; "U.S. Postage Paid;" and permit number. They may show the mailing date, amount of postage paid, or the number of ounces for which postage is paid. (See Exhibit 145.5a.) The ZIP Code of the permit holder may be shown immediately following the name of the state or in a separate inscription reading *ZIP Code 00000*, when it is possible to include the ZIP Code without creating uncertainty as to the permit holder's correct address or permit number. Instead of printing the city and state of mailing in the permit imprint, mailers may print the endorsement *Mailed from ZIP Code* followed by the 5-digit ZIP Code assigned to the postmaster at the office of mailing. The permit imprint indicia may also include the markings required by 362.

Note: Only the postmaster's ZIP Code listed in Publication 65, *National Five-Digit ZIP Code and Post Office Directory*, may be printed in the permit imprint.

145.42 Second-Class Mail. There is no permit imprint for second-class mail. Second-class publications mailed by publishers or news agents must be prepared with the second-class imprint and other markings as prescribed in 453.2 and 455. The second-class imprint is not a permit imprint. Copies of second-class publications not mailed by publishers or news agents or otherwise not eligible for the publisher's second-class rates in 411.2 and/or 411.3 must be mailed at applicable rates other than second-class (Express Mail, or First-, third-, or fourth-class). (See 411.4.)

* * * * *

(Renumber present 145.43 and 145.44 as 145.44 and 145.45, respectively; add new 145.43 as follows:)

145.43 Third- and Fourth-Class Mail. Third- and fourth-class mail permit imprints must contain the same information as required in First-Class Mail imprints, except the date and the words "First-Class," or "Priority," or "Priority Mail," must be omitted. Permit indicia may include the amount of postage paid, weight of piece, and markings required by 662, 725.1, or 760.

* * * * *

145.5 Format of Permit Imprints Permit imprints must be prepared in one of the following formats. Any of the formats may be used to display the information prescribed by 145.4. The addition of extraneous matter is not permitted. See Exhibits 145.5a through 145.5i.

f. Format for Western Union Mailgram Message (See 145.93)

MAILGRAM
Postage Charges
PAID
Western Union

g. Formats for Official Mail (First-Class)

FIRST-CLASS MAIL
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

PRESORTED
FIRST-CLASS MAIL
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

FIRST-CLASS
CARRIER ROUTE PRESORT
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

ZIP+4
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

ZIP+4 PRESORT
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

h. Formats for Official Mail (Third-Class)

THIRD-CLASS MAIL
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

BULK RATE
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

BULK RATE
CARRIER ROUTE PRESORT
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

i. Formats for Official Mail (Fourth-Class)

FOURTH-CLASS MAIL
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

SPECIAL FOURTH-CLASS RATE
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

PRESORTED
SPECIAL FOURTH-CLASS RATE
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

BOUND PRINTED MATTER
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

BULK RATE
BOUND PRINTED MATTER
POSTAGE & FEES PAID
Agency Name
Permit No. G-__

145.6 Mailings with Permit Imprints

145.61 Minimum Quantity. Permit imprint mailings must consist of a minimum of 200 pieces or 50 pounds, except as provided in 145.62. Minimum quantities of mail necessary to mail at the nonpresort ZIP + 4 rate, or at any of the First-Class presort rates, the fourth-class bulk zone rate, the special fourth-class presort rate and the bulk bound printed matter rates, are higher. See the appropriate chapter for the class of mail in question.

• • • • •

145.63 Preparation of Mailing. The mailer must arrange all pieces with the address side facing the same way. It is recommended that the mailer separate the pieces to the finest extent possible in the manner prescribed in 360, 460, 660, and 724, and 760. Each class of mail must be presented with a separate Form 3602, *Statement of Mailing with Permit Imprints*, or Form 3605, *Statement of Mailing - Bulk Zone Rates*. Pieces in fourth-class mailings on which postage is paid at different zone rates must be separated by zone.

• • • • •

145.65 Mailing Statement. A Form 3602 or 3605 must be prepared and signed by the mailer for each mailing. The statement must be prepared by typewriter, ink, or indelible pencil to show the mailer's address, permit number, class of mail, number of pieces in the mailing, weight of a single piece, and any additional information required by the respective mailing statements. If a receipt is desired, the mailer must present a duplicate copy of Form 3602 or 3605, which will be initialed by the accepting employee after verification and returned to the mailer.

145.66 Prepayment of Postage Required. The mailer must pay for each mailing when it is presented at the post office, or make an advance deposit sufficient to cover more than one mailing. Payments for postage or deposits must be made at points designated by the postmaster. These payments will not be accepted by employees handling the mail. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. Credit for postage is not allowed. Postage may not be paid partly in money and partly by postage stamps, except as provided in 681.221d. Whenever the computation of postage results in a fraction of a cent in the total, the total must be rounded up to the next whole cent.

• • • • •

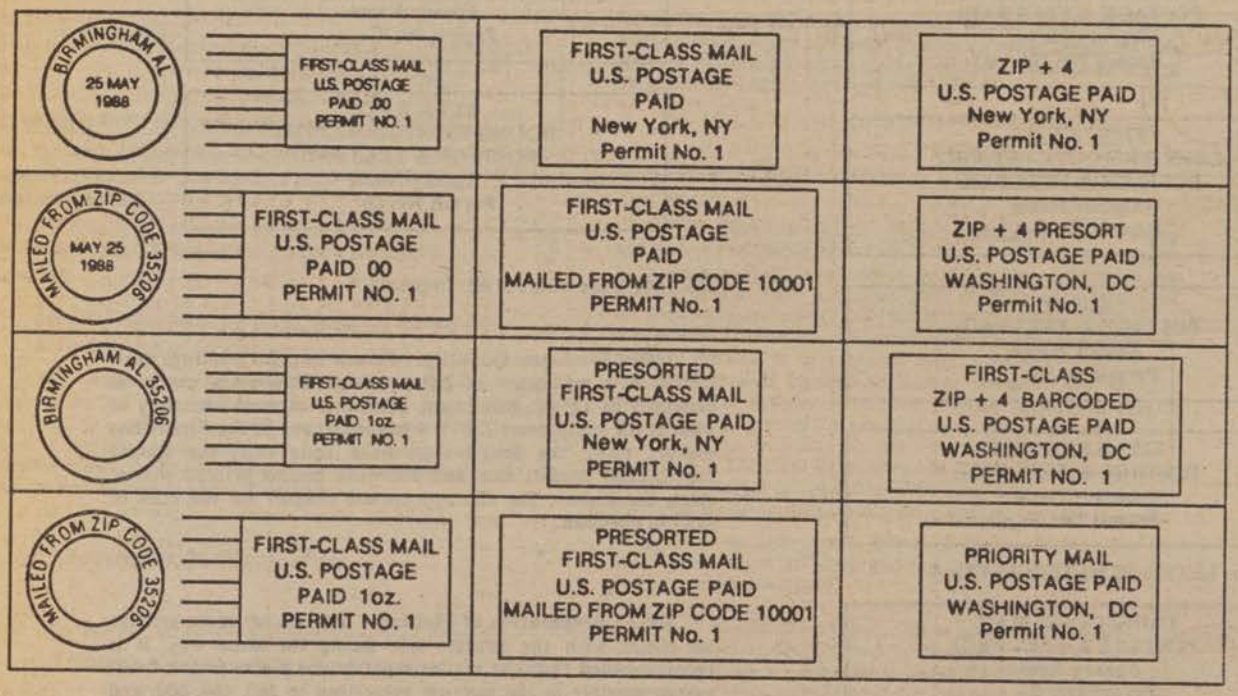

Exhibit 145.5a, Formats for First-Class Mail

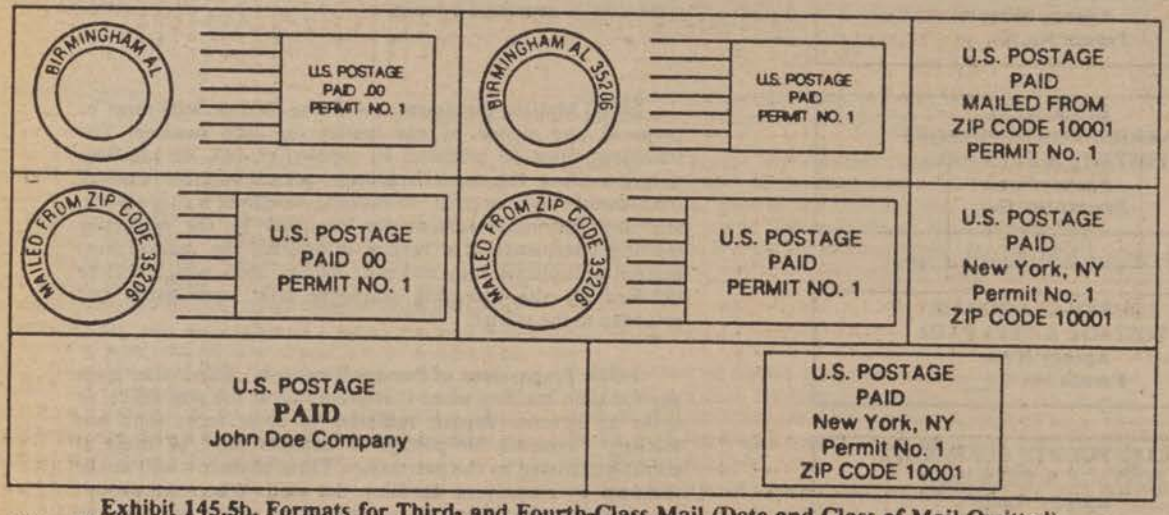

Exhibit 145.5b, Formats for Third- and Fourth-Class Mail (Date and Class of Mail Omitted).

Note: When this form of permit imprint is used, the markings required by 622, 725.1 or 760 must appear below or to the left of the permit imprint on the mailpieces or as otherwise specified.

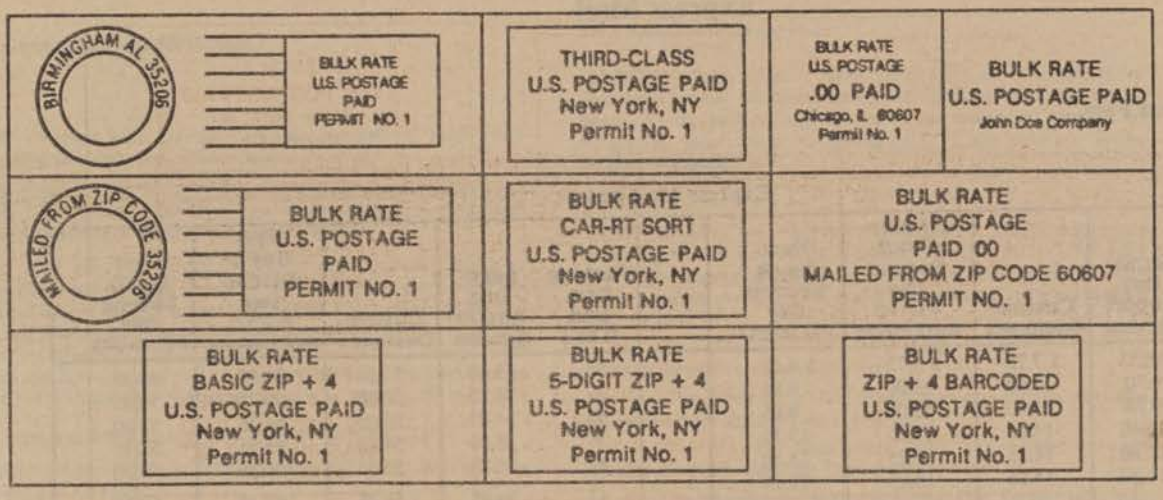

Exhibit 145.5c, Formats for Third-Class Mail (Regular Single-Piece and Bulk Rates)

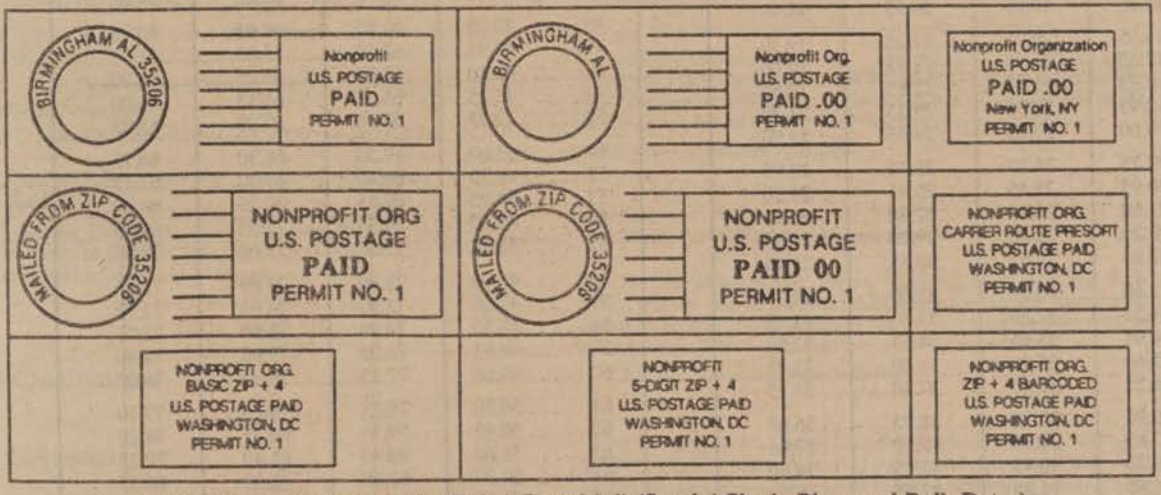

Exhibit 145.51d, Formats for Third-Class Mail (Special Single-Piece and Bulk Rates) (Authorized Organizations Only)

Exhibit 145.5e, Formats for Fourth-Class Bulk Rate Mail

Chapter 2
Express Mail

210 Rates and Fees

Exhibit 210
Express Mail Rates

Postage Rate Unit (Lbs.)	Same Day Airport Service	Custom Designed	Next Day & Second Day PO To Addressee	Next Day & Second Day PO to PO
1/2	$8.35	$ 7.75	$ 8.75	$ 8.50
1	9.70	11.00	12.00	9.85
2	9.70	11.00	12.00	9.85
3	12.40	14.25	15.25	13.10
4	12.40	14.25	15.25	13.10
5	12.40	14.25	15.25	13.10
6	13.60	16.75	17.75	15.60
7	14.25	17.45	18.45	16.30
8	14.95	18.15	19.15	17.00
9	15.60	18.85	19.85	17.70
10	16.25	19.55	20.55	18.40
11	16.95	20.25	21.25	19.10
12	17.60	20.95	21.95	19.80
13	18.25	21.65	22.65	20.50
14	18.95	22.35	23.35	21.20
15	19.60	23.05	24.05	21.90
16	20.25	24.10	25.10	22.95
17	20.95	25.45	26.45	24.30
18	21.60	26.80	27.80	25.65
19	22.25	28.20	29.20	27.05
20	22.95	29.55	30.55	28.40
21	23.60	30.90	31.90	29.75
22	24.25	32.30	33.30	31.15
23	24.95	33.65	34.65	32.50
24	25.60	35.00	36.00	33.85
25	26.25	36.40	37.40	35.25
26	26.95	37.75	38.75	36.60
27	27.60	39.10	40.10	37.95
28	28.25	40.45	41.45	39.30
29	28.95	41.85	42.85	40.70
30	29.60	43.20	44.20	42.05
31	30.25	44.55	45.55	43.40
32	30.95	45.95	46.95	44.80
33	31.60	47.30	48.30	46.15
34	32.25	48.65	49.65	47.50
35	32.95	49.90	50.90	48.75
36	33.60	51.00	52.00	49.85
37	34.25	52.10	53.10	50.95
38	34.95	53.15	54.15	52.00
39	35.60	54.25	55.25	53.10
40	36.25	55.35	56.35	54.20
41	36.95	56.45	57.45	55.30
42	37.60	57.50	58.50	56.35
43	38.25	58.60	59.60	57.45
44	38.95	59.70	60.70	58.55
45	39.60	60.80	61.80	59.65
46	40.25	61.85	62.85	60.70
47	40.95	62.95	63.95	61.80
48	41.60	64.05	65.05	62.90
49	42.25	65.15	66.15	64.00
50	42.95	66.20	67.20	65.05
51	43.60	67.30	68.30	66.15
52	44.25	68.40	69.40	67.25
53	44.95	69.55	70.55	68.40
54	45.60	70.55	71.55	69.40
55	46.30	71.65	72.65	70.50
56	46.95	72.80	73.80	71.65
57	47.60	73.90	74.90	72.75
58	48.30	74.90	75.90	73.75
59	48.95	76.05	77.05	74.90
60	49.60	77.15	78.15	76.00
61	50.30	78.25	79.25	77.10
62	50.95	79.35	80.35	78.20
63	51.60	80.40	81.40	79.25
64	52.30	81.50	82.50	80.35
65	52.95	82.60	83.60	81.45
66	53.60	83.70	84.70	82.55
67	54.30	84.75	85.75	83.60
68	54.95	85.85	86.85	84.70
69	55.60	86.95	87.95	85.80
70	56.30	88.05	89.05	86.90

Note: Add: $4.00 for each pickup stop. $4.00 for each Custom Designed delivery stop.

211 General Rate Information

* * * * *

211.2 Express Mail postage rates are applied to each piece according to weight and service option utilized.

211.3 Express Mail Military Service postage rates are the rates for the appropriate type of service requested (see Exhibit 210) and are determined in accordance with 211.2.

211.4 For each pickup stop, charge the customer $4.00 no matter how many items from the same customer are picked up, or how many of the same customer's post office boxes are checked in the same post office box unit at the same time. If the pickup is scheduled (see 224.33), there is no pickup charge if the mailer notifies the originating office not to make the pickup stop prior to the dispatch of the postal employee making the pickup.

212 Express Mail Same Day Airport Service Rates

This service was formerly called Airport to Airport Service. (See Exhibit 210 for rates.)

213 Express Mail Custom Designed Service Rates

213.1 This service was formerly called Programmed Service. (See Exhibit 210 for rates.)

213.2 The rates for Express Mail Custom Designed Service are set forth in Exhibit 210. These rates are subject to the following:

a. Add $4.00 for each delivery stop for item(s) tendered for delivery to addressee.

b. For each pickup stop, add $4.00 per occurrence.

214 Express Mail Next Day and Second Day Services Rates

The rates for Express Mail Next Day and Second Day Services are set forth in Exhibit 210. They are subject to the following: For each pickup stop, add $4.00 per occurrence.

* * * * *

220 Classification

221 Description

221.1 Availability of Service

221.11 Express Mail is a service available to mailers for shipment of any mailable matter (see 123, 124, and 127) that is tendered to the Postal Service properly prepared and in accordance with the terms of this chapter. In addition, Express Mail Custom Designed Service, Express Mail Next Day Service, or Express Mail Second Day Service may be used to expedite movement of any other class of mail from one domestic postal facility to another in accordance with the Express Mail drop-ship procedures in 136.7.

* * * * *

221.2 Service Offerings. Express Mail provides a high-speed, high-reliability service. Five basic service offerings are available:

a. Express Mail Same Day Airport Service (see 222);

b. Express Mail Custom Designed Service (see 223);

c. Express Mail Next Day Service (see 224);

d. Express Mail Second Day Service (see 225);

e. Express Mail Military Service (see 226).

* * * * *

224 Express Mail Next Day Service

224.1 Availability of Service

224.11 Acceptance. Next Day Service is available at designated postal facilities, designated Express Mail collection boxes, or by picking up the item, for overnight service to designated destination three-digit ZIP Code delivery areas, facilities, or locations.

* * * * *

224.13 Next Day Service Directories. Each designated facility provided for in 224.11 must maintain an Express Mail Next Day Service directory showing, for the three-digit ZIP Code area in which the facility is located, the following information:

a. The five-digit ZIP Code areas to which next-day delivery service by noon is offered;

b. The three-digit ZIP Codes areas to which next-day delivery service by 3:00 p.m. is offered;

c. The Express Mail zone from the origin to each destination three-digit ZIP Code area;

d. The retail facilities at which Next Day Service mail may be tendered;

e. The acceptance times for each such facility;

f. A list of facilities at which Next Day Service mail may be claimed; and

g. The locations of Express Mail collection boxes.

224.14 Service Limitation. Service to or from three-digit ZIP Code areas, facilities, or offices, or at times not listed in the Next Day Service directory for a designated facility provided for in 224.11 is prohibited. See 255.1 if a destination is not listed.

224.2 Types of Service Available

* * * * *

224.22 Post Office to Addressee Service

224.221 Description. Items tendered in accordance with 224.1 will be delivered to an addressee within the designated delivery area of the destination facility by noon or 3:00 p.m. of the next day. See 224.13a and b.

224.222 Second Attempt Delivery.

* * * * *

b. Form 3849, *Delivery Notice/Reminder/Receipt*, or Form 3849-C, *Express Mail--Notice of Attempted Delivery* (card), will be left at the address, indicating that the shipment is being held awaiting pickup.The name and telephone number of the delivery facility where the shipment is held must be entered on the form. If the shipment is transferred to another facility, the initial delivery facility must be prepared to answer an inquiry by supplying the customer with the appropriate information, such as the name and telephone number of the facility to which the shipment has been transferred. If Form 3849 or Form 3849-C cannot be left, (no mail receptacle, slot, etc.), the addressee should be telephoned and informed (1) that a delivery was attempted, (2) where the shipment may be picked up, and (3) when the next regular delivery trip will be made. The date of the telephone attempt or contact must be entered on Label 11-B or 11-F.

* * * * *

224.3 Pickup Service.

224.31 General. Pickup service is available at designated postal facilities by requesting an On-Call pickup or by Scheduled Pickup Service on a regular basis.

224.32 On-Call Pickup Service. Pickup service is available by contacting the facility listed in the Next Day Service directory by the call cut-off time for pickup the same day.

224.33 Scheduled Pickup Service. Pickup service is available on a scheduled basis pursuant to a service agreement (Form 5631, *Express Mail Service Agreement,)* between the Postal Service and the mailer. The service agreement must specify the time, place, day or date, and frequency of such service.

* * * * *

(Renumber existing section 225 as 227; add new 225 as follows:)

225 Express Mail Second Day Service

225.1 Availability of Service

225.11 Acceptance. Express Mail Second Day Service is accepted at designated postal facilities, at Express Mail collection boxes, and by picking up the item.

225.12 Acceptance Times. Express Mail Second Day Service shipments must be tendered by 5:00 p.m., or such later time or times as authorized by the postmaster.

225.13 Second Day Service Directories. Express Mail Second Day Service is available to any three- or five-digit ZIP Code destination that is not listed in the Next Day Service directory provided for in 224.13.

225.2 Types of Service Available

225.21 Post Office-to-Post Office Service. Items tendered in accordance with 225.12 will be available for claim by the addressee at the destination facility by 10:00 a.m. of the second day that the destination office is open for retail business.

225.22 Post Office-to-Addressee Service. Items tendered in accordance with 225.12 will be delivered to an addressee within the designated delivery area of the destination facility by noon or 3:00 p.m. of the second day. See 224.222 for second attempt delivery.

225.3 Pickup Service. See 224.3.

225.4 Refund of Postage. The Postal Service will refund postage under the provisions in 296 for an item not available for claim or for which delivery was not attempted (see 230), in accordance with 225.2, unless the item was delayed by strike or work stoppage, or if the item was available for claim, or delivery was attempted within the specified times in 224.2, and then the item was delayed because forwarding or return service was provided.

226 Express Mail Military Service

* * * * *

(Renumber existing 226.3 as 226.4 and add new 226.3 as follows:)

226.3 Pickup Service. See 224.3.

* * * * *

227 Express Mail Reship Service

* * * * *

b. (Replace $5.60 with $4.00.)

* * * * *

c. (Replace *reshipment* with *reship service.*)

* * * * *

230 Service Guarantee

(In the first sentence, change the references to read 222.2, 223.3, 224.4, 225.4, and 226.4. In the last sentence, change the references to read 221.1, 223.2 (see individual service agreement), 224.2, and 226.2.)

* * * * *

240 Authorizations and Permits

241 Service Agreements

A service agreement is required before mailings may be made under Express Mail Custom Designed Service (see 223.2). Prior authorization or prearrangement is not required for other types of Express Mail Service.

242 Express Mail Corporate Accounts

A written application is required before mailings are made under an Express Mail Corporate Account, as described in 280.

* * * * *

260 Preparation Requirements

* * * * *

263 Express Mail Next Day, Second Day, and Military Services

* * * * *

263.2 Customers sending Express Mail shipments may instruct the Postal Service to deliver Express Mail Next Day, Second Day, or Military Service shipments without obtaining the signature of the addressee or the addressee's agent by signing a waiver on Label 11-B/F, *Express Mail Next Day Service Post Office to Addressee.* Completion of the waiver authorizes the delivery employee to sign for the delivery of the article. If, in the judgement of the delivery employee, the article can be left in a secure location, the signature of the delivery employee will constitute valid proof of delivery. Waiver of signature is not available for Express Mail COD shipments or Express Mail Military Service shipment.

263.3 Next Day Service Pickup

263.31 On-Call Pickup Service. For items picked up pursuant to 224.32, the customer must complete the appropriate Label 11 for each article. If two or more articles are picked up, the customer must, in addition, complete Form 5625-BX, *Express Mail Service Pickup Statement,* Form 5625-B, *Mailing Statement for Next Day and Same Day Airport Express Mail Service,* or Form 3877 (see 263.6) for each pickup.

263.32 Scheduled Pickup Service. For items picked up pursuant to 224.33, other than Express Mail reship service, the customer must complete Form 5625-B, or Form 3877 (see 263.6), for each pickup. Customers must also complete the appropriate Label 11 for each article, enter the service agreement number in the "Customer Number" or "Account Number" block, and affix Label 11 to each article. Volume mailers must tender the mail in containers provided or approved by the Postal Service.

263.4 For Next Day Service items deposited in accordance with 273.22, in addition to complying with 263.1 and 263.3, the customer must determine that the item is destined to a three-digit ZIP Code area to which Next Day or Military Service is offered from the point of origin. (See 224.14 and 226.13.) If the destination is not listed, the customer must use Second Day Service.

* * * * *

270 Mailing

* * * * *

273 Express Mail Next Day and Second Day Services

273.1 General. Express Mail Next Day and Second Day Service items must be deposited at locations and times designated by the Postmaster. (See 224.1.)

273.2 Locations

273.21 Express Mail Next Day and Second Day Services items may be deposited at designated post offices, branches, or stations.

273.22 Prepaid shipments, with the completed mailing label and postage affixed, may be deposited in Express Mail collection boxes, handed to delivery and collection personnel in the course of their normal delivery and collection duties, or picked up in accordance with 224.3, 225.3, or 226.3.

273.3 Time of Mailing

273.31 Express Mail Next Day and Second Day Service items must be tendered at the time or times authorized by the postmaster.

273.32 The time and date of mailing for Express Mail Next Day and Second Day Service items deposited at designated post offices, branches, or stations is the time and date the item is tendered and accepted.

273.33 The time and date of mailing for Express Mail Next Day and Second Day Service items deposited in accordance with 273.22 is the time and date the item is brought to the Express Mail acceptance unit. Items deposited in Express Mail collection boxes by the time posted will be available for claim or delivered the next day in accordance with 224.2, or the second day in accordance with 225.2. Items handed to delivery or collection personnel or picked up in accordance with 273.22 must be collected or picked up in time so that they can be brought to the acceptance unit by the authorized acceptance time. Items so deposited will be available for claim or delivered the next day in accordance with 224.2, or the second day in accordance with 225.2.

273.34 Next Day Service items mailed after the time or times authorized by the postmaster will be accepted and delivered on the second day after mailing, in accordance with 224.2 and 224.4.

(Renumber 273.35 as 273.36 and add new 273.35 as follows:)

273.35 Second Day Service items mailed after the time or times authorized by the postmaster will be accepted and delivered on the third day after mailing, in accordance with 225.2 and 225.4.

273.4 Verification

273.41 All Express Mail Next Day and Second Day Services items (Remainder of section is unchanged.)

273.42 All Express Mail Next Day and Second Day Services items (Remainder of section is unchanged.)

280 Payment of Postage

* * * * *

285 Pickup Charges

The appropriate charge will be made for all pickups scheduled in a service agreement (see 223.2 and 224.33), unless the scheduled service is not required and the customer notifies the Postal Service prior to the dispatch of the pickup employee. The appropriate charge will be made for all pickups requested pursuant to 224.32.

286 Insufficient Prepayment

286.1 Express Mail Next Day, Second Day, Military, and Same Day Airport Services. If an Express Mail Next Day, Second Day, Military, or Same Day Airport Service item is received at the office of mailing without sufficient postage, the item will be handled as follows:

* * * * *

290 Ancillary Services

* * * * *

294 Evidence of Mailing

* * * * *

(In the third sentence, replace *Form 5625-B* with *Form 5625-B or 5625-BX.)*

Chapter 3
First-Class Mail

310 Rates and Fees

A. Single Pieces 11 ounces or less (Other Than Postal Cards or Postcards):

This applies to First-Class pieces other than postal or post cards that do not exceed 11 ounces:

First ounce or fraction of an ounce $0.25
Each additional ounce or fraction of an ounce . . 0.20

Weight Not Exceeding (Ounces)	Rate
1	$0.25
2	0.45
3	0.65
4	0.85
5	1.05
6	1.25
7	1.45
8	1.65
9	1.85
10	2.05
11	2.25

B. Cards:

Postal cards are stamped cards sold by the USPS. Postcards are sold commercially and need to have stamps added. **Rates:**

Postal cards:
Single . . . . . $.15 each
Double . . . . . $.30 ($.15 each part)
Postcards:
Single . . . . . $.15 each
Double . . . . . $.30 ($.15 each part)
(Reply part does not have to bear postage when originally mailed.)

C. Nonpresorted ZIP + 4 First-Class Mail:

Rates for matter other than cards: $0.241 for the first ounce, and $0.20 for each additional ounce or fraction.

Rates for Cards: $0.141 each.

D. Presorted First-Class Mail:

To mail at Presorted First-Class rates, the annual presort fee of **$60** must first be paid. (Payment of one $60 fee allows the mailer to mail qualifying matter at all First-Class presort rates including Carrier Route First-Class, ZIP + 4 Presort, and ZIP + 4 Barcoded.)

Rates Per Piece for Matter Other than Cards:

Pieces weighing two ounces or less: $0.21 for the first ounce or fraction and $0.20 for the second ounce or fraction.

Pieces weighing over two ounces: $0.17 for the first ounce or fraction and $0.20 for each additional ounce or fraction.

Rates Per Piece for Cards: $0.13

E. ZIP + 4 Presort First-Class Mail

To mail at the ZIP + 4 Presort rate, the annual presort fee of **$60** must be paid. (Payment of one $60 fee allows the mailer to mail qualifying matter at all First-Class presort rates including Presorted First-Class, Carrier Route First-Class, and ZIP + 4 Barcoded.)

Rates Per Piece for Matter Other than Cards:

First Ounce or Fraction: $0.205
Each Additional Ounce or Fraction: $0.20

Rate Per Piece for Cards: $0.125

F. ZIP + 4 Barcoded First-Class Mail:

To mail at the ZIP + 4 Barcoded rate, the annual presort fee of **$60** must be paid. (Payment of one $60 fee allows the mailer to mail qualifying matter at all First-Class presort rates including Presorted First-Class, Carrier Route First-Class, and ZIP + 4 Presort.)

Rates Per Piece for Matter Other than Cards:

First Ounce or Fraction: $0.20
Each Additional Ounce or Fraction: $0.20

Rate Per Piece for Cards: $0.12

G. Carrier Route First-Class Mail

To mail at the Carrier Route First-Class rate, the annual presort fee of **$60** must first be paid. (Payment of one $60 fee allows the mailer to mail qualifying matter at all First-Class presort rates including Presorted First-Class, ZIP + 4 Presort, and ZIP + 4 Barcoded.)

Rates Per Piece for Matter Other than Cards:

Pieces weighing two ounces or less: $0.195 for the first ounce or fraction and $0.20 for the second ounce or fraction.

Pieces weighing over two ounces: $0.155 for the first ounce or fraction and $0.20 for each additional ounce or fraction.

Rate for Cards: $0.115

H. Nonstandard Surcharge

This applies to all First-Class Mail pieces weighing 1 ounce or less that exceed the size limits in 353.3, except for pieces mailed at the nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded rates.

Rates: A surcharge of **$0.10** is assessed on each piece of nonstandard First-Class Mail which is mailed at the single-piece rates for cards or for matter other than cards. A surcharge of **$0.05** is assessed on each piece of nonstandard mail which is mailed at the Presorted First-Class or Carrier Route First-Class Rates.

I. Address Correction Service Fee:

The fee for address correction service is **$0.30** per notice issued.

Exhibit 310 (p. 1), First-Class Rates and Fees

J. Priority Mail						
Weight, not exceeding pound(s)	Zone/Rate					
	1, 2, & 3	4	5	6	7	8
1	2.40	2.40	2.40	2.40	2.40	2.40
2	2.40	2.40	2.40	2.40	2.40	2.40
3	2.74	3.16	3.45	3.74	3.96	4.32
4	3.18	3.75	4.13	4.53	4.92	5.33
5	3.61	4.32	4.86	5.27	5.81	6.37
6	4.15	5.08	5.71	6.31	6.91	7.66
7	4.58	5.66	6.39	7.09	7.80	8.67
8	5.00	6.23	7.07	7.87	8.68	9.68
9	5.43	6.81	7.76	8.66	9.57	10.69
10	5.85	7.39	8.44	9.44	10.45	11.70
11	6.27	7.97	9.12	10.22	11.33	12.71
12	6.70	8.55	9.81	11.01	12.22	13.72
13	7.12	9.12	10.49	11.79	13.10	14.73
14	7.55	9.70	11.17	12.57	13.99	15.74
15	7.97	10.28	11.86	13.36	14.87	16.75
16	8.39	10.86	12.54	14.14	15.75	17.75
17	8.82	11.44	13.22	14.92	16.64	18.76
18	9.24	12.01	13.90	15.70	17.52	19.77
19	9.67	12.59	14.59	16.49	18.41	20.78
20	10.09	13.17	15.27	17.27	19.29	21.79
21	10.51	13.75	15.95	18.05	20.17	22.80
22	10.94	14.33	16.64	18.84	21.06	23.81
23	11.36	14.90	17.32	19.62	21.94	24.82
24	11.79	15.48	18.00	20.40	22.83	25.83
25	12.21	16.06	18.69	21.19	23.71	26.84
26	12.63	16.64	19.37	21.97	24.59	27.84
27	13.06	17.22	20.05	22.75	25.48	28.85
28	13.48	17.79	20.73	23.53	26.36	29.86
29	13.91	18.37	21.42	24.32	27.25	30.87
30	14.33	18.95	22.10	25.10	28.13	31.88
31	14.75	19.53	22.78	25.88	29.01	32.89
32	15.18	20.11	23.47	26.67	29.90	33.90
33	15.60	20.68	24.15	27.45	30.78	34.91
34	16.03	21.26	24.83	28.23	31.67	35.92
35	16.45	21.84	25.52	29.02	32.55	36.93
36	16.87	22.42	26.20	29.80	33.43	37.93
37	17.30	23.00	26.88	30.58	34.32	38.94
38	17.72	23.57	27.56	31.36	35.20	39.95
39	18.15	24.15	28.25	32.15	36.09	40.96
40	18.57	24.73	28.93	32.93	36.97	41.97
41	18.99	25.31	29.61	33.71	37.85	42.98
42	19.42	25.89	30.30	34.50	38.74	43.99
43	19.84	26.46	30.98	35.28	39.62	45.00
44	20.27	27.04	31.66	36.06	40.51	46.01
45	20.69	27.62	32.35	36.85	41.39	47.02
46	21.11	28.20	33.03	37.63	42.27	48.02
47	21.54	28.78	33.71	38.41	43.16	49.03
48	21.96	29.35	34.39	39.19	44.04	50.04
49	22.39	29.93	35.08	39.98	44.93	51.05
50	22.81	30.51	35.76	40.76	45.81	52.06
51	23.23	31.09	36.44	41.54	46.69	53.07
52	23.66	31.67	37.13	42.33	47.58	54.08
53	24.08	32.24	37.81	43.11	48.46	55.09
54	24.51	32.82	38.49	43.89	49.35	56.10
55	24.93	33.40	39.18	44.68	50.23	57.11
56	25.35	33.98	39.86	45.46	51.11	58.11
57	25.78	34.56	40.54	46.24	52.00	59.12
58	26.20	35.13	41.22	47.02	52.88	60.13
59	26.63	35.71	41.91	47.81	53.77	61.14
60	27.05	36.29	42.59	48.59	54.65	62.15
61	27.47	36.87	43.27	49.37	55.53	63.16
62	27.90	37.45	43.96	50.16	56.42	64.17
63	28.32	38.02	44.64	50.94	57.30	65.18
64	28.75	38.60	45.32	51.72	58.19	66.19
65	29.17	39.18	46.01	52.51	59.07	67.20
66	29.59	39.76	46.69	53.29	59.95	68.20
67	30.02	40.34	47.37	54.07	60.84	69.21
68	30.44	40.91	48.05	54.85	61.72	70.22
69	30.87	41.49	48.74	55.64	62.61	71.23
70	31.29	42.07	49.42	56.42	63.49	72.24

Exception: Parcels weighing less than 15 pounds, measuring over 84 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15 pound parcel for the zone to which addressed.

Exhibit 310 (p. 2), First-Class Rates and Fees

Page 27

320 Classification

• • • • •

323 Presorted First-Class Mail and Carrier Route First-Class Mail

• • • • •

324 ZIP + 4 First-Class Mail

• • • • •

324.7 Pre-Barcoded Mail

• • • • •

324.73 Barcode Location. The location of the barcode must be on the address side of the mailpiece and within a clear space known as the "barcode read area," which must be free of any printing other than the barcode. The read area extends 5/8 inch from the bottom and at least 4-1/2 inches from the right edge of the mailpiece. Within the read area, the left-most bar of the barcode must be located between 3-1/4 inches and 4 inches from the right edge of the mailpiece. The bottom of the bars must be positioned 1/4 inch (plus or minus 1/16 inch) from the bottom edge of the mailpiece (see Exhibit 324.73), and the barcode must be completely contained within the solid rectangle shown in Exhibit 324.73.

• • • • •

(Renumber 325 as 326 and insert new 325 as follows.)

325 ZIP + 4 Barcoded Rate

325.1 General.

325.11 Description. First-Class ZIP + 4 Barcoded rate mailings must meet the requirements in 325.2 through 325.4. Only pieces that:

a. Bear a correct ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b;

b. Meet the size requirements in 324.3 or 324.4;

c. Are sorted in accordance with 364.1 (are part of a group of 10 or more pieces for the same 5-digit ZIP Code destination); and

d. Are documented in accordance with 364.4;

may qualify for the First-Class ZIP + 4 Barcoded rate.

Pieces bearing a 5-digit barcode must not be included in a ZIP + 4 Barcoded rate mailing. Carrier Route First-Class Mail may not be included in a First-Class ZIP + 4 Barcoded rate mailing. To qualify for any of the rates listed in 325.12, the pieces must be documented in accordance with 364.4.

325.12 Applicable Rates by Sortation Category.

325.121 5-Digit Sortation. Pieces in a ZIP + 4 Barcoded mailing that are sorted in accordance with 364.1 (5-digit packages) may qualify for:

a. The ZIP + 4 Barcoded rate if they bear a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b.

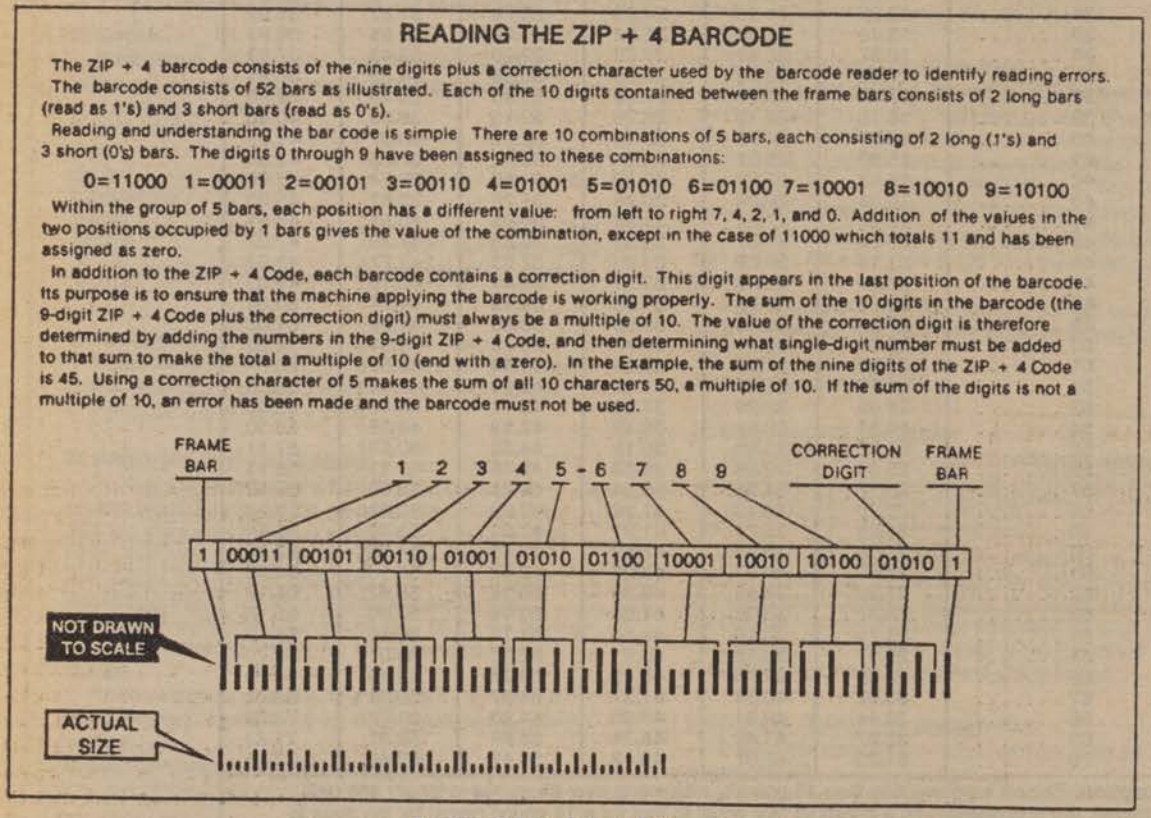

Exhibit 324.72, ZIP + 4 Barcode

b. The ZIP + 4 Presort rate if they do not bear a barcode but contain a correct ZIP + 4 code in the address and meet the barcode clear zone and OCR readability requirements of 324.5 and 324.6.

c. The Presorted First-Class rate if they do not bear a ZIP + 4 barcode and:

(1) They contain the 5-digit ZIP Code in the address; or

(2) They contain a ZIP + 4 code in the address, but do not meet the barcode clear zone and OCR readability requirements of 324.5 and 324.6 necessary to qualify for the ZIP + 4 presort rate.

325.122 3-Digit Sortation. Pieces in the mailing sorted in accordance with 364.2 (3-digit packages) may qualify for:

a. The ZIP + 4 Presort rate if they bear a correct ZIP + 4 code in the address and meet the barcode clear zone and OCR readability requirements of 324.5 and 324.6, or if they bear a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b.

b. The Presorted First-Class rate if they do not bear a ZIP + 4 barcode and contain the 5-digit ZIP Code in the address. The Presorted First-Class rate also applies to pieces containing a ZIP + 4 code in the address but which do not meet the barcode clear zone and OCR readability requirements of 324.5 and 324.6.

325.123 Residual Sortation. Pieces in the mailing sorted in accordance with 364.3 (residual pieces) may qualify for:

a. The nonpresorted ZIP + 4 rate if they bear a correct ZIP + 4 code in the address and meet the barcode clear zone and OCR readability requirements of 324.5 and 324.6, or if they bear a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b.

b. The single-piece First-Class rate.

325.2 Minimum Quantity. Each mailing must consist of at least 500 pieces that bear a correct ZIP + 4 barcode and otherwise qualify for the First-Class ZIP + 4 Barcode rate.

325.3 Requirements for at Least 85 Percent of the Pieces in Each Mailing.

325.31 General. At least 85 percent of the total pieces in each mailing must bear a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b. This 85 percent requirement is applied to the total number of pieces in all presort levels in the mailing, regardless of the rate claimed for an individual piece.

Exception: The 85 percent ZIP + 4 barcode requirement may be applied to a mailing list or cycle rather than an individual mailing under the conditions in 364.44.

Note: In all mailings there must be at least 500 pieces that bear a ZIP + 4 barcode prepared in accordance with 324.32, and that otherwise qualify for the ZIP + 4 Barcoded rate as required in 325.2.

325.32 Barcode Requirements.

a. General. Barcodes must be prepared in accordance with 324.71c through 324.77. The ZIP + 4 barcode must accurately represent the correct 5-digit and sector segment codes for the address on the mailpiece. Pieces bearing default or fictitious add-on codes, e.g., 0000, 5000, 9999, etc., must not be included in a ZIP + 4 Barcoded rate mailing. Pieces bearing a 5-digit barcode must not be included in a ZIP + 4 Barcoded rate mailing (see 325.44). Barcodes may be printed on inserts that will appear through a window on an envelope provided the window on the envelope and the barcode on the insert meet the specifications that follow in 325.32b. An envelope with a window for a barcode insert may only be used when the insert actually contains the ZIP + 4 barcode.

b. Inserts. The barcode may be printed on an insert and appear through a barcode window on an envelope under the following conditions:

(1) Barcode Window Specifications.

(a) Windows must be covered with a clear plastic material, securely glued on all sides;

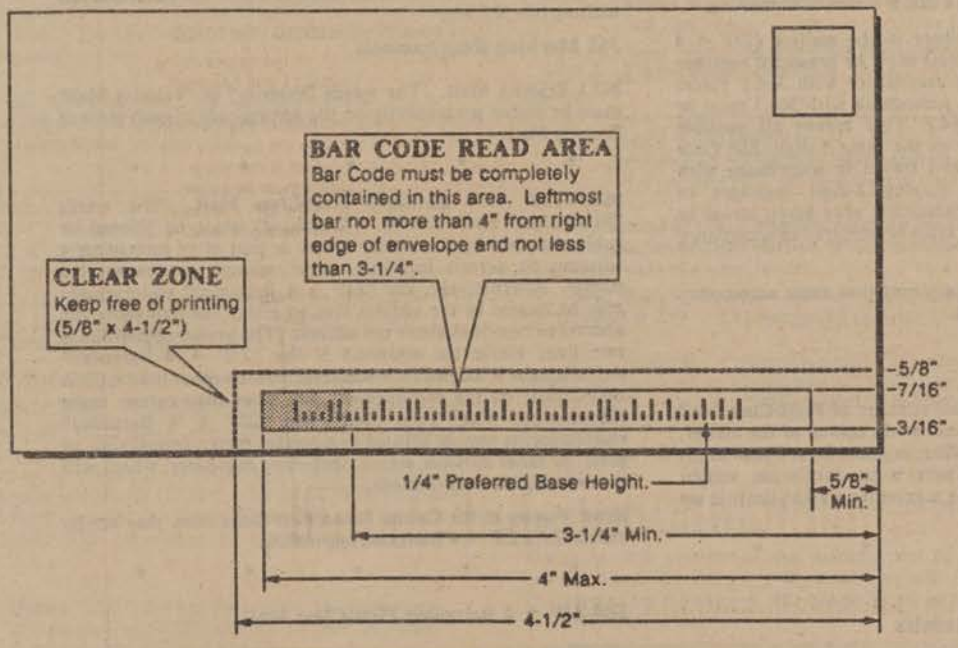

Exhibit 324.73, Barcode Read Area

(b) Envelopes with barcode windows may be used only when the ZIP + 4 barcode will be visible through the barcode window;

(c) Windows must extend fully to the lower edge of the envelopes and must be of wrap-around construction;

(d) The right edge of the window must be not less than 1/4 inch from the right edge of the envelope;

(e) The left edge of the window must be not less than 4 1/2 inches from the right edge of the envelope.

(2) Barcode Location Specifications. The barcode, as it shows through the window when inserted in the envelope, must meet all of the following specifications:

(a) The ZIP + 4 barcode must be located within the barcode clear zone which extends 5/8 inch from the bottom of the envelope and 4-1/2 inches from the right edge of the envelope;

(b) The barcode shall be at least 1/5 inch from the right edge of the window and 1/5 inch from the left edge of the window;

(c) No printing other than the ZIP + 4 barcode is permitted in the barcode clear zone;

(d) The left-most bar must be located 3-5/8 inches ± 3/8 inch from the right edge of the mailpiece, and from 3/16 inch to 7/16 inch from the bottom of the envelope. The baseline of all bars must be 1/4 inch ± 1/16 inch from the bottom edge of the mailpiece.

325.4 Requirements for All Pieces in the Mailing.

325.41 Size Requirements. Each piece in the mailing must meet the size requirements in 324.3 or 324.4.

325.42 ZIP Codes. Each piece, whether or not it bears a ZIP + 4 barcode, must bear either the correct ZIP + 4 code or the correct 5-digit ZIP Code in the address.

325.43 Markings. Each piece must bear an identifying marking as required in 362.5.

325.44 5-Digit Barcodes Prohibited. Pieces bearing a 5-digit barcode must not be included in a ZIP + 4 Barcoded mailing.

325.45 Presort. All the pieces in the mailing (ZIP + 4 barcoded and non-barcoded pieces) must be presorted together to the finest extent possible in accordance with 364.1. Pieces remaining after being sorted in accordance with 364.1 must be sorted in accordance with 364.2. This means all possible packages of 10 or more pieces to the same 5-digit ZIP Code destination must be prepared and trayed in accordance with 364.1 before preparing and traying 3-digit packages in accordance with 364.2. Pieces remaining after being sorted in accordance with 364.1 and 364.2 must be prepared in accordance with 364.3.

325.46 Documentation. Documentation must accompany each mailing as required by 364.4.

326 Priority Mail

326.1 Description. Priority Mail consists of First-Class Mail weighing more than 11 ounces and, at the option of the mailer, any other mail matter (including regular First-Class Mail) weighing 11 ounces or less. There is no minimum weight limitation for Priority Mail. The maximum weight limit is set forth in 351.

• • • • •

340 Authorizations and Permits

341 Annual Presort Fee

A Presort First-Class mailing fee must be paid once each 12-month period at each office of mailing by any person or organization entering mailings at Presorted First-Class, Carrier Route First-Class, ZIP + 4 Presort, and/or ZIP + 4 Barcoded First-Class rates. Payment of one fee allows a mailer to enter mail at all of the Presort rates. Persons or organizations paying this fee may enter mail of their clients as well as their own mail.

• • • • •

353 Nonstandard First-Class Mail

• • • • •

353.3 Surcharge. A surcharge of $0.10 is assessed on each piece of nonstandard First-Class Mail that is mailed at the single-piece rate for cards or the single-piece rates for matter other than cards. A surcharge of $0.05 per piece is assessed on each nonstandard piece mailed at the Presorted First-Class or Carrier Route First-Class rates.

• • • • •

360 Preparation Requirements

361 Addressing

• • • • •

361.2 Priority Mail. The return address must be shown on the address side of each piece of Priority Mail.

• • • • •

361.5 ZIP + 4 Barcoded First-Class Mail. The address of all pieces in a ZIP + 4 Barcoded mailing must contain either the correct 5-digit ZIP Code or the correct ZIP + 4 code. In addition, at least 85 percent of the pieces in ZIP + 4 Barcoded mailings must also contain a barcode prepared in accordance with 324.71c through 324.77, and 325.32b, that represents the correct ZIP + 4 code of the delivery address. Pieces bearing a 5-digit barcode must not be included in a ZIP + 4 Barcoded rate mailing (see 325.44).

362 Marking Requirements

362.1 Priority Mail. The words "Priority" or "Priority Mail" must be placed prominently on the address side of each piece of Priority Mail.

• • • • •

362.5 ZIP + 4 Barcoded First-Class Mail. The words "First-Class" and "ZIP + 4 Barcoded" must be printed or rubberstamped by the mailer either as part of or immediately adjacent to permit imprints, meter stamps, or precanceled stamps. Alternatively, the "ZIP + 4 Barcoded" endorsement may be located in the address area on either the line above the address or two lines above the address. (The preferred position is two lines above the address.) If the "ZIP + 4 Barcoded" endorsement is located in the address area, no other information may appear on the endorsement line other than carrier route information. The "First-Class" and "ZIP + 4 Barcoded" endorsements may be printed by a postage meter, special slug, ad plate, or other suitable means, including computer, which will ensure a legible endorsement.

Note: Pieces at the Carrier Route First-Class rates may not be included in a ZIP + 4 Barcoded rate mailing.

• • • • •

364 ZIP + 4 Barcoded First-Class Mail.

364.1 5-Digit Package Presort Requirements—Pieces Qualifying for the ZIP + 4 Barcoded, ZIP + 4 Presort, and Presorted

First-Class rates. Only pieces in 5-digit packages containing at least 10 pieces may qualify for the ZIP + 4 Barcoded rate. See 325.1.

364.11 Packaging Requirements--5-Digit Packages Only. When there are 10 or more pieces addressed to the same 5-digit ZIP Code delivery unit, they must be prepared by the mailer in packages of 10 or more pieces. The pieces in the packages must be faced in the same direction and secured with one or two rubberbands around each package, as prescribed in 367.112, or physically separated by visible index tabs or separator cards to delineate each package. A package must not be more than 4 inches thick. A red Label D must be affixed to the lower left corner on the address side of the top piece in each package.

Exception: Pieces in 5-digit trays need not be prepared in packages.

364.12 Traying Requirements.

364.121 5-Digit Trays. When there are 500 pieces or at least 3/4 of a tray for the same 5-digit ZIP Code delivery unit, a direct 5-digit tray must be prepared. A tray label must be firmly affixed to the end of the tray. Direct 5-digit trays must be labeled in the following manner:

Line 1: City, State, 5-Digit ZIP Code
Line 2: FCM ZIP + 4 Barcoded
Line 3: Mailer, Mailer Location

Sample:

PHILADELPHIA PA 19118
FCM ZIP + 4 BARCODED
FR JC COMPANY BOSTON MA

It is recommended that a pressure sensitive red Label 9 be affixed to the lower right portion of the tray label before inserting it into the label holder.

Note: Trays that are less than 3/4 full must not be prepared.

364.122 Unique 3-Digit City Trays. When, after all possible 3/4-full to full 5-digit trays have been prepared, there are enough 5-digit packages remaining for a city with a unique 3-digit ZIP Code prefix to fill at least 3/4 of a tray, a unique 3-digit city tray must be prepared. Cities with unique 3-digit ZIP Codes are listed in Exhibit 122.63b. Unique 3-digit city trays must be labeled in the following manner:

Line 1: City, State, Unique 3-Digit ZIP Code Prefix
Line 2: FCM Z+4 BARCODED MXD 5-DG
Line 3: Mailer, Mailer Location

Sample:

PHILADELPHIA PA 191
FCM Z+4 BARCODED MXD 5-DG
FR JC COMPANY BOSTON MA

It is recommended that a pressure sensitive red Label 9 be affixed to the lower right portion of the tray label before inserting it into the label holder.

Note: Trays that are less than 3/4 full must not be prepared.

364.123 SCF Trays. When, after traying in accordance with 364.121 and 364.122, there are enough 5-digit packages remaining for the same SCF area to fill at least 3/4 of a tray, an SCF tray must be prepared. A list of SCFs serving one 3-digit ZIP Code area is in Exhibit 122.63c. A list of SCFs serving more than one 3-digit area and the 3-digit areas they each serve is in Exhibit 122.63d. SCF trays must be labeled in the following manner:

Line 1: Letters "SCF" followed by the city, two-letter state abbreviation, and SCF code for the SCF as shown in Exhibits 122.63c and 122.63d.
Line 2: FCM Z+4 BARCODED MXD 5-DG
Line 3: Mailer Name, Mailer Location

Sample:

SCF PHILADELPHIA PA 190
FCM Z+4 BARCODED MXD 5-DG
FR JC COMPANY BOSTON MA

It is recommended that a pressure sensitive red Label 9 be affixed to the lower right portion of the tray label before inserting it into the label holder.

Note: Trays that are less than 3/4 full must not be prepared.

364.124 Area Distribution Center Trays. When, after traying in accordance with 364.121 through 364.123, there are enough 5-digit packages remaining for the same Area Distribution Center (ADC) to fill at least 3/4 of a tray, an ADC tray must be prepared. A list of ADCs and the areas they serve is in Exhibit 122.63e. A tray label in the format shown below must be firmly affixed to the end of the tray:

Line 1: The letters "DIS", followed by the city, two-letter state abbreviation, and ADC code for the ADC as shown in Exhibit 122.63e.
Line 2: FCM Z+4 BARCODED MXD 5-DG
Line 3: Mailer, Mailer Location

Sample:

DIS PHILADELPHIA PA 190
FCM Z+4 BARCODED MXD 5-DG
FR JC COMPANY BOSTON MA

It is recommended that a pressure sensitive red Label 9 be affixed to the lower right portion of the tray label before inserting it into the label holder.

Note: Trays that are less than 3/4 full must not be prepared.

364.125 Mixed ADC Trays. 5-digit packages remaining after traying in accordance with 364.121, 364.122, 364.123, and 364.124 must be prepared in mixed ADC trays. A mixed ADC tray label in the following format must be firmly affixed to the end of the tray:

Line 1: The letters "DIS" followed by the city, two-letter state abbreviation, and code of the ADC that serves the entry post office as shown in Exhibit 122.63e.
Line 2: MXD ADC FCM BRCDED MXD 5-D
Line 3: Mailer, Mailer Location

Sample:

DIS BOSTON MA 021
MXD ADC FCM BRCDED MXD 5-D
FR JC COMPANY BOSTON MA

It is recommended that a pressure sensitive red Label 9 be affixed to the lower right portion of the tray label before inserting it into the label holder.

364.2 3-Digit Package Presort Requirements – Pieces Qualifying for ZIP + 4 Presort and Presorted First-Class Rates.

364.21 General. Pieces remaining after packages and trays have been prepared in accordance with 364.1 must be sorted in accordance with 364.22. These pieces will qualify for the ZIP + 4 Presort rate if the pieces:

1) bear a ZIP + 4 code and meet the requirements in 324.5 and 324.6; or

2) bear a ZIP + 4 barcode in accordance with 324.71c through 324.77, and 325.32b.

Pieces in this portion of the mailing that do not meet the requirements for ZIP + 4 Presort rates will qualify for the Presorted First-Class rate. The pieces must be documented in accordance with 364.4.

364.22 Sortation. After all 5-digit packages are prepared and trayed in accordance with 364.1, remaining pieces must be packaged into groups of 50 or more pieces for the same 3-digit

ZIP Code prefix in accordance with 367.221 and 367.231. The one exception is that visible index tabs or separator cards may be used to delineate each package, instead of rubberbands. The 3-digit packages must then be trayed in accordance with 364.122 through 364.125, except that "MXD 5-DG" must be deleted from the contents line. This portion of the mailing must be completely separated from the 5-digit packaged portion of the mailing (sorted in accordance with 364.1) to facilitate verification.

Exception: When there are enough pieces for a unique 3-digit ZIP Code city to fill at least 3/4 of a tray, packages need not be prepared.

364.3 Preparation Requirements for the Residual Portion. Pieces remaining after all 5-digit packages have been trayed in accordance with 364.1 and all nonqualifying 3-digit packages have been trayed in accordance with 364.2 are residual pieces and are subject to either the nonpresorted ZIP + 4 rates or the full single-piece First-Class rate. At a minimum, the residual pieces must be sequenced by 5-digit ZIP Code or 3-digit ZIP Code prefix. Trays must bear a label that states "FCM ZIP + 4 BARCODED." The range of 5-digit or 3-digit ZIP Codes contained in each tray must also appear on each tray label. It is recommended, however, that residual pieces be additionally sorted by ADC. If there is a full tray to an ADC, the residual pieces should be placed in a tray marked to the ADC as follows:

Line 1: The letters "DIS" followed by the name of the ADC and the code (see Exhibit 122.63e.)
Line 2: FCM ZIP + 4 BARCODED RESID
Line 3: Mailer, Mailer Location

When there is less that a full tray to an ADC, separator tabs should be used to identify groups of pieces in the tray to the same ADC.

Note: To qualify for the nonpresorted ZIP + 4 rates, pieces in the residual portion must bear a ZIP + 4 code and meet the requirements of 324.5 and 324.6, or bear a ZIP + 4 barcode.

364.4 Documentation and Postage Payment Requirements.

364.41 Required Documentation for Metered and Precanceled Stamp Mailings.

364.411 Correct Postage Affixed to Each Piece. Mailers who affix the appropriate postage to each piece in the mailing must submit, with each mailing, documentation that shows that the 85 percent commingling requirement in 325.3 has been met. The documentation must list the number of pieces that bear a ZIP + 4 barcode, and the number of pieces that do not contain a ZIP + 4 barcode by:

a. 5-digit separation,

b. 3-digit separation, and

c. for the residual portion, by 5-digit or 3-digit ZIP Code (see 364.3).

The total number of pieces with a ZIP + 4 barcode, and the total number of pieces not containing a ZIP + 4 barcode, for the entire mailing, must also be shown.

Exception: When all the pieces in the mailing bear a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b, documentation is not required.

364.412 Postage at ZIP + 4 Barcoded Rate Affixed to All Pieces. Mailers may affix postage at the ZIP + 4 Barcoded rate to all pieces in the mailing provided they submit with each mailing the following lists and summaries documenting that the 85 percent commingling requirement has been met, and the amount of postage owed:

a. Documentation for Pieces Sorted in Accordance with 364.1 (5-Digit Packages). List, for each 5-digit ZIP Code destination in the portion of the mailing sorted in accordance with 364.1, the:

(1) Number of Barcoded Pieces Qualifying for the ZIP + 4 Barcoded Rate. This is the number of ZIP + 4 barcoded pieces qualifying for the ZIP + 4 Barcoded rate (pieces bearing a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b);

(2) Number of Non-Barcoded Pieces Qualifying for the ZIP + 4 Presort Rate. This is the number of non-barcoded pieces qualifying for the ZIP + 4 Presort rate (non-barcoded pieces that bear a ZIP + 4 code, and that meet the bar code clear zone and OCR readability requirements of 324.5 and 324.6);

(3) Number of Non-Barcoded Pieces Qualifying for the Presorted First-Class Rate. This is the number of non-barcoded pieces that bear a ZIP + 4 code, but do not meet the requirements of 324.5 and 324.6, plus the number of non-barcoded pieces bearing a 5-digit ZIP Code;

(4) Cumulative Total. This is the total of all pieces listed on preceding lines for the 5-digit portion of the mailing plus the pieces for that 5-digit ZIP Code.

Total each of categories (1) through (3) to provide: (1)the total number of barcoded pieces qualifying for the ZIP + 4 Barcoded rate; (2) the total number of non-barcoded pieces qualifying for the ZIP + 4 Presort Rate; and (3) the total number of non-barcoded pieces qualifying for the Presorted First-Class rate.

The last entry in category (4) will show the total number of pieces in the 5-digit portion of the mailing.

b. Documentation for Pieces Sorted in Accordance with 364.2 (3-Digit Packages). List for each 3-digit separation in the portion of the mailing sorted in accordance with 364.2, the:

(1) Number of Barcoded Pieces Qualifying for the ZIP + 4 Presort Rate. This is the number of pieces bearing a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b;

(2) Number of Non-Barcoded Pieces Qualifying for the ZIP + 4 Presort Rate. This is the number of non-barcoded pieces bearing a ZIP + 4 code, that meet the barcode clear zone and OCR readability requirements of 324.5 and 324.6;

(3) Number of Non-Barcoded Pieces Qualifying for Presorted First-Class Rate. This is the number of non-barcoded pieces that bear a ZIP + 4 code, but do not meet the requirements of 324.5 and 324.6, plus the number of non-barcoded pieces that bear a 5-digit ZIP Code;

(4) Cumulative Total. This is the total of all pieces listed on preceding lines for the 3-digit portion of the mailing plus the pieces for that 3-digit ZIP Code.

Total each of categories (1) through (3) to provide: (1) the total number of barcoded pieces qualifying for the ZIP + 4 Presort rate; (2) the total number of non-barcoded pieces qualifying for the ZIP + 4 Presort rate; and (3) the total number of non-barcoded pieces qualifying for Presorted First-Class Rates. The last entry in category (4) will show the total number of pieces in the 3-digit portion of the mailing.

c. Documentation for Pieces Sorted in Accordance with 364.3 (Residual Portion). By 5-digit or 3-digit ZIP Code (see 364.3), list the:

(1) Number of Barcoded Pieces Qualifying for the Nonpresorted ZIP + 4 Rate. This is the number of pieces bearing a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b;

(2) Number of Non-Barcoded Pieces Qualifying for the Nonpresorted ZIP + 4 Rate. This is the number of non-barcoded pieces with a ZIP + 4 code, that meet the barcode clear zone and OCR readability requirements in 324.5 and 324.6;

(3) Number of Non-Barcoded Pieces Subject to the Single-Piece First-Class Rate. This is the number of non-barcoded pieces that bear a ZIP + 4 code, but do not meet

the requirements in 324.5 and 324.6, plus the number of non-barcoded pieces that bear a 5-digit ZIP Code.

(4) Cumulative Total. This is the total of all pieces listed on preceding lines for the residual portion of the mailing plus the pieces for that line entry.

Total each of categories (1) through (3) to provide: (1) the total number of barcoded pieces qualifying for the nonpresorted ZIP + 4 rate; (2) the total number of non-barcoded pieces qualifying for the nonpresorted ZIP + 4 rate; (3) the total number of non-barcoded pieces subject to single-piece first-class rates.

The last entry in category (4) will show the total number of pieces in the residual portion of the mailing.

d. Totals. Summarize the total number of pieces in each rate category in the mailing. For each category other than pieces qualifying for the ZIP + 4 Barcoded rate, multiply the total number of pieces in the rate category by the additional postage due per piece for that rate category. For example, multiply the total number of pieces eligible for the ZIP + 4 Presort rate by $0.005 (the difference between the ZIP + 4 Barcoded rate and the ZIP + 4 Presort rate). This will show the total postage due for each rate category in the mailing. Add the total amounts of postage due for each rate category to show the total amount of postage due. Also summarize, for the entire mailing, the total number of pieces that bear a properly prepared ZIP + 4 barcode and the total number of pieces that do not.

364.42 Required Documentation for Permit Imprint Mailings.

a. Documentation. For identical-weight permit imprint mailings, the lists and summaries indicated in 364.412a through 364.412c must be submitted with each mailing. A summary of the listings must be included as part of the required documentation as follows:

(1) Summarize the total number of pieces in each rate category in the mailing;

(2) For each rate category shown in 364.42a(1), above, compute the postage charges at that rate. (Multiply the number of pieces qualifying for each rate category times the applicable rate for that rate category);

(3) Add the total amounts of postage charges for each rate category to show the total amount of postage to be deducted from the permit imprint account;

(4) Summarize, for the entire mailing, the number of pieces that bear a properly prepared ZIP + 4 barcode (364.412a(1), 364.412b(1), and 364.412c(1)). Also show the total number of pieces that do not bear a properly prepared ZIP + 4 barcode.

Note: Mailings of nonidentical-weight permit imprint pieces may be made only if optional or alternative postage payment procedures have been authorized in accordance with 145.

b. Exception to Documentation. When all pieces in an identical-weight permit imprint mailing bear a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b, and the pieces in each of the sortation levels (364.1, 364.2 and 364.3) are physically separated from each other upon presentation to the post office, as required in 364, no documentation is required.

364.43 Summary Listing Documentation Option

364.431 General. Mailers may obtain authorization to submit only summary listings, rather than both summaries and listings by ZIP Code sortation as required in 364.41 and 364.42. The summary listing must show, by category of sortation (5-digit sorted pieces in accordance with 364.1, 3-digit sorted pieces in accordance with 364.2, and residual pieces in accordance with 364.3):

(1) the number of pieces with a ZIP + 4 barcode prepared in accordance with 324.71c through 324.77, and 325.32b;

(2) the number of non-barcoded pieces that bear a ZIP + 4 code and that meet the requirements of 324.5 and 324.6; and,

(3) the total of: the number of non-barcoded pieces that bear a ZIP + 4 code, but do not meet the requirements of 324.5 and 324.6; and the number of non-barcoded pieces bearing a 5-digit ZIP Code.

The mailer must also provide a summarized total, by presort level rate, of the amount of postage due when all pieces are metered at the lower rate, or, when permit imprint is used, the summarized total by presort level rate of the total postage charges for the mailing. The total number of pieces that bear a properly prepared ZIP + 4 barcode and the number of pieces that do not must also be provided.

364.432 Authorization. The General Manager, Rates and Classification Center, for the area where mailings will be submitted, may authorize summary listing documentation in accordance with the approval procedures in 364.434.

364.433 Application. The mailer must submit a request to the postmaster, at each post office of mailing, that must include:

a. the mailer's name, address, and telephone number;

b. the name of the post office where mailings will be presented;

c. the frequency of mailing;

d. the estimated volume per mailing;

e. an explanation of the reason the mailer is unable to comply with the listing requirements in 364.41 or 364.42;

f. an explanation of the procedures that will be used to develop the summary listing;

g. sample copies of documents such as computer print-outs and records of postage meter readings that can be reviewed to substantiate the mailer's claim;

h. a copy of any previous approval(s) by one or more Rates and Classification Centers.

364.434 Approval Process. The mailer's application, and the postmaster's recommendation and supporting documentation, will in turn be forwarded to the Management Sectional Center (MSC) Manager, Mailing Requirements, who will review the file, request additional documentation, and/or make an onsite visit, if necessary, before recommending approval or disapproval. The file will be forwarded to the General Manager, Rates and Classification Center (RCC) who will approve the application if it is determined that the summary listing will accurately reflect the composition of the mailing. If necessary, the General Manager, RCC, may request further evidence of documentation. When the General Manager, RCC, is satisfied that the documentation will accurately show the summary listing information required in 364.431, the mailer may be authorized to prepare a summary listing for each mailing. The authorization will be sent directly to the mailer, and copies will be sent to the MSC Manager, Mailing Requirements, and the postmaster of the office of mailing, as applicable. The authorization will remain valid for a period of 90 days.

364.435 Quarterly Inspections. The postmaster or designated representative will visit the mailer's premises on a quarterly basis to determine whether the mailer is following the approved procedures for determining the percentage of ZIP + 4 barcoded pieces in the mailing, and proper postage, and will submit a report to the RCC through the MSC. If the mailer is following the approved procedures, the authorization will be renewed for a period of 90 days.

364.436 New Application Upon Change in Mailer's Operation. The mailer must submit a new application, in accordance with 364.433, anytime there is a change in the method used to determine the percentage of qualifying ZIP + 4 barcoded pieces in mailings and the proper postage.

364.44 Exception to Submitting Documentation With Each Mailing (Documentation Based on a Mailing List or Cycle). When pieces for a mailing list or mailing cycle, as defined by the mailer, are mailed over a period of more than one day, but not exceeding one week (seven consecutive days), the mailer

may submit documentation based on the mailing list or mailing cycle to prove that the 85 percent requirement has been met, and to show either the amount of postage due for mail metered at the ZIP + 4 Barcoded rate, or the total amount of postage to be deducted from the mailer's permit imprint account. The documentation for the entire list or cycle must, however, accompany the mailing statement submitted with the first mailing made from the list or cycle. Under this procedure, the mailer must indicate, on each mailing statement submitted, the mailing list or mailing cycle to which the pieces belong. The final mailing statement for the mailing list or cycle must accurately account for the full list or cycle. (The sum of the pieces reported on all the mailing statements submitted for the mailing list or cycle must equal the totals shown on the documentation submitted.) Under this procedure, a mailing may contain only pieces for a single mailing list or mailing cycle (i.e., a mailing may not contain pieces from more than one mailing list or cycle). If pieces from two different lists or cycles are submitted on the same day, separate mailings must be prepared, corresponding separate mailing statements must be submitted for the pieces for each list, and the mailing from the new list or cycle must be accompanied by the documentation for that list or cycle.

364.45 Mailing Statements. The mailer must submit a mailing statement with each mailing in accordance with 382.4. The Form 3602-PC must be submitted in duplicate if all pieces in a mailing are metered at the ZIP + 4 Barcoded rate and additional postage is paid through an advance deposit account in accordance with 382.31d or 382.33b.

* * * * *

370 Mailing

* * * * *

372 Matter Mailed at Carrier Route First-Class, Presorted First-Class, Nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded Rates

372.1 Deposit of Mail. Matter mailed at the Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded rates must be deposited at locations and times designated by the postmaster. Deposit of metered mail at other than those locations is considered a sufficient basis for revocation of postage meter licenses in accordance with 144.23. The Postal Service may collect Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded mail at the customer's facility when one of the following conditions is met:

a. Acceptance and verification are accomplished at the customer's facility;

b. Postage is paid under an optional procedure;

c. Postage is paid by meter strips;

d. Postage is paid by precanceled stamps.

Note: Presort mailings paid by permit imprint, and not covered by optional procedures, are not to be collected from the customer's facility.

372.2 Approved Collection Service. In addition to the above requirements, the collection of Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded mail, must be part of an approved collection service for other classes of mail, and space must be available on the transportation required for those classes. Separate or additional collection service for Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded mail will not be established.

373 Priority Mail

Priority Mail must be deposited at a post office, branch, or station, or handed to a rural or highway contract route carrier.

Exception: A Priority Mail piece in a weight category for which the rates do not vary by zones may be deposited in any street collection box or other authorized mail collection receptacle. Mail that has postage paid by means of permit imprint may only be deposited where authorized by 145.

374 Presort Verification

374.1 Where Verified

374.11 Mailings Presented to the Accepting Post Office by the Customer

* * * * *

c. Nonpresorted ZIP + 4 and ZIP + 4 Presort mailings will be verified at the post office of acceptance to establish that each mailing is properly prepared, and, if mailed at the ZIP + 4 Presort rate, properly presorted in accordance with either 365 and 368.2, or 366 (optional sortation).

d. ZIP + 4 Barcoded mailings will be verified at the post office of acceptance to establish that each mailing at the ZIP + 4 Barcoded rate is properly prepared and presorted and qualifies for that rate.

374.12 Collected at Customer's Facility. Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded mailings collected at the customer's facility (see 372.1) will be verified at a post office acceptance unit, unless complete acceptance and verification is accomplished at the customer's facility. If such a mailing, which has been collected at the customer's facility and brought to the appropriate acceptance unit, is found not to qualify due to makeup irregularities, improper postage, or other reasons, the mailer must come to the acceptance unit to resolve the discrepancies.

374.2 When a Carrier Route First-Class, Presorted First-Class, Nonpresorted ZIP + 4, ZIP + 4 Presort, or ZIP + 4 Barcoded Mailing is Disqualified

374.21 Options

a. When a Carrier Route First-Class, Presorted First-Class, Nonpresorted ZIP + 4, ZIP + 4 Presort, or ZIP + 4 Barcoded mailing is found not to qualify at the acceptance unit (or detached mail unit), the mailer has the option of taking corrective action or paying the full regular single-piece rate. When necessary, the return of such mailings to the customer's facility is the responsibility of the mailer. The mailer must correct discrepancies or pay the full single-piece First-Class postage before the mailing will be accepted.

b. When a Carrier Route First-Class mailing is found, through reports from the delivery unit, to have more than 5 percent error in the makeup to carrier routes in a 5-digit ZIP Code area, the pieces in the mailing to that 5-digit ZIP Code area do not qualify for the Carrier Route First-Class rate. Postage will be recalculated at the Presorted First-Class rate of postage on all pieces within that 5-digit ZIP Code area, providing the pieces meet the Presort First-Class Mail preparation requirements.

374.22 Correcting Preparation and Presort Problems. Mailers who elect to correct presort or preparation problems which resulted in disqualification of the mailing at the place where the mailing was presented for acceptance, will generally be unable to return metered mail to the acceptance unit (or detached mail unit) on the same day as it was originally presented. The date in the meter stamp or precanceled postmark will thus reflect an incorrect mailing date. If the mailing is presented on the day immediately following its initial presentation, and if it then meets all other acceptance requirements, the mailing will be accepted on a one-time-only basis when:

a. Its initial presort or other preparation deficiencies resulted from mailing equipment problems beyond the mailer's control, or

b. It is the customer's first mailing at the Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort, or ZIP + 4 Barcoded rate, and the improper presort or preparation resulted from misinformation or misunderstanding of the presort or preparation requirements.

• • • • •

380 Payment of Postage

• • • • •

382 Carrier Route First-Class, Presorted First-Class, Nonpresorted ZIP + 4, ZIP + 4 Presort, and ZIP + 4 Barcoded Rates

382.1 Method of Payment. Postage on mailings made at Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort and ZIP + 4 Barcoded rates, must be paid by meter stamps, permit imprints, or precanceled postage. Permit imprints may be used on mailings of nonidentical weight only under the provisions of 145.8 or 145.9

382.2 Exact Postage on Each Piece

• • • • •

382.23 ZIP + 4 Barcoded Rate. When precanceled postage or meter stamps are used, pieces must bear postage at the appropriate ZIP + 4 Barcoded, ZIP + 4 Presort, Presorted First-Class, nonpresorted ZIP + 4, or single-piece First-Class rate as appropriate, except as provided in 382.3 and 364.412.

382.3 Postage at Lowest Rate in Mailing Affixed to All Pieces in the Mailing

382.31 Identical Pieces.

a. Presorted First-Class Mailings. When all pieces in a Presorted First-Class mailing paid by meter stamps or precanceled postage are of identical size and weight, the entire mailing may have postage affixed at the Presorted First-Class rate. Additional postage for residual pieces must be paid by means of a meter strip affixed to the back of the Form 3602-PC, *Statement of Mailing -- Bulk Rates*, that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

b. Carrier Route First-Class Mailings. When all pieces in a Carrier Route First-Class mailing paid by meter stamps or precanceled postage are of identical size and weight, the entire mailing may have postage affixed at the Carrier Route First-Class rate. Additional postage for pieces subject to the Presorted First-Class and full single piece First-Class rates must be paid by means of a meter strip affixed to the back of the Form 3602-PC, *Statement of Mailing -- Bulk Rates*, that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

c. ZIP + 4 Presort Mailings. When all pieces in a ZIP + 4 Presort mailing paid by meter stamps or precanceled postage are of identical size and weight, the entire mailing may have postage affixed at the ZIP + 4 Presort rate provided the requirements in 365.33 are met. The additional postage for pieces subject to Presorted First-Class, nonpresorted ZIP + 4, and single-piece First-Class rates must be paid by means of a meter strip affixed to the Form 3602-PC, *Statement of Mailing -- Bulk Rates*, that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

d. ZIP + 4 Barcoded Mailings. When all pieces in a ZIP + 4 Barcoded mailing paid by meter stamps or precanceled postage are of identical size and weight, the entire mailing may have postage affixed at the ZIP + 4 Barcoded rate provided the requirements in 364.412 are met. Additional postage, in the amount documented in accordance with 364.412d, for pieces subject to the ZIP + 4 Presort, Presort First-Class, nonpresorted ZIP + 4 and single-piece First-Class rates, must be paid by means of a meter strip affixed to the back of the Form 3602-PC, *Statement of Mailing -- Bulk Rates*, that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

382.32 Nonidentical Pieces at Presorted First-Class or Carrier Route First-Class Rates.

• • • • •

382.33 Nonidentical Pieces at ZIP + 4 Presort and ZIP + 4 Barcoded Rates.

a. ZIP + 4 Presort Mailings. ZIP + 4 Presort mailings of nonidentical-weight pieces may have postage at the ZIP + 4 Presort rate affixed to all pieces in the mailing provided the requirements in 365.33 are met. The additional postage for pieces subject to Presorted First-Class, nonpresorted ZIP + 4, and single-piece First-Class rates, must be paid by means of a meter strip affixed to the back of the Form 3602-PC, *Statement of Mailing -- Bulk Rates*, that must accompany the mailing, or through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

b. ZIP + 4 Barcoded Mailings. ZIP + 4 Barcoded First-Class mailings of nonidentical-weight pieces may have postage at the ZIP + 4 Barcoded rate affixed to all pieces in the mailing provided the documentation requirements in 364.412 are met. Additional postage in the amount documented in accordance with 364.412d for pieces subject to the ZIP + 4 Presort, Presort First-Class, nonpresorted ZIP + 4 and single-piece First-Class rates must be paid by means of a meter strip affixed to the back of the Form 3602-PC, *Statement of Mailing -- Bulk Rates*, that must accompany the mailing, or through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

• • • • •

382.4 Mailing Statement. Mailers who qualify for Carrier Route First-Class, Presorted First-Class, nonpresorted ZIP + 4, ZIP + 4 Presort, or ZIP + 4 Barcoded rates, must complete and submit one of the following mailing statements (signed by the mailer or an authorized agent) with each mailing:

a. Form 3602, *Statement of Mailing With Permit Imprints*, for mail with permit imprints. Editions of the form earlier than April 1985 must not be used.

b. Form 3602-PC, *Statement of Mailing -- Bulk Rates*, for mail bearing meter stamps or precanceled stamps. Editions of the form earlier than April 1985 must not be used.

Note: Form 3602-PC must be submitted in duplicate for mailings metered at the lowest rate for which the difference between postage affixed and the applicable rate is paid through an advance deposit account, as provided in Handbook F-1, *Post Office Accounting Procedures*, 524.

383 Priority Mail Rates (See Exhibit 310)

Mailers of Priority Mail may pay postage by adhesive stamps, meter stamps (see 144), or permit imprint (see 145).

390 Ancillary Services

391 Forwarding

All First-Class Mail, including Priority Mail, and postal and post cards, is forwarded at no charge for a period of one year when the new address is known.

Chapter 4
Second-Class Mail

410 Rates and Fees

411 Rates

411.1 Rate Elements. The postage charged for mailing second-class matter is based on the application of the following rate elements to the mailing:

411.11 Per-Pound Charges. The total weight of the mailing in pounds is multiplied by the applicable per-pound rates. There are outside county pound rates that are zoned for the advertising portion of a publication and an unzoned rate for the nonadvertising portion. There is also an in-county pound rate.

411.12 Per-Piece Charges. Each piece in the mailing is multiplied by the applicable per-piece rate. There are different per-piece rates for outside county pieces and for in-county pieces based on level of presort. An individually addressed copy or package of unaddressed copies is considered a piece. A firm package, consisting of individually addressed copies or unaddressed copies for the same address is also considered one piece. A firm package must bear a blue Label F or the optional endorsement line "FIRM" followed by the five-digit ZIP Code as prescribed in 464.242.

411.13 Piece Charge Adjustments.

a. A nonadvertising adjustment is deducted from the outside county per-piece rate charges.

b. An SCF adjustment, when applicable, is deducted from the outside county per-piece charges.

Note: The postage to be paid for a mailing is the sum of the charges determined by applying the applicable per-pound rates and the charges determined by applying the applicable per-piece rates, less the applicable adjustments.

411.2 Regular Rates.

411.21 General. The rates in 411.22 through 411.25 apply to all presorted copies of publications mailed by publishers or news agents except for:

a. Copies that qualify for one of the preferred rates contained in 411.3; and

b. Nonrequester and nonsubscriber copies that exceed the 10 percent allowance in 411.411 and 411.412, and that are not presorted and commingled in a mailing that contains requester or subscriber copies. (See 411.422 for applicable rates for noncommingled nonrequester and noncommingled nonsubscriber copies exceeding the 10 percent allowance.)

411.22 Per-Pound Rates. Rates per pound or fraction of a pound:

	Dollars
Nonadvertising portion	$0.124
Advertising portion:	
Zones 1 and 2	$0.165
Zone 3	$0.174
Zone 4	$0.191
Zone 5	$0.216
Zone 6	$0.243
Zone 7	$0.275
Zone 8	$0.302

411.23 Per-Piece Rates. The three per-piece rates reflect the levels of presort. The sortations which must be accomplished, and the documentation requirements to qualify for the rates, are prescribed in 468.

	Dollars
Level A--Basic. Pieces not qualifying for Level B, (5-Digit), or Level C, (Carrier route) rates. (Pieces in 3-digit sacks that are not for unique 3-digit cities, or in SCF, SDC, State, or Mixed States sacks.)	$0.160
Level B--5-Digit. Pieces in 5-digit, optional city, or unique 3-digit packages that contain at least six pieces and that are placed in 5-digit, optional city, or unique 3-digit sacks. See Exhibits 122.63a and 122.63b.	$0.124
Level C--Carrier-route. Pieces in carrier-route packages of six or more pieces that are placed in carrier-route or carrier-routes sacks.	$0.099

411.24 Intra-SCF Rate. Pieces for delivery within the SCF of mailing may qualify for the intra-SCF rate. This rate equals the applicable per-piece rate, minus $0.01 per addressed piece. SCFs and the areas served by each are listed in Exhibits 122.63c and 122.63d.

411.25 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-county per-piece charges. It is determined in the following manner:

a. Divide the nonadvertising percent by 100;

b. Multiply the decimal thus obtained by $0.04 and round the result up to four decimal places;

c. Multiply this rounded nonadvertising factor by the number of addressed pieces mailed at the outside-county per-piece rates in 411.24, and round the result up to two decimal places. This nonadvertising adjustment amount is subtracted from the subtotal of the outside-county piece charges to determine the total outside-county per-piece postage charge.

411.3 Preferred Rates

411.31 General. There are four preferred rates. They are:

a. In-County

b. Special Nonprofit

c. Classroom

d. Science-of-Agriculture

411.32 In-County Rates

* * * * *

411.322 Nonsubscriber Copies. (Effective January 1, 1989, the note at the end of this section will read: The number of nonsubscriber copies mailed at in-county rates must be included in the determination of the overall 10 percent nonsubscriber allowance in 411.413 and 411.414.)

* * * * *

411.325 Rates. In-County rates are:

	Dollars
Per Pound	$0.094
Per Piece:	
Level J--Not Presorted to Carrier Route.	$0.057
Level K--Presorted to Carrier Route. Pieces in carrier-route packages of six or more pieces that are placed in carrier-route or carrier-routes sacks.	$0.032

411.33 Special Nonprofit Rate

411.331 Per-Pound Rates. Rates per pound or fraction of a pound:

	Dollars
Nonadvertising portion	$0.086
Advertising portion:	
Zones 1 and 2	$0.114
Zone 3	$0.120
Zone 4	$0.133
Zone 5	$0.153
Zone 6	$0.174
Zone 7	$0.199
Zone 8	$0.221

Note: The advertising zone rates are applicable to issues in which the advertising portion exceeds 10 percent. Issues containing 10 percent or less advertising will be computed at the nonadvertising rate.

411.332 Per-Piece Rates. The three per-piece rates reflect the levels of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 468.

	Dollars
Level G--Basic. Pieces not qualifying for Level H (5-Digit) or Level I (Carrier-route) rates. (Pieces in 3-digit sacks that are not for unique 3-digit cities, or in SCF, SDC, State or Mixed States sacks.)	$0.125
Level H--5-Digit. Pieces in 5-digit, optional city, or unique 3-digit packages that contain at least six pieces, and that are placed in 5-digit, optional city or unique 3-digit sacks. See Exhibits 122.63a and 122.63b.	$0.089
Level I--Carrier-route. Pieces in carrier-route packages of six or more pieces that are placed in carrier-route or carrier-routes sacks.	$0.068

411.333 Intra-SCF Rate. Pieces for delivery within the SCF of mailing may qualify for the intra-SCF rate. This rate equals the applicable per-piece rate, minus $0.01 per addressed piece. SCFs and the areas served by each are in Exhibits 122.63c and 122.63d.

411.334 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-county per-piece charges. It is determined in the following manner:

a. Divide the nonadvertising percent by 100;

b. Multiply the decimal thus obtained by $0.02 and round the result up to four decimal places;

c. Multiply this rounded nonadvertising factor by the number of addressed pieces mailed at the outside-county per-piece rates in 411.332 and round the result up to two decimal places. For issues or editions in which the nonadvertising portion is 90 percent or greater, it is determined by multiplying $0.02 times the number of addressed pieces mailed at the outside-county per-piece rates in 411.332. This nonadvertising adjustment amount is subtracted from the subtotal of the outside-county per-piece charges to determine the total outside county per-piece postage charge.

411.34 Classroom

411.341 Per-Pound Rates. Rates per pound or fraction of a pound:

	Dollars
Nonadvertising portion	$0.067
Advertising portion:	
Zones 1 and 2	$0.089
Zone 3	$0.094
Zone 4	$0.102
Zone 5	$0.114
Zone 6	$0.126
Zone 7	$0.141
Zone 8	$0.154

411.342 Per-Piece Rate. The per-piece rate is $0.123.

411.343 Intra-SCF Rate. Pieces for delivery within the SCF of mailing may qualify for the intra-SCF rate. This rate equals the applicable per piece rate, minus $0.01 per addressed piece. SCFs and the areas served by each are in Exhibits 122.63c and 122.63d.

411.344 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-county per-piece charges. It is determined in the following manner:

a. Divide the nonadvertising percent by 100;

b. Multiply the decimal thus obtained by $0.04 and round the result up to four decimal places;

c. Multiply this rounded nonadvertising factor by the number of addressed pieces mailed at the outside-county per-piece rates in 411.342, and round the result up to two decimal places. This nonadvertising adjustment amount is subtracted from the subtotal of the outside-county per-piece charges to determine the total outside county per-piece postage charge.

411.35 Science-of-Agriculture

411.351 General. The science-of-agriculture rates apply to copies of publications which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70 percent of the total number of copies distributed by any means for any purpose.

411.352 Per Pound Rates. Rates per pound or fraction of a pound:

	Dollars
Nonadvertising portion	$0.124
Advertising portion:	
Zones 1 and 2	$0.114
Zone 3	$0.174
Zone 4	$0.191
Zone 5	$0.216
Zone 6	$0.243
Zone 7	$0.275
Zone 8	$0.302

411.353 Per-Piece Rates. The three per-piece rates reflect the levels of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 468.

	Dollars
Level A--Basic. Pieces not qualifying for Level B, (5-Digit) or Level C,(Carrier-route) rates. (Pieces in 3-digit sacks that are not for unique 3-digit cities, or in SCF, SDC, State, or Mixed States sacks.)	$0.160
Level B--5-Digit. Pieces in 5-digit, optional city, or unique 3-digit packages that contain at least six pieces, and that are placed in 5-digit, optional city, or unique 3-digit sacks. See Exhibits 122.63a and 122.63b.	$0.124
Level C--Carrier-route. Pieces in carrier-route packages of six or more pieces that are placed in carrier-route or carrier-routes sacks.	$0.099

411.354 Intra-SCF Rate. Pieces for delivery within the SCF of mailing may qualify for the intra-SCF rate. This rate equals the applicable per-piece rate minus $0.01 per addressed piece. SCFs and the areas served by each are in Exhibits 122.63c and 122.63d.

411.355 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-county per-piece charges. It is determined in the following manner:

a. Divide the nonadvertising percent by 100;

b. Multiply the decimal thus obtained by $0.04 and round the result up to four decimal places;

c. Multiply this rounded nonadvertising factor by the number of addressed pieces mailed at the outside-county per-piece rates in 411.353, and round the result up to two decimal places. This nonadvertising adjustment amount is subtracted from the subtotal of the outside-county per-piece charges to determine the total outside county per-piece postage charge.

* * * * *

411.4 Nonsubscriber and Nonrequester Copies Mailed by Publishers and Newsagents

* * * * *

Note: Effective January 1, 1989, the 10 percent limit on nonsubscriber or nonrequester copies will be computed based upon the total number of copies mailed to subscribers or requesters during the calendar year as opposed to the total weight of copies mailed to subscribers or requesters during the calendar year.

* * * * *

412 Fees

412.1 Application Fees for Second-Class Privileges. The fees to accompany applications for second-class original entry, reentry, additional entry, or for registration as a newsagent, are:

Kind of Application	Amount
a. Original Entry	$265.00
b. Newsagent Registry	$40.00
c. Reentry (because of change in title, qualification category, frequency of issuance, office of publication, modification or cancellation of an additional entry (see 412.1d) or other reason)	$40.00
d. Additional Entry (Only one fee is collectable for an application for additional entry, even if the additional entry for which application is made modifies another previously approved additional entry.)	$70.00

Note: If an application is not approved, no part of the fee is returned to the applicant. No fee is required to accompany applications for special nonprofit, classroom, or science-of-agriculture rates.

412.2 Fee for Address Correction Service. The fee for address correction service is $0.30 cents per notice issued.

* * * * *

468 Special Preparation Requirements or Options for Presort-Level Discount-Rated Pieces (Levels B, C, H, I, and K)

* * * * *

468.4 Combining More Than One Second-Class Publication or Edition.

468.41 Definition. A combined mailing is a mailing in which two or more second-class publications or editions are merged into a single mailing stream, either during production or after finished copies have been produced, and all copies of all the publications or editions are presorted together into packages that achieve the finest level of presort possible for the combined mailing. For example, when three second-class publications will be prepared as a combined mailing and there are two copies of each publication for a single 5-digit ZIP Code destination, a single 5-digit package containing six pieces must be prepared.

468.42 Rate Qualification. More than one second-class publication, or edition of a publication, may be combined to meet the volume per sack or bundle requirement for the presort-level discount piece rates. To qualify for levels B and C piece rates, the copies of each issue or edition in the combined mailing must be mailed to destinations outside the county of publication or be a requester publication. To qualify for the levels H (5-digit) and I (carrier-route) rates, each publication or edition must be authorized the special nonprofit rate. To qualify for the level K (carrier-route) rate, the copies of each publication in the mailing must be eligible for the in-county rates at the post office of mailing.

468.43 Presort Level Documentation. The lists and records provided by publishers in accordance with 468.3 must also declare the total number of addressed pieces and copies of each publication or edition mailed to each carrier route, 5-digit, optional city (see Exhibit 122.63a), and unique three-digit ZIP-Coded city (see Exhibit 122.63b) destination. The publisher must also provide a list, by three-digit ZIP Code prefix, of the number of copies (and pieces) of each publication or edition which qualify for the intra-SCF rate.

Note: For mailings presented on pallets in accordance with 467.2, it is recommended that the above listings be broken down by pallet, and that subtotals by pallet of the number of pieces qualifying for each presort-level rate and the intra-SCF rate be given, in addition to a summary listing of such information for the entire mailing.

468.44 Mailing Statements. Separate mailing statements must be prepared for each publication or edition which is part of the combined mailing. The name and issue date of the publications with which each publication or edition was combined must be noted on, or attached to, the mailing statements. Postal employees must note the publication with which the documentation was filed.

* * * * *

483 Marked Copy

* * * * *

483.2 Payment of Advertising Rates on Reading Portions. If desired, the publisher may pay postage at the advertising zone rates on both the advertising and the nonadvertising portions of the publication and waive the nonadvertising adjustment, instead of marking a copy of each issue to show the advertising and nonadvertising portions. When the amount of advertising exceeds 75 percent, the copies submitted to the postmaster must be marked "Advertising over 75 percent." When the amount of advertising does not exceed 75 percent, the copies submitted to the postmaster must be marked, "Advertising not over 75 percent" on the first page. The words "Over 75 percent" or "Not over 75 percent," whichever are applicable, must be entered on the Form 3541 or 3541-A. The word "Waived" must be written in the space provided for the weight of the nonadvertising portion and in the space provided for the nonadvertising adjustment on Forms 3541 or 3541-A.

Note: Requester publications with a notation of "Over 75 percent advertising" are not eligible for second-class rates. Appropriate First-, third-, or fourth-class postage must be paid for copies of such publications.

Exception: This option does not apply if the advertising rate is lower than the rate for nonadvertising.

Chapter 6
Third-Class Mail

610 Rates and Fees

611 Rates

611.1 Single-Piece Rates

611.11 General. The single-piece rates are applied to each piece according to its weight. The single-piece rates are:

0 to 1 oz	$0.25
Over 1 to 2 ozs	0.45
Over 2 to 3 ozs	0.65
Over 3 to 4 ozs	0.85
Over 4 to 6 ozs	1.00
Over 6 to 8 ozs	1.10
Over 8 to 10 ozs	1.20
Over 10 to 12 ozs	1.30
Over 12 to 14 ozs	1.40
Over 14 but less than 16 ozs	1.50

611.12 Exception. When the postage rate computed at the single-piece third-class rate is higher than *any* fourth-class rate, for which the matter and mailing could qualify except for *weight*, the lower fourth-class rate should be paid.

Example 1: A third-class parcel containing merchandise weighing between 14 and 16 ounces may be mailed at the parcel post rate if that rate is lower.

Example 2: A catalog weighing less than 1 pound, which otherwise meets all prescribed requirements of fourth-class bound printed matter except for weight, may be mailed at the applicable fourth-class bound printed matter rate.

611.2 Bulk Rates. (See Exhibits 611.21a-b and 611.22a-b.)

611.21 Regular Rates. (See Exhibits 611.21a and b.)

611.211 Minimum Per-piece Rate. Pieces which weigh 3.3667 ounces (.21042 pound, 95.446 grams) or less must be paid at the prescribed minimum per-piece rate for the applicable presort level.

611.212 Per-Pound Rate. Pieces which weigh more than 3.3667 ounces (.21042 pound, 95.446 grams) must be paid at the per-pound rate for the applicable presort level. If such pieces are mailed at the basic or 5-digit presort level rates, an additional per-piece charge must also be paid.

611.22 Special Rates for Authorized Nonprofit Organizations. (See Exhibits 611.22a and b.)

611.221 Minimum Per-piece Rate. Pieces which weigh 3.3920 ounces (.21200 pound, 96.163 grams) or less must be paid at the prescribed minimum per-piece rate for the applicable presort level.

611.222 Per-Pound Rate. Pieces which weigh more than 3.3920 ounces (.21200 pound, 96.163 grams) must be paid at the per-pound rate for the applicable presort level. If such pieces are mailed at the basic or 5-digit presort level rates, an additional per-piece charge must also be paid.

611.223 Use. Organizations wishing to use the special rates must be specifically authorized by the Postal Service based on the requirements in 623.

611.3 Computation of Postage—Bulk Rates.

611.31 Minimum Bulk-Rate Postage. The total postage paid on any bulk mailing may not be lower than the amount determined by multiplying the appropriate minimum per-piece rate by the total number of pieces in the mailing. If the total postage computed at pound rates, after adding any adjustment for presort level, is less than the minimum postage charge, postage must be computed at the minimum per-piece rate.

611.32 Individually Metered Pieces—Bulk Rate Postage. To compute postage at the third-class bulk rates for pieces subject to the pound rates of postage:

a. Multiply the weight of the piece (in pounds) by the applicable per-pound rate;

b. Add the applicable per-piece charge (if subject to basic level or 5-digit presort level rates); and

c. Round the sum upward to the next tenth of a cent (or next whole cent if the meter cannot print fractional amounts). The result must be higher than the minimum per-piece charge for the appropriate presort level rate. If the result is lower than the minimum per-piece charge, the minimum per-piece charge must be paid.

611.4 Keys and Identification Devices. Keys and identification devices, such as identification cards or identification tags which are without cover, may be mailed at third-class rates if they bear, contain, or have securely attached, the name and complete post office address of a person, organization, or concern, with instructions to return to such address, and a statement guaranteeing the payment of the postage due upon delivery. The charge is $0.85 for the first 2 ounces or fraction and $0.47 for each additional 2 ounces or fraction thereof.

611.5 Exception. When the postage computed at the bulk third-class rates is higher than a fourth-class rate, for which the matter and the mailing could qualify, except for *weight*, the fourth-class rate may be paid without the necessity of adding needless additional weight. For example, a catalog weighing less than 1 pound which meets all prescribed requirements of fourth-class bound printed matter, except for weight, may be mailed at the fourth-class bound printed-matter rate. All other requirements for bulk third-class mail remain applicable.

612 Fees

612.1 Annual Bulk Mailing Fee. The annual bulk mailing fee is $60.

612.2 Address Correction Service Fee. The fee for address correction service is $0.30 per notice issued.

* * * * *

Regular Bulk Rates

Presort level:	Per pound or fraction (dollars)	Minimum rate per piece (dollars)
Basic	$0.48 Plus $0.066 per piece	$0.167
Basic ZIP + 4		$0.162
5-digit	$0.48 Plus 0.031 per piece	$0.132
5-digit ZIP + 4		$0.127
ZIP + 4 Barcoded		$0.122
Carrier route	$0.48	$0.101

Pieces which weigh *more* than 3.3667 ounces, (or 0.21042 pound, or 95.446 grams), and are mailed at the 5-digit or basic rate, are subject to both the per-pound rate and the applicable per-piece rate. Pieces which are equal to or weigh less than 3.3667 ounces, (or 0.21042 pound, or 95.446 grams), must be paid at the prescribed minimum per-piece rate for each presort level.

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate for which the matter and the mailing could qualify except for weight, the fourth-class rate may be paid without the necessity of adding needless additional weight. **Example:** A catalog weighing less than 1 pound, which meets all prescribed requirements for fourth-class bound printed matter, except for weight, may be mailed at the fourth-class bound printed matter rate. All other requirements of bulk third-class remain applicable.

Exhibit 611.21a, Third-Class (Regular Bulk Rates)

Special Bulk Rates for Authorized Nonprofit Organization Only—See 623.

Presort Level	Rate Per Pound or Fraction (dollars)	Minimum Rate Per Piece (dollars)
Basic	$0.25 Plus 0.031 per piece	$0.084
Basic ZIP + 4		$0.079
5-digit	$0.25 Plus $0.023 per piece	$0.076
5-digit ZIP + 4		$0.071
ZIP + 4 Barcoded		$0.066
Carrier Route	$0.25	$0.053

Pieces which weigh more than 3.3920 ounces (or 0.21200 pound, or 96.163 grams), and are mailed at the 5-digit or basic rate, are subject to both the per-pound rate and the applicable per-piece rate. Pieces which are equal to or weigh less than 3.3920 ounces, (or 0.21200 pound, or 96.163 grams), must be paid at the prescribed minimum per-piece rate for each presort level.

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate for which the matter and the mailing could qualify except for weight, the fourth-class rate may be paid without the necessity of adding needless additional weight. **Example:** A catalog weighing less than 1 pound, which meets all prescribed requirements for fourth-class bound printed matter, except for weight, may be mailed at the fourth-class bound printed matter rate. All other requirements for bulk third-class mail remain applicable.

Exhibit 611.22a, Third-Class (Special Bulk Rates)

Weight (Oz.)	Basic Rate	5-Digit Rate	CAR-RT Rate
(All Weights) 0 - 3.3667	$.167	$.132	$.101
3.4	$.168	$.133	$.102
3.5	.171	.136	.105
3.6	.174	.139	.108
3.7	.177	.142	.111
3.8	.180	.145	.114
3.9	.183	.148	.117
4.0	.186	.151	.120
4.1	.189	.154	.123
4.2	.192	.157	.126
4.3	.195	.160	.129
4.4	.198	.163	.132
4.5	.201	.166	.135
4.6	.204	.169	.138
4.7	.207	.172	.141
4.8	.210	.175	.144
4.9	.213	.178	.147
5.0	.216	.181	.150
5.1	.219	.184	.153
5.2	.222	.187	.156
5.3	.225	.190	.159
5.4	.228	.193	.162
5.5	.231	.196	.165
5.6	.234	.199	.168
5.7	.237	.202	.171
5.8	.240	.205	.174
5.9	.243	.208	.177
6.0	.246	.211	.180
6.1	.249	.214	.183
6.2	.252	.217	.186
6.3	.255	.220	.189
6.4	.258	.223	.192
6.5	.261	.226	.195
6.6	.264	.229	.198
6.7	.267	.232	.201
6.8	.270	.235	.204
6.9	.273	.238	.207
7.0	.276	.241	.210
7.1	.279	.244	.213
7.2	.282	.247	.216
7.3	.285	.250	.219
7.4	.288	.253	.222
7.5	.291	.256	.225
7.6	.294	.259	.228
7.7	.297	.262	.231
7.8	.300	.265	.234
7.9	.303	.268	.237
8.0	.306	.271	.240
8.1	.309	.274	.243
8.2	.312	.277	.246
8.3	.315	.280	.249
8.4	.318	.283	.252
8.5	.321	.286	.255
8.6	.324	.289	.258
8.7	.327	.292	.261
8.8	.330	.295	.264
8.9	.333	.298	.267
9.0	.336	.301	.270
9.1	.339	.304	.273
9.2	.342	.307	.276
9.3	.345	.310	.279
9.4	.348	.313	.282
9.5	.351	.316	.285
9.6	$.354	$.319	$.288
9.7	.357	.322	.291
9.8	.360	.325	.294
9.9	.363	.328	.297
10.0	.366	.331	.300
10.1	.369	.334	.303
10.2	.372	.337	.306
10.3	.375	.340	.309
10.4	.378	.343	.312
10.5	.381	.346	.315
10.6	.384	.349	.318
10.7	.387	.352	.321
10.8	.390	.355	.324
10.9	.393	.358	.327
11.0	.396	.361	.330
11.1	.399	.364	.333
11.2	.402	.367	.336
11.3	.405	.370	.339
11.4	.408	.373	.342
11.5	.411	.376	.345
11.6	.414	.379	.348
11.7	.417	.382	.351
11.8	.420	.385	.354
11.9	.423	.388	.357
12.0	.426	.391	.360
12.1	.429	.394	.363
12.2	.432	.397	.366
12.3	.435	.400	.369
12.4	.438	.403	.372
12.5	.441	.406	.375
12.6	.444	.409	.378
12.7	.447	.412	.381
12.8	.450	.415	.384
12.9	.453	.418	.387
13.0	.456	.421	.390
13.1	.459	.424	.393
13.2	.462	.427	.396
13.3	.465	.430	.399
13.4	.468	.433	.402
13.5	.471	.436	.405
13.6	.474	.439	.408
13.7	.477	.442	.411
13.8	.480	.445	.414
13.9	.483	.448	.417
14.0	.486	.451	.420
14.1	.489	.454	.423
14.2	.492	.457	.426
14.3	.495	.460	.429
14.4	.498	.463	.432
14.5	.501	.466	.435
14.6	.504	.469	.438
14.7	.507	.472	.441
14.8	.510	.475	.444
14.9	.513	.478	.447
15.0	.516	.481	.450
15.1	.519	.484	.453
15.2	.522	.487	.456
15.3	.525	.490	.459
15.4	.528	.493	.462
15.5	.531	.496	.465
15.6	.534	.499	.468
15.7	.537	.502	.471
15.8	.540	.505	.474
15.9	.543	.508	.477

Exhibit 611.21b, Sample Postage Charges for Individually Metered Mail—Regular Bulk Third-Class Rates
(Postage for pieces of intermediate weights not listed may be computed as described in 611.32.)

Page 41

Weight (Oz.)	Basic Rate	5-Digit Rate	CAR-RT Rate
(All Weights) 0 - 3.3920	$084	$.076	$.053
3.4	$.085	$.077	$.054
3.5	.086	.078	.055
3.6	.088	.080	.057
3.7	.089	.081	.058
3.8	.091	.083	.060
3.9	.092	.084	.061
4.0	.094	.086	.063
4.1	.096	.088	.065
4.2	.097	.089	.066
4.3	.099	.091	.068
4.4	.100	.092	.069
4.5	.102	.094	.071
4.6	.103	.095	.072
4.7	.105	.097	.074
4.8	.106	.098	.075
4.9	.108	.100	.077
5.0	.110	.102	.079
5.1	.111	.103	.080
5.2	.113	.105	.082
5.3	.114	.106	.083
5.4	.116	.108	.085
5.5	.117	.109	.086
5.6	.119	.111	.088
5.7	.121	.113	.090
5.8	.122	.114	.091
5.9	.124	.116	.093
6.0	.125	.117	.094
6.1	.127	.119	.096
6.2	.128	.120	.097
6.3	.130	.122	.099
6.4	.131	.123	.100
6.5	.133	.125	.102
6.6	.135	.127	.104
6.7	.136	.128	.105
6.8	.138	.130	.107
6.9	.139	.131	.108
7.0	.141	.133	.110
7.1	.142	.134	.111
7.2	.144	.136	.113
7.3	.146	.138	.115
7.4	.147	.139	.116
7.5	.149	.141	.118
7.6	.150	.142	.119
7.7	.152	.144	.121
7.8	.153	.145	.122
7.9	.155	.147	.124
8.0	.156	.148	.125
8.1	.158	.150	.127
8.2	.160	.152	.129
8.3	.161	.153	.130
8.4	.163	.155	.132
8.5	.164	.156	.133
8.6	.166	.158	.135
8.7	.167	.159	.136
8.8	.169	.161	.138
8.9	.171	.163	.140
9.0	.172	.164	.141
9.1	.174	.166	.143
9.2	.175	.167	.144
9.3	.177	.169	.146
9.4	.178	.170	.147
9.5	.180	.172	.149
9.6	$.181	$.173	$.150
9.7	.183	.175	.152
9.8	.185	.177	.154
9.9	.186	.178	.155
10.0	.188	.180	.157
10.1	.189	.181	.158
10.2	.191	.183	.160
10.3	.192	.184	.161
10.4	.194	.186	.163
10.5	.196	.188	.165
10.6	.197	.189	.166
10.7	.199	.191	.168
10.8	.200	.192	.169
10.9	.202	.194	.171
11.0	.203	.195	.172
11.1	.205	.197	.174
11.2	.206	.198	.175
11.3	.208	.200	.177
11.4	.210	.202	.179
11.5	.211	.203	.180
11.6	.213	.205	.182
11.7	.214	.206	.183
11.8	.216	.208	.185
11.9	.217	.209	.186
12.0	.219	.211	.188
12.1	.221	.213	.190
12.2	.222	.214	.191
12.3	.224	.216	.193
12.4	.225	.217	.194
12.5	.227	.219	.196
12.6	.228	.220	.197
12.7	.230	.222	.199
12.8	.231	.223	.200
12.9	.233	.225	.202
13.0	.235	.227	.204
13.1	.236	.228	.205
13.2	.238	.230	.207
13.3	.239	.231	.208
13.4	.241	.233	.210
13.5	.242	.234	.211
13.6	.244	.236	.213
13.7	.246	.238	.215
13.8	.247	.239	.216
13.9	.249	.241	.218
14.0	.250	.242	.219
14.1	.252	.244	.221
14.2	.253	.245	.222
14.3	.255	.247	.224
14.4	.256	.248	.225
14.5	.258	.250	.227
14.6	.260	.252	.229
14.7	.261	.253	.230
14.8	.263	.255	.232
14.9	.264	.256	.233
15.0	.266	.258	.235
15.1	.267	.259	.236
15.2	.269	.261	.238
15.3	.271	.263	.240
15.4	.272	.264	.241
15.5	.274	.266	.243
15.6	.275	.267	.244
15.7	.277	.269	.246
15.8	.278	.270	.247
15.9	.280	.272	.249

Exhibit 611.22b—Sample Postage Charges for Individually Metered Mail Special Bulk Third-Class Rates

(Postage for pieces of intermediate weights not listed may be computed as described in 611.32.)

622 Third-Class Bulk Mail

622.1 Eligibility

* * * * *

622.12 5-Digit Presort Level

a. Minimum Quantity. Each mailing must consist of at least 200 pieces or 50 pounds of qualifying mail presorted to 5-digit destinations. Each piece must be part of a package of 10 or more pieces to the same 5-digit ZIP Code destination and the packages must be placed in a 5-digit, unique 3-digit city or 3-digit sack as follows:

(1) 5-digit sacks must contain a minimum of 125 pieces or 15 pounds of mail.

Exception: 5-digit sacks containing 10 or more pounds of mail which are part of a machinable parcel mailing prepared in accordance with 667.2, will qualify for the 5-digit presort level rate.

(2) For 3-digit sacks (both unique and non-unique), mailers must place packages of 10 or more pieces for a 5-digit destination in a 3-digit sack containing only 5-digit packages of pieces having the same 3-digit ZIP Code prefix, under the following criteria:

(a) Each sack must contain at least 125 pieces or 15 pounds of qualifying mail, (5-digit packages of 10 or more pieces);

(b) 3-digit packages must NOT be included in the sack; and

(c) 125 pieces or 15 pounds of mail for a single 5-digit ZIP Code within the 3-digit ZIP Code area must be sacked separately.

Note --Sacks containing fewer than 125 pieces or less than 15 pounds of mail will NOT be accepted.

b. Residual. Residual pieces (those not part of a group of 10 or more pieces to a particular 5-digit ZIP Code or not placed in a 5-digit or 3-digit sack that contains at least 125 pieces or 15 pounds of 5-digit packages) may be included in a 5-digit presort level rate mailing, subject to the following provisions:

(1) Residual pieces do not count toward the minimum quantity requirements for the 5-digit presort level rate;

(2) Residual pieces are not eligible for the 5-digit presort level rate and must have postage paid at the appropriate third-class basic level bulk rate; and

(3) Residual pieces must be prepared in accordance with the applicable provisions of 667.12 and 667.13.

c. Listing Required

(1) When a third-class 5-digit presort level rate mailing includes pieces to be mailed at the basic level rate, the mailer is required to provide the post office with a list of the number of qualifying pieces to each 5-digit ZIP Code destination, except as noted in 622.12c(2).

(2) A list of the number of qualifying pieces mailed to each 5-digit ZIP Code destination is not required when all sacks containing identical-weight third-class 5-digit presort level rate pieces are physically separated at the time of mailing from all sacks containing identical-weight pieces to be mailed at the basic level rate.

READING THE ZIP + 4 BARCODE

The ZIP + 4 barcode consists of the nine digits plus a correction character used by the barcode reader to identify reading errors. The barcode consists of 52 bars as illustrated. Each of the 10 digits contained between the frame bars consists of 2 long bars (read as 1's) and 3 short bars (read as 0's).

Reading and understanding the bar code is simple. There are 10 combinations of 5 bars, each consisting of 2 long (1's) and 3 short (0's) bars. The digits 0 through 9 have been assigned to these combinations:

0=11000 1=00011 2=00101 3=00110 4=01001 5=01010 6=01100 7=10001 8=10010 9=10100

Within the group of 5 bars, each position has a different value: from left to right 7, 4, 2, 1, and 0. Addition of the values in the two positions occupied by 1 bars gives the value of the combination, except in the case of 11000 which totals 11 and has been assigned as zero.

In addition to the ZIP + 4 Code, each barcode contains a correction digit. This digit appears in the last position of the barcode. Its purpose is to ensure that the machine applying the barcode is working properly. The sum of the 10 digits in the barcode (the 9-digit ZIP + 4 Code plus the correction digit) must always be a multiple of 10. The value of the correction digit is therefore determined by adding the numbers in the 9-digit ZIP + 4 Code, and then determining what single-digit number must be added to that sum to make the total a multiple of 10 (end with a zero). In the Example, the sum of the nine digits of the ZIP + 4 Code is 45. Using a correction character of 5 makes the sum of all 10 characters 50, a multiple of 10. If the sum of the digits is not a multiple of 10, an error has been made and the barcode must not be used.

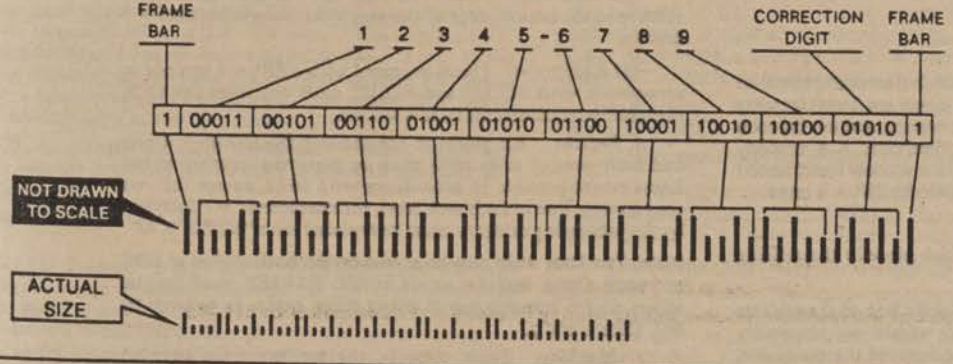

Exhibit 622.165b, ZIP + 4 Barcode

622.13 Basic Level. Mailings of at least 200 pieces or 50 pounds, presorted in accordance with 667.1 or 667.2 are eligible for the third-class basic level bulk rates.

622.14 Basic ZIP + 4 Rate.

622.141 General. Basic ZIP + 4 rate mailings must meet the requirements in 622.142 through 622.145. Only letter-size pieces that bear a correct ZIP + 4 code and meet the requirements of 622.144 may qualify for the basic ZIP + 4 rate. Pieces in a basic ZIP + 4 mailing that bear only a correct 5-digit ZIP code are subject to the basic level rate.

Note: Carrier-route presort level rate pieces must not be included in a basic ZIP + 4 rate mailing.

622.142 Minimum Quantity. Each basic ZIP + 4 rate mailing must consist of at least 200 letter-size pieces or 50 pounds of letter-size pieces that each bear a correct ZIP + 4 code and otherwise qualify for the basic ZIP + 4 rate.

622.143 Requirements for at least 85 Percent of the Pieces in Each Mailing. At least 85 percent of the total pieces in the mailing must bear a correct ZIP + 4 code. Pieces not bearing a correct ZIP + 4 code must bear a correct 5-digit ZIP Code. Only pieces that bear a correct ZIP + 4 code in the address qualify for the basic ZIP + 4 rate.

Exception: The 85 percent ZIP + 4 code requirement may be applied to a mailing list or cycle rather than an individual mailing under the conditions in 622.144f(2).

Note: In all cases, a mailing must include at least 200 pieces or 50 pounds of pieces that contain a correct ZIP + 4 code and otherwise qualify for the third-class basic ZIP + 4 rate as required in 622.142.

622.144 Requirements for All Pieces in the Mailing (Qualifying and Nonqualfying).

a. Size Requirements. Each piece in the mailing must meet the following size requirements:

(1) Its length must be at least 5 inches and not more than 11-1/2 inches;

(2) Its height must be at least 3-1/2 inches and not more than 6-1/8 inches;

(3) Its thickness must be at least .007 inch and not more than 1/4 inch; and

(4) Its length divided by height must fall between 1.3 and 2.5.

b. Barcode Clear Zone. Each piece must contain a barcode clear zone according to the following specifications. No printing or markings whatsoever, except for a properly prepared barcode in accordance with 622.165, can be placed within an imaginary rectangle on the front of the mailpiece formed by the following boundaries:

1) 5/8 inch from the bottom edge;

2) 4-1/2 inches from the right edge;

3) The bottom edge; and

4) The right edge

Note: Envelopes with a window through which a barcode printed on the insert will show, may be used only when the insert actually contains the ZIP + 4 barcode and the envelope and the barcode are prepared in accordance with 622.165h(1)(b). If a properly prepared barcode does not show through the window insert placed in such envelopes, the piece will not be eligible for ZIP + 4 rates.

c. OCR Readability.

(1) Mandatory Requirements. Each piece in the mailing must meet the following requirements:

(a) The entire city/state/ZIP + 4 code line of the address must be visible and must be located within an imaginary rectangle, (the OCR Read area), on the front of the mailpiece, formed by the following boundaries:

1) 1 inch from the left edge;

2) 1 inch from the right edge;

3) 5/8 inch from the bottom edge (bottom line of rectangle); and

4) 2-1/4 inches from the bottom edge (top line of rectangle).

(b) No extraneous printing or markings (other than the address) shall be placed within the OCR read area below the delivery address line (e.g. the street address or post office box number);

(c) The address must be machine-printed with uniform character size and line spacing; and

(d) A reasonable degree of color contrast must be maintained between the address and the background of the mailpiece. Black ink on a white background is strongly preferred, but other color combinations may be used. Brilliant colors and reverse printing are not permitted.

Note: The Postal Service may treat as unacceptable any mailpiece with color combinations which do not provide a print reflectance difference of at least 40 percent, measured at a wavelength of 650 nanometers.

(2) Nonmandatory Guidelines. In order to ensure the highest degree of address readability, mailers are encouraged to conform with as many of the following guidelines as possible:

(a) Maintain a uniform left margin for the name and address;

(b) Use the standard two-letter state abbreviation;

(c) Do not use italic, artistic, cyrillic, and script-like fonts. Characters or numbers should not touch or overlap within a word or the ZIP + 4 code;

(d) Use uppercase characters;

(e) Use line spacing of six lines per inch;

(f) Use a character pitch in the range of 7 to 12 characters per inch; **(Note:** Total character space may be conserved by eliminating punctuation in the address);

(g) Use a uniform character height in the range of .08 (or 1.28/16 or 2.56/32 or 5.12/64) of an inch to .20 (or 3.2/16 or 6.4/32 or 12.8/64) of an inch;

(h) Use a character height-to-width ratio of 1.1:1 to 1.7:1;

(i) Use one to two character spaces between words and between the last character of the state name or abbreviation and the first digit of the ZIP + 4 code;

(j) Use a space between address lines no less than .025 of an inch (1 millimeter). The space is the vertical distance from the bottom-most point of either an uppercase or lowercase character to the highest point reached by the tallest character in the line below; and

(k) Maintain a character and line skew of the address relative to the bottom edge of the mailpiece of no more than $\pm$ 5 degrees.

(3) Exception. Pieces prepared with a ZIP + 4 barcode in accordance with 622.145 and 622.165 need not meet the OCR readability requirements in this section.

d. Presort. All pieces in the mailing (basic ZIP + 4 rate and basic presort level rate) must be presorted together to the finest extent possible in accordance with 667.1, except that, on the contents line of each sack label, the characters "3C" followed by the processing category must be replaced with "3C ZIP + 4."

Note: The state must also be shown on the contents line of SDC and state sacks, and the words MIXED STATES must also be shown on the contents line of mixed states sacks, as required by 667.132e, f, and g.

e. Marking. Each piece in the mailing must bear an identifying marking as required in 662.4.

f. Documentation.

(1) Documentation Submitted With Each Mailing. Except as provided in 622.144f(2), anytime less than 100 percent of the pieces in a mailing bear a ZIP + 4 code in the address, the mailing must be accompanied by a list of the number of pieces containing a ZIP + 4 code and the number of pieces without a ZIP + 4 code, by:

(a) 5-digit ZIP Code for pieces packaged to 5-digits and pieces packaged to optional city destinations; and

(b) 3-digit ZIP Code for other separations.

In addition, for each ZIP Code line entry on the list, a cumulative total of the number of pieces in the mailing must be shown. This is the total of all pieces listed on preceding lines plus the pieces for that line entry. A summary showing the total number of pieces with a ZIP + 4 code and the total number of pieces with a 5-digit ZIP Code must also be shown on the list. The last entry in the cumulative total column will show the total number of pieces in the mailing. If all pieces are metered at the basic ZIP + 4 rate, the total amount of postage due for pieces not containing a ZIP + 4 code must also be shown. (Multiply the number of pieces by the difference between the basic ZIP + 4 rate of postage and the basic level rate of postage). If the mailing is paid by permit imprint, show the the postage charges for the basic ZIP + 4 qualifying pieces and the postage charges for the basic level rate pieces.

(2) Documentation Submitted Based on a Mailing List or Cycle. When pieces for a mailing list or mailing cycle, as defined by the mailer, are mailed over a period of more than one day, but not exceeding one week (seven consecutive days), the mailer may submit documentation based on the mailing list or mailing cycle to prove that the 85 percent requirement has been met, and to show either the amount of postage due for mail metered at the basic ZIP + 4 rate, or the total amount of postage to be deducted from the mailer's permit imprint account. The documentation for the entire list or cycle must, however, accompany the mailing statement submitted with the first mailing made from the list or cycle. Under this procedure, the mailer must indicate, on each mailing statement submitted, the mailing list or mailing cycle to which the pieces belong. The final mailing statement for the mailing list or cycle must accurately account for the full list or cycle. (The sum of the pieces reported on all the mailing statements submitted for the mailing list or cycle must equal the totals shown on the documentation submitted.) Under this procedure, a mailing may contain only pieces for a single mailing list or mailing cycle. If pieces from two different lists or cycles are submitted on the same day, separate mailings must be prepared, corresponding separate mailing statements must be submitted for the pieces for each list, and the mailing from the new list or cycle must be accompanied by the documentation for that list or cycle.

622.145 Pieces Prepared With ZIP + 4 Barcodes. Barcodes representing the correct ZIP + 4 code for the address shown on each piece, prepared in accordance with 622.165, may appear on pieces in a basic ZIP + 4 mailing. Pieces bearing a ZIP + 4 barcode need not meet the OCR readability requirements in 622.144c to qualify for basic ZIP + 4 rates. Pieces bearing a ZIP + 4 barcode must however, bear a numeric ZIP + 4 code in the address to qualify for the basic ZIP + 4 rates. Pieces that bear a ZIP + 4 barcode but not a numeric ZIP + 4 code must bear a correct 5-digit ZIP Code in the address.

622.146 5-Digit Barcodes Prohibited. Pieces bearing a 5-digit barcode must not be included in a third-class Basic ZIP + 4 rate mailing.

622.15 5-Digit ZIP + 4 Rates.

622.151 General. 5-digit ZIP + 4 rate mailings must meet the requirements in 622.152 through 622.155. Only letter-size pieces that bear a correct ZIP + 4 code, and meet the sortation requirements of 622.154d(1) (are part of a package of 10 or more pieces to the same 5-digit ZIP Code destination, and are placed in a 5-digit or 3-digit sack that contains at least 125 pieces or 15 pounds of mail), may qualify for the 5-digit ZIP + 4 rate. Pieces that bear a 5-digit ZIP Code, and are sorted in accordance with 622.154d(1), may qualify for the 5-digit presort level rate. Residual pieces (see 622.154d(2)) that bear a ZIP + 4 code may qualify for the basic ZIP + 4 rate. Residual pieces that bear a 5-digit ZIP Code may qualify for the basic presort level rate.

Note: Carrier-route presort level rate pieces may not be included in a 5-digit ZIP + 4 rate mailing.

622.152 Minimum Quantity. Each mailing must consist of at least 200 letter-size pieces or 50 pounds of letter-size pieces that bear a correct ZIP + 4 code and otherwise qualify for the 5-digit ZIP + 4 rate.

622.153 Requirements for at Least 85 Percent of the Pieces in Each Mailing. At least 85 percent of the total pieces in the mailing must bear a correct ZIP + 4 code. Pieces not bearing a correct ZIP + 4 code must bear a 5-digit ZIP Code.

Exception: The 85 percent ZIP + 4 code requirement may be applied to a mailing list or cycle rather than an individual mailing under the conditions in 622.154f(3).

Note: In all mailings, there must be at least 200 pieces or 50 pounds of pieces that contain the correct ZIP + 4 code and otherwise qualify for the 5-digit ZIP + 4 rate as required in 622.152.

622.154 Requirements for All Pieces in the Mailing.

a. Size Requirements. Each piece in the mailing must meet the size requirements in 622.144a.

b. Barcode Clear Zone. Each piece in the mailing must contain a barcode clear zone in accordance with the requirements in 622.144b.

c. OCR Readability. Each piece in the mailing must meet the OCR readability requirements prescribed in 622.144c, except for pieces bearing ZIP + 4 barcodes in accordance with 622.155 and 622.165.

d. Presort.

(1) Pieces Qualifying for 5-Digit ZIP + 4 and 5-Digit Presort Level Rates. All pieces in the mailing (with and without a ZIP + 4 code) must be presorted together to the finest extent possible in accordance with 667.4, except that, the contents line of 5-digit sacks must show "3C ZIP + 4"; and the contents line of 3-digit sacks must show "3C Z+4 MXD 5-DG PKGS". Pieces remaining after sortation in accordance with 667.4 has been performed are residual pieces and do not qualify for 5-digit ZIP + 4 or 5-digit presort level rates. They may, however, be included in a 5-digit ZIP + 4 mailing in accordance with 622.154d(2) below. Alternatively, they may be presented as a separate basic ZIP + 4 or basic presort level rate mailing.

(2) Residual pieces. All pieces remaining after sortation in accordance with 622.154d(1) has been performed (residual pieces) must be sorted in accordance with 667.1, except that, on the contents line of each sack label, the letters "3C" followed by the description of processing category, must be replaced with "3C ZIP + 4."

Note: Residual pieces do not count towards the minimum quantity requirements in 622.152. However, residual pieces bearing a correct ZIP + 4 code do count towards the 85 percent ZIP + 4 Code requirement in 622.153. Residual pieces may qualify for the basic ZIP + 4 or basic level presort rate, as appropriate.

e. Marking. Each piece must bear identifying markings as required in 662.5.

f. Documentation for 5-Digit ZIP + 4 Rate Mailings.

(1) Documentation Submitted With Each Mailing. Except as provided in 622.154f(2) or (3), each mailing must be accompanied by the following documentation:

(a) Pieces Qualifying for 5-Digit ZIP + 4 and 5-Digit Presort Level Rates. The mailer must list, for each 5-digit ZIP Code destination, how many pieces bear a correct ZIP + 4 code and how many bear only a correct 5-digit ZIP Code. In addition, for each 5-digit ZIP Code line entry on the list, a cumulative total of the number of pieces in the mailing must be shown. This is the total of all the pieces listed on preceeding lines plus the

pieces for that 5-digit line entry. A summary of the total number of ZIP + 4 coded pieces, the total number of 5-digit coded pieces, and the total number of all pieces in the 5-digit rated portion of the mailing, must be shown. (The last entry in the cumulative total section will show the total number of pieces in the 5-digit rated portion of the mailing.)

(b) Pieces Qualifying for Basic ZIP + 4 and Basic Level Rates. The mailer must list the number of pieces bearing a correct ZIP + 4 code and the number of pieces without a ZIP + 4 code by 5-digit ZIP Code destinations for pieces packaged to 5-digit and optional city destinations, and by 3-digit ZIP Code prefix for pieces packaged to other destinations. In addition, for each ZIP Code line entry on this portion of the list, a cumulative total of the number of pieces in the mailing, must be shown. This is the total of all pieces listed on preceding lines plus the pieces for that line entry. A summary of the total number of ZIP + 4 coded pieces, the total number of 5-digit ZIP Coded pieces, and the total number of all pieces in the residual portion, must be shown. (The last entry in the cumulative total column will show the total number of pieces in the residual portion.)

(c) Totals. Summarize the total number of pieces in each rate category in the mailing. If metered postage at the 5-Digit ZIP + 4 rate is affixed to each piece in the mailing, also show the additional postage due for each rate category (except for the 5-Digit ZIP + 4 pieces), and the total postage due for the mailing. If postage is paid by permit imprint, show the total postage charges for the pieces in each rate category in the mailing, and the total postage charges. Also summarize, for the entire mailing, the total number of pieces that bear a ZIP + 4 code, the total number of pieces that bear a 5-digit ZIP Code, and the total number of all pieces in the mailing.

(2) Mailings Requiring No Documentation. The documentation required in 622.154f(1) is not required if:

(a) All pieces in the mailing bear a ZIP + 4 code, and each piece in the mailing has postage affixed at the rate for which it qualifies; or

(b) All pieces in the mailing bear a ZIP + 4 code, all the pieces in the mailing are of identical size and weight, and the residual portion of the mailing (if any) is physically separated from pieces qualifying for the 5-digit ZIP + 4 rate.

Note: Documentation is required any time that fewer than 100 percent of the pieces bear a ZIP + 4 code, regardless of the method of postage payment.

(3) Documentation Submitted Based on a Mailing List or Cycle. When pieces for a mailing list or mailing cycle, as defined by the mailer, are mailed over a period of more than one day, but not exceeding one week (seven consecutive days), the mailer may submit documentation based on the mailing list or mailing cycle to prove that the 85 percent requirement has been met, and to show either the amount of postage due for mail metered at the 5-Digit ZIP + 4 rate, or the total amount of postage to be deducted from the mailer's permit imprint account. The documentation for the entire list or cycle must, however, accompany the mailing statement submitted with the first mailing made from the list or cycle. Under this procedure, the mailer must indicate, on each mailing statement submitted, the mailing list or mailing cycle to which the pieces belong. The final mailing statement for the mailing list or cycle must accurately account for the full list or cycle. (The sum of the pieces reported on all the mailing statements submitted for the mailing list or cycle must equal the totals shown on the documentation submitted.) Under this procedure, a mailing may contain only pieces for a single mailing list or mailing cycle. If pieces from two different lists or cycles are submitted on the same day, separate mailings must be prepared, corresponding separate mailing statements must be submitted for the pieces for each list, and the mailing from the new list or cycle must be accompanied by the documentation for that list or cycle.

622.155 Pieces Prepared With ZIP + 4 Barcodes. Barcodes representing the correct ZIP + 4 code for the address shown on each piece, prepared in accordance with 622.165, may appear on pieces in a 5-digit ZIP + 4 mailing. Pieces bearing a ZIP + 4 barcode need not meet the OCR readability requirements in 622.154c to qualify for the 5-digit ZIP + 4 or basic ZIP + 4 rates. Pieces bearing a ZIP + 4 barcode must however, bear a numeric ZIP + 4 code in the address to qualify for the 5-digit or basic ZIP + 4 rates.

622.156 5-Digit Barcodes Prohibited. Pieces bearing a 5-digit barcode must not be included in a third-class 5-digit ZIP + 4 rate mailing.

622.16 ZIP + 4 Barcoded Rate.

622.161 General. Third-class ZIP + 4 Barcoded rate mailings must meet the requirements in 622.162 through 622.165. Only letter-size pieces that bear a correct ZIP + 4 barcode prepared in accordance with 622.165, and meet the sortation requirements of 622.164d(1) (are part of a package of 10 or more pieces to the same 5-digit ZIP Code destination, and are placed in a 5-digit or 3-digit sack that contains at least 125 pieces or 15 pounds of mail), may qualify for the third-class ZIP + 4 Barcoded rate. Pieces sorted in accordance with 622.164d(1), may qualify for:

a. The ZIP + 4 Barcoded rate if they bear a ZIP + 4 barcode prepared in accordance with 622.165;

b. The 5-digit ZIP + 4 rate if the pieces do not bear a ZIP + 4 barcode but contain a correct ZIP + 4 code in the address and meet the barcode clear zone and OCR readability requirements of 622.144b and 622.144c;

c. The 5-digit presort level rate if the pieces do not bear a ZIP + 4 barcode and:

(1) They contain the 5-digit ZIP Code in the address; or

(2) They contain a correct ZIP + 4 code in the address but do not meet the OCR readability and barcode clear zone requirements of 622.144b and 622.144c necessary to qualify for the 5-Digit ZIP + 4 rate.

Residual pieces sorted in accordance with 622.164d(2), may qualify for:

a. The basic ZIP + 4 rate if they bear a ZIP + 4 barcode prepared in accordance with 622.165, or if they bear a correct ZIP + 4 code and meet the barcode clear zone and OCR readability requirements in 622.144b and 622.144c; or,

b. The basic presort level rate if they do not bear a ZIP + 4 barcode and:

(1) They bear only a 5-digit ZIP Code; or,

(2) They bear a ZIP + 4 code, but do not meet the OCR readability and barcode clear zone requirements in 622.144b and 622.144c that are necessary to qualify for the basic ZIP + 4 rates.

Note: Carrier-route presort level rate pieces must not be included in a third-class ZIP + 4 barcoded rate mailing.

622.162 Minimum Quantity. Each mailing must consist of at least 200 letter-size pieces or 50 pounds of letter-size pieces that bear a correct ZIP + 4 barcode and otherwise qualify for the third-class ZIP + 4 Barcode rate.

622.163 Requirements for at Least 85 Percent of the Pieces in Each Mailing. At least 85 percent of the total pieces in the mailing must bear a correct ZIP + 4 barcode in accordance with 622.165. All pieces in the mailing must also bear either a correct ZIP + 4 code or correct 5-digit ZIP Code in the address. This 85 percent requirement is applied to the total number of pieces in all presort levels in the mailing, regardless of the rate claimed for an individual piece.

Exception: The 85 percent ZIP + 4 barcode requirement may be applied to a mailing list or cycle rather than an individual mailing under the conditions in 622.1641(5).

Note: All mailings must include at least 200 pieces or 50 pounds of pieces that bear a correct ZIP + 4 barcode and otherwise qualify for the ZIP + 4 barcode rate as required in 622.162.

622.164 Requirements for All Pieces in the Mailing.

a. Size Requirements. Each piece in the mailing must meet the size requirements in 622.144a.

b. ZIP Codes. Each piece, whether or not it bears a ZIP + 4 barcode, must bear either the correct ZIP + 4 code or the correct 5-digit ZIP Code in the address.

c. 5-Digit Barcodes Prohibited. Pieces bearing a 5-digit barcode must not be included in a ZIP + 4 Barcoded rate mailing.

d. Presort.

(1) Pieces Qualifying for ZIP + 4 Barcode, 5-Digit ZIP + 4 and 5-Digit Presort Level Rates. All pieces in the mailing (ZIP + 4 barcoded, ZIP + 4 coded, 5-digit ZIP Coded, and permissible combinations) must be presorted together to the finest extent possible in accordance with 667.4, except that, the contents line of 5-digit sacks must show "3C ZIP + 4 BARCODED"; and the contents line of 3-digit sacks must show "3C Z+4 BRCDED MXD 5-DG PKG." In addition, it is recommended that a pressure sensitive red Label 9 be affixed to the lower right portion of each sack label. The red Label 9 should be affixed in a manner that will not interfere with the ability to read the destination or contents lines of the sack label. Pieces remaining after sortation in accordance with 667.4 has been performed are residual pieces and do not qualify for ZIP + 4 Barcoded, 5-digit ZIP + 4, or 5-digit presort level rates. They may however, be included in a ZIP + 4 Barcoded mailing in accordance with 622.154d(2). Alternatively, they may be prepared as a separate mailing.

(2) Residual pieces. All pieces remaining after sortation in accordance with 622.164d(1) has been performed (residual pieces) must be sorted in accordance with 667.1, except that, on the contents line of sack labels, the characters "3C" followed by the processing category, must be replaced with "3C ZIP + 4 BARCODED." It is recommended that a pressure sensitive red Label 9 be affixed to the lower right portion of each sack label in a manner that will not interfere with the ability to read the destination or contents lines. The contents line for Mixed States sacks may be shown as 3C Z+4 BARCODED-MXD STS.

Note: Residual pieces do not count towards the minimum quantity requirements in 622.162. However, residual pieces bearing a correct ZIP + 4 barcode prepared in accordance with 622.165, do count towards the 85 percent ZIP + 4 barcode requirement in 622.163. Residual pieces may qualify for the basic ZIP + 4 or basic level presort rate, as appropriate.

e. Marking. Each piece must bear an identifying marking as required in 662.6.

f. Documentation. Except as described in 622.164f(4) or (5), the documentation described in 622.164f(1) through (3) must be submitted with each mailing.

(1) Pieces Qualifying for the ZIP + 4 Barcoded, 5-Digit ZIP + 4, and 5-Digit Presort Level Rates. Except as provided in 622.164f(4) or (5), the mailer must submit a list with each mailing that shows, for each 5-digit ZIP Code destination, the:

(a) Number of Pieces Qualifying for the ZIP + 4 Barcode rate. This is the number of pieces that bear a correct ZIP + 4 barcode in accordance with 622.165;

(b) Number of Pieces Qualifying for the 5-Digit ZIP + 4 Rate. This is the number of non-barcoded pieces that bear a correct ZIP + 4 code and meet the OCR readability and barcode clear zone requirements of 622.144b and 622.144c;

(c) Number of Pieces Qualifying for the 5-Digit Presort Level Rate. This is the total of: (1) The number of non-barcoded pieces that bear a correct ZIP + 4 code but do not meet the the OCR readability and barcode clear zone requirements of 622.144b and 622.144c; and (2) The number of non-barcoded pieces that bear a correct 5-digit ZIP Code.

(d) Cumulative Total. This is the total of all pieces listed on preceeding lines for the 5-digit portion of the mailing plus the pieces for that 5-digit ZIP Code.

Total each of the above categories to provide: (a) the total number of pieces qualifying for the ZIP + 4 Barcode rate; (b) the total number of pieces qualifying for the 5-Digit ZIP + 4 rate; and (c) the total number of pieces qualifying for the 5-digit presort level rate. The last entry in category (d) will show the total number of pieces in the 5-digit portion of the mailing.

(2) Pieces Qualifying for the Basic ZIP + 4 and Basic Level Rates. Except as provided in 622.164f(4) or (5) below, the mailer must submit documentation with each mailing that lists by 5-digit ZIP Code, for pieces packaged to 5-digit and optional city destinations, and by 3-digit ZIP Code, for pieces packaged to other destinations, the:

(a) Number of Barcoded Pieces Qualifying for the Basic ZIP + 4 Rate. This is the number of correctly barcoded pieces that bear either a correct ZIP + 4 code in the address or a correct 5-digit ZIP Code in the address;

(b) Number of Non-Barcoded Pieces Qualifying for the Basic ZIP + 4 Rate. This is the number of non-barcoded pieces that bear a correct ZIP + 4 code in the address and meet the OCR readability and barcode clear zone requirements in 622.144b and c;

(c) Number of Pieces Qualifying for the Basic Level Rate. This is the total of: (1) The number of non-barcoded pieces that bear a correct ZIP + 4 code but do not meet the the OCR readability and barcode clear zone requirements of 622.144b and 622.144c; and (2) The number of non-barcoded pieces that bear a correct 5-digit ZIP Code.

(d) Cumulative Total. This is the total of all pieces listed on preceeding lines plus the pieces for that entry.

Total each of the above categories to provide: (a) the total number of barcoded pieces qualifying for Basic ZIP + 4 rates; (b) the total number of non-barcoded pieces qualifying for the Basic ZIP + 4 rate; and (c) the total number of pieces qualifying for the basic level rate. The last entry in category (d) will be the total number of pieces in this portion of the mailing (sorted in accordance with the basic level rate requirements).

(3) Totals. Summarize the total number of pieces in each rate category in the mailing. If metered postage at the ZIP + 4 Barcoded rate is affixed to each piece in the mailing, also show the additional postage due for each rate category (except for the ZIP + 4 Barcoded rate pieces) and the total postage due for the mailing. If postage is paid by permit imprint, show the total postage charges for the pieces in each rate category in the mailing, and the total postage charges. Also summarize, for the entire mailing, the total number of pieces that bear a ZIP + 4 barcode, the total number of pieces that do not bear a ZIP + 4 barcode, and the total number of all pieces in the mailing.

(4) Mailings Requiring No Documentation. The documentation in 622.164f(1) through (3) is not required if:

(a) All pieces in the mailing bear a ZIP + 4 barcode prepared in accordance with 622.165 and each piece in the mailing has postage affixed at the rate for which it qualifies.

(b) All pieces in the mailing bear a ZIP + 4 barcode prepared in accordance with 622.165, and all the pieces in the mailing are of identical size and weight, and the residual portion of the mailing (if any) is physically separated from pieces qualifying for the ZIP + 4 barcoded rate.

Note: Documentation is required any time that fewer than 100 percent of the pieces bear a ZIP + 4 barcode, regardless of the method of postage payment.

(5) Documentation Submitted Based on a Mailing List or Cycle. When pieces for a mailing list or mailing cycle, as defined by the mailer, are mailed over a period of more than one day, but not exceeding one week (seven consecutive days), the mailer may submit documentation based on the mailing list or

mailing cycle to prove that the 85 percent requirement has been met, and to show either the amount of postage due for mail metered at the ZIP + 4 Barcoded rate, or the total amount of postage to be deducted from the mailers permit imprint account. The documentation for the entire list or cycle must, however, accompany the mailing statement submitted with the first mailing made from the list or cycle. Under this procedure, the mailer must indicate, on each mailing statement submitted, the mailing list or mailing cycle to which the pieces belong. The final mailing statement for the mailing list or cycle must accurately account for the full list or cycle. (The sum of the pieces reported on all the mailing statements submitted for the mailing list or cycle must equal the totals shown on the documentation submitted.) Under this procedure, a mailing may contain only pieces for a single mailing list or mailing cycle. If pieces from two different lists or cycles are submitted on the same day, separate mailings must be prepared, corresponding separate mailing statements must be submitted for the pieces for each list, and the mailing from the new list or cycle must be accompanied by the documentation for that list or cycle.

622.165 Barcode Requirements.

a. Correct ZIP + 4 Barcode. The barcode must accurately represent the correct 5-digit and sector segment codes for the address on the mailpiece. Pieces bearing default or fictitious add-on codes, e.g., 0000, 5000, 9999, etc., must not be included in a ZIP + 4 Barcoded rate mailing.

b. General Preparation. A ZIP + 4 barcode is made up of a single field of 52 bars. The information content of the barcode is distinguished by the height of the bars, either tall (full) or short (half) bars, which represent a "one" or a "zero" to a USPS barcode sorter. These bars, when separated into groups of five, represent each of the nine digits of a ZIP + 4 code, plus a tenth digit designated as the "correction digit." The first and last bars of the barcode are "frame bars" and must always be full bars. (See Exhibit 622.165b.) The sequence of bars must represent the ZIP + 4 code (including the appropriate correction character) in the address of the piece, according to the code defined in Exhibit 622.165b.

c. Barcode Location. The location of the barcode must be on the address side of the mailpiece and within a clear space known as the "barcode read area," which must be free of any printing other than the barcode. The read area extends 5/8 inch from the bottom and at least 4-1/2 inches from the right edge of the mailpiece. Within the read area, the left-most bar of the barcode must be located between 3-1/4 inches and 4 inches from the right edge of the mailpiece. The bottom of the bars must be positioned 1/4 inch (± 1/16 inch) from the bottom edge of the mailpiece (see Exhibit 622.165c), and the barcode must be completely contained within the solid rectangle shown in Exhibit 622.165c.

d. Barcode Dimensions and Spacing. A full bar must be .125 ± .010 inch in height. A half bar must be .050 ± .010 inch in height. The width of all bars must be equal and must be .020 ± .005 inch. Horizontal spacing of the bars must be 21 ± 1 bar per inch. Pitch (a bar and a space) must be limited to .045 inch minimum and .050 inch maximum.

e. Background Contrast. A print reflectance difference (envelope reflectance minus print reflectance) of at least .30 is required between the background material of the mailpiece and the bar code, when measured in the red portion of the spectrum at 650 nanometers.

f. Skew and Baseline Shift. The combined effects of positional and rotational skew (slant) of the bar code must be limited to a maximum rotation of the bars of ± 5 degrees from a perpendicular to the bottom edge of the mailpiece. The bottom of any bar must not be more than .005 inch from the bottom of each adjacent bar.

g. Printing Irregularities. Attached extraneous ink (connected to a bar) must not cause any bar to exceed the maximum height or width dimensions. Detached extraneous ink (not connected to any bar or bars) in the bar code read area must not exceed .003 inch in any dimension or cause the space-to-background print reflectance difference to exceed 10 percent. Individual bars must not contain ink voids which reduce bar width to less than .010 inch or remove more than .010 inch along the bar height.

h. Inserts. The barcode may be printed on an insert and appear through a barcode window on an envelope under the following conditions:

(1) Barcode Window Specifications.

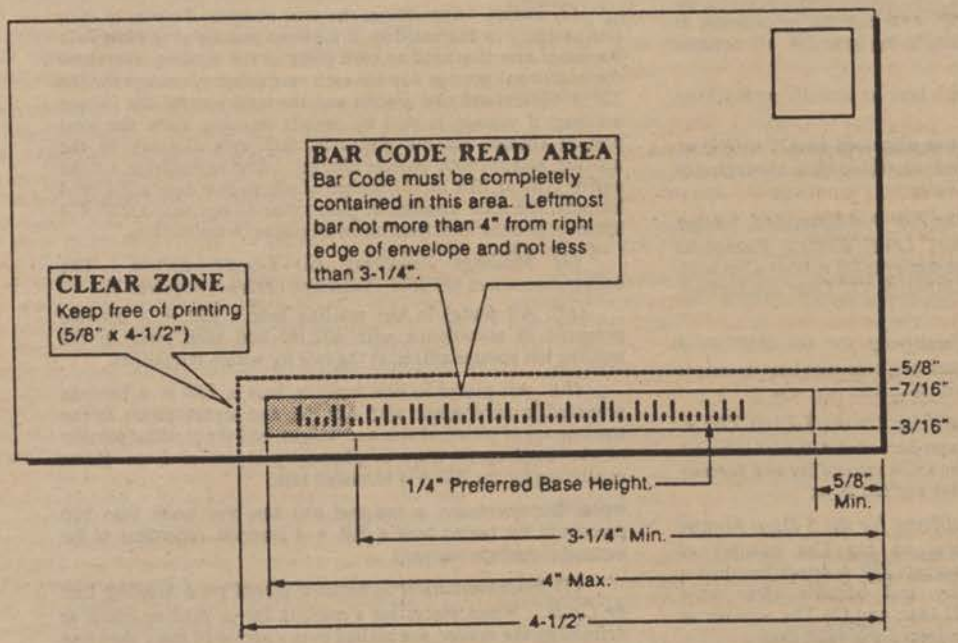

Exhibit 622.165c, Barcode Read Area

(a) Windows must be covered with a clear plastic material, securely glued on all sides;

(b) Envelopes with barcode windows may be used only when the ZIP + 4 barcode will be visible through the barcode window;

(c) Windows must extend fully to the lower edge of the envelopes and must be of wrap-around construction;

(d) The right edge of the window must be not less than 1/4 inch from the right edge of the envelope; and

(e) The left edge of the window must be not less than 4 1/2 inches from the right edge of the envelope.

(2) Barcode Location Specifications. The barcode, as it shows through the window when inserted in the envelope, must meet all of the following specifications:

(a) The ZIP + 4 barcode must be located within the barcode clear zone which extends 5/8 inch from the bottom of the envelope and 4-1/2 inches from the right edge of the envelope;

(b) The barcode must be at least 1/5 inch from the right edge of the window and 1/5 inch from the left edge of the window;

(c) No printing other than the ZIP + 4 barcode is permitted in the barcode clear zone; and

(d) The left-most bar must be located 3-5/8 inches ± 3/8 inch from the right edge of the mailpiece and from 3/16 inch to 7/16 inch from the bottom edge of the envelope. The baseline of all bars must be 1/4 inch ± 1/16 inch from the bottom edge of the mailpiece.

622.17 Processing Category. Irregular and machinable mail may be commingled in 5-digit and optional city sacks. All other pieces in a bulk rate mailing must be of the same characteristic type as defined in 128 (i.e., letter-size, flats, machinable parcels, or irregular parcels). Not all processing categories may qualify for every bulk third-class rate.

• • • • •

640 Authorizations and Permits

641 Annual Fee—Bulk Rates

Except when a third-class bulk mailing is made under the permit imprint system, each person or organization that enters mailings at the regular or special bulk third-class rates must pay an annual bulk mailing fee once each 12-month period, at each post office of mailing (see 612.1). Persons or organizations paying this fee may enter mail of their clients as well as their own mail. When a third-class bulk mailing is made under the permit imprint system, the person or organization whose permit imprint is on the mailpiece must put that permit number on the mailing statement and must pay the annual bulk mailing fee once each 12-month period for that permit.

Note: This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (see 145.2).

• • • • •

662 Marking

662.1 Single-Piece Rate. Each sealed piece mailed at the single-piece third-class postage rate provided for by 611.1 must be legibly marked on the address side, preferably below the postage and above the name of the addressee, with the words "Third-Class." The marking may be included as part of a permit imprint, and it may be printed adjacent to the meter stamp by a postage meter. The marking will not be considered adequate if it is included as part of a decorative design or advertisement.

662.2 Bulk Rates. The following identifying words must be printed or rubberstamped by the mailer either as part of or immediately adjacent to the permit imprint, meter stamps, or precanceled stamps:

a. "Bulk Rate" or the abbreviation "Blk. Rt." (by mailers other than authorized special-rate organizations); or

b. "Nonprofit Organization" or one of the shorter forms, "Nonprofit" or "Nonprofit Org." (by authorized special-rate organizations).

• • • • •

662.4 Basic ZIP + 4 Mail. In addition to the endorsement required in 662.2, the identifying endorsement "ZIP + 4" must be printed or rubberstamped by the mailer either as a part of or immediately adjacent to the permit imprint, meter stamps, or precanceled stamps on pieces entered at the third-class basic ZIP + 4 rate. Alternatively, the "ZIP + 4" endorsement may be located in the address area on the line either immediately above the address or two lines above the address. (The preferred position is two lines above the address.) If the "ZIP + 4" endorsement is located in the address area, no other information may appear on the endorsement line except for carrier route information.

Note: Carrier-route presort level rate pieces must not be included in a basic ZIP + 4 rate mailing.

662.5 5-Digit ZIP + 4 Mail. All pieces in a 5-digit ZIP + 4 mailing must bear one of the endorsements required in 662.2 to identify it as a regular rate or special rate mailing. In addition to the endorsement in 662.2, all pieces sorted in accordance with 622.154d(1) must bear the identifying endorsement "5-Digit ZIP + 4." The "5-Digit ZIP + 4" endorsement must be printed or rubberstamped by the mailer either as part of or immediately adjacent to the permit imprint, meter stamps, or precanceled stamps. Alternatively, the "5-Digit ZIP + 4" endorsement may be located in the address area on the line either immediately above the address or two lines above the address. (The preferred position is two lines above the address.) If the "5-Digit ZIP + 4" endorsement is located in the address area, no other information may appear on the endorsement line except for carrier route information.

Note: Carrier-route presort level rate pieces must not be included in a 5-digit ZIP + 4 mailing.

662.6 ZIP + 4 Barcoded Rate. All pieces in a third-class ZIP + 4 Barcoded rate mailing must bear one of the endorsements required in 662.2 to identify it as a regular rate or special rate mailing. In addition to the endorsement in 662.2, all pieces sorted in accordance with 622.164d(1) must bear the identifying endorsement "ZIP + 4 Barcoded." The "ZIP + 4 Barcoded" endorsement must be printed or rubberstamped by the mailer either as a part of or immediately adjacent to the permit imprint, meter stamps, or precanceled stamps. Alternatively, the "ZIP + 4 Barcoded" endorsement may be located in the address area on the line either immediately above the address or two lines above the address. (The preferred position is two lines above the address.) If the "ZIP + 4 Barcoded" endorsement is located in the address area, no other information may appear on the endorsement line except for carrier route information.

Note: Carrier-route presort level rate pieces must not be included in a ZIP + 4 Barcoded rate mailing.

• • • • •

667.4 Preparation Requirements for 5-Digit Presort-Level Rate

• • • • •

667.42 Sacking

a. Sack Preparation. All packages of 10 or more pieces to the same 5-digit ZIP Code destination must be placed in sacks containing a minimum of 125 pieces or 15 pounds of mail and must be prepared in accordance with 667.421 through 667.422. Mailers must note on the mailing statement submitted with the mailing whether the 125 piece or 15 pounds minimum, or both

(for nonidentical-weight mailings), were used as the basis for preparation of the entire mailing in sacks. (The remainder of 667.42 is unchanged.)

• • • • •

(Delete current 667.422 and 667.423 and add new 667.422)

667.422 3-Digit Sacks. When, after preparing all required 5-digit sacks, there are 125 pieces or 15 pounds of qualifying 5-digit mail to different 5-digit ZIP Code destinations within a 3-digit ZIP Code area, it MUST be placed in a 3-digit sack and meet the following criteria:

a. Each sack must contain at least 125 pieces or 15 pounds of mail;

b. 3-digit packages must NOT be included in the sack; and

c. 125 pieces or 15 pounds of mail for a single 5-digit ZIP Code (within the 3-digit ZIP Code area) must be sacked separately.

3-digit sacks containing fewer than 125 pieces and less than 15 pounds of qualifying mail will not be accepted. Each 3-digit sack must be labeled in the following manner:

Line 1: City, 2-letter state abbreviation, and 3-digit ZIP Code prefix.
Line 2: Contents followed by the words "MIXED 5-DIGIT PKGS".
Line 3: Office of Mailing.

Sample:

BINGHAMTON NY 137
3C LTRS MXD 5-DG PKGS
PHILADELPHIA PA

Note: The following abbreviations may be used on the contents line of sack and pallet labels for 5-digit presort level rate mailings.

LETTERS	LTRS
FLATS	FLTS
MIXED	MXD
DIGIT	DG

680 Payment of Postage

681 Method of Payment

• • • • •

681.2 Bulk Mailings at Basic Presort Level, 5-Digit Presort Level, and Carrier Route Presort Level Rates

• • • • •

681.3 Bulk Mailings at Basic ZIP + 4, 5-Digit ZIP + 4, and ZIP + 4 Barcoded Rates.

.31 Permit Imprint. (See 145).

.311 Identical-Weight Pieces. Identical-weight mailings may have postage paid by means of permit imprint. Mailings at the basic ZIP + 4, 5-Digit ZIP + 4, and ZIP + 4 Barcoded rates must be accompanied by the documentation required in 622.144f, 622.154f, and 622.164f, respectively.

.312 Nonidentical-Weight Pieces. Nonidentical-weight pieces may be paid by permit imprint only under an optional or alternative postage payment procedure authorized by the General Manager, Rates and Classification Center (see 145.8 and 145.9).

.32 Meter Stamps. (See 144). Meters may be used to pay postage for mailings of both nonidentical-weight pieces and identical-weight pieces. Postage may be paid by any of the following methods:

a. Correct Postage Affixed to Each Piece.

(1) Basic ZIP + 4 Rate. Pieces qualifying for the basic ZIP + 4 rate are metered at that rate, while other pieces are metered at the basic presort level rate. See also 622.144f for documentation requirements.

(2) 5-Digit ZIP + 4 Rate. Pieces qualifying for the basic ZIP + 4 rate are metered at that rate, pieces qualifying for the 5-digit presort level rate are metered at that rate, pieces qualifying for the basic ZIP + 4 rate are metered at that rate, and pieces qualifying for the basic presort level rate are metered at that rate. See 622.154f for documentation requirements.

(3) ZIP + 4 Barcoded Rate. Pieces qualifying for the the ZIP + 4 Barcoded rate are metered at that rate, pieces qualifying for the 5-Digit ZIP + 4 rate are metered at that rate, pieces qualifying for the 5-digit presort level rate are metered at that rate, pieces qualifying for the basic ZIP + 4 rate are metered at that rate, and pieces qualifying for the basic presort level rate are metered at that rate. See 622.164f for documentation requirements.

b. Lowest Rate in the Mailing Affixed to Each Piece.

(1) Basic ZIP + 4 Rate. Basic ZIP + 4 rate mailings of identical weight may have metered postage affixed at the basic ZIP + 4 rate to each piece in the mailing. Additional postage for pieces subject to the basic presort level rate must be determined from the documentation required by 622.144f to be submitted with such mailings, and paid by means of a meter strip affixed to the back of Form 3602-PC, *Statement of Mailing--Bulk Rates*, or paid through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

(2) 5-Digit ZIP + 4 Rate. 5-Digit ZIP + 4 rate mailings of identical weight may have metered postage affixed at the 5-Digit ZIP + 4 rate to each piece in the mailing. Additional postage for pieces subject to the 5-digit presort level rate, the basic ZIP + 4 rate, and the basic presort level rate, must be determined from the documentation required by 622.154f to be submitted with such mailings, and paid by means of a meter strip affixed to the back of Form 3602-PC, *Statement of Mailing--Bulk Rates*, or paid through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

(3) ZIP + 4 Barcoded Rate. ZIP + 4 barcoded rate mailings of identical weight may have metered postage affixed at the ZIP + 4 Barcoded rate to each piece in the mailing. Additional postage for pieces subject to the 5-digit ZIP + 4 rate, the 5-digit presort level rate, the basic ZIP + 4 rate, and the basic presort level rate, must be determined from the documentation required by 622.164f, and paid by means of a meter strip affixed to the back of Form 3602-PC, *Statement of Mailing--Bulk Rates*, or paid through an advance deposit account as provided for in Handbook F-1, *Post Office Accounting Procedures*, 524.

.33 Precanceled Stamps or Precanceled Stamped Envelopes. (See 143.) Requirements prescribed for meter stamps in 681.32a and b also apply to mailings with precanceled postage.

• • • • •

682 Mailing Statement for Bulk Mailings

682.1 Type of Mailing Statement Required. The mailer must complete and submit the appropriate mailing statement with each mailing:

• • • • •

Note: All mailing statements are subject to verification by the Postal Service. Form 3602-PC must be submitted in duplicate for mailings metered at the lowest rate for which the difference between postage affixed and the applicable rate is paid through an advance deposit account, as provided Handbook F-1, *Post Office Accounting Procedures*, 524.

Chapter 7
Fourth-Class Mail

710 Rates and Fees

711 Rates

711.1 Parcel Post Rates.

711.11 Inter-BMC Rates - Machinable Parcels. (See Exhibit 711.11.) These rates apply to all parcel post mail that weighs 35 pounds or less or is not otherwise nonmachinable based on the criteria in 753, and which originates in the service area of a BMC/ASF (see Exhibit 722.1), Alaska, Hawaii, or Puerto Rico, and destinates outside that area.

711.12 Inter-BMC Rates - Nonmachinable Parcels. (See Exhibit 711.12.) These rates include the $1.15 nonmachinable surcharge and apply to all inter-BMC/ASF parcel post mail that weighs over 35 pounds or otherwise is nonmachinable as defined in 753.

711.13 Intra-BMC Rates - All Parcels. (See Exhibit 711.13.) These rates include the $0.20 discount and apply to all parcel post mail that originates in the service area of a BMC/ASF (see Exhibit 722.1), Alaska, Hawaii, or Puerto Rico, and destinates within the same area.

711.14 Bulk Parcel Post Rates. The rate applicable to each piece in a bulk parcel post rate mailing is the single piece rate for that zone for an item equal to the average weight per piece for all parcels in the mailing going to that zone, rounded up to the next whole pound, using Exhibit 711.11, 711.12 or 711.13, as appropriate.

711.2 Bound Printed Matter Rates.

711.21 Qualification. Pieces paid at the bound printed matter rates must meet the requirements of 721.1 and 723. Pieces paid at the bulk bound printed matter rates must also meet the requirements of 723.2.

711.22 Single Piece Zone Rates. (See Exhibit 711.22.)

711.23 Bulk Bound Printed Matter Rates. (See Exhibit 711.23.) The postage for bulk bound printed matter includes both a per-piece charge and a per pound charge.

711.24 Individually Metered Pieces - Bulk Bound Printed Matter Rates. (See Exhibit 711.24.) If the applicable piece rate is affixed to each piece, pieces of nonidentical weight may be mailed at the applicable bulk rates if the mailing meets all applicable bulk rate requirements. To compute the postage at the basic or carrier-route bulk bound printed matter rate for individual pieces to be paid by postage meter, multiply the weight of the piece by the applicable per-pound charge, add the applicable per-piece charge, and round the sum upward to the next tenth of a cent (or next whole cent if the meter being used cannot print fractional amounts). The per-pound postage for each piece cannot be less than the one-pound rate for that zone. Exhibit 711.24 illustrates the computed postage amounts for selected weight increments; the correct postage for pieces of other weights must be computed as described above.

711.3 Special Fourth-Class Rates.

711.31 Qualification. Pieces paid at special fourth-class rates must meet the requirements of 721.1 and 724. Pieces paid at the Level A or Level B presort rates must also meet the requirements of 724.2.

711.32 Rates. (See Exhibit 711.32.) Special fourth-class rates are based solely on weight without regard to zone.

711.4 Library Rate.

711.41 Qualification. Pieces paid at the library rate must meet the requirements of 721.1 and 725.

711.42 Rates. (See Exhibit 711.42.) The library rate is based solely on weight without regard to zone.

711.5 Addressed Pieces. Apply the rates shown in exhibits 711.11 through 711.42 to each individually addressed piece.

712 Fees

712.1 Special Fourth-Class Presort Mailing Fee. The special fourth-class presort mailing fee is $60 for each 12-month period (see 742).

712.2 Address Correction Fee. The fee for address correction service is $0.30 per notice issued.

* * * * *

Exhibit 722.1 – Within BMC (Intra-BMC/ASF) Rate ZIP Code Service Areas

(Change the footnote to read as follows:)

Note: Intra-BMC/ASF rates (see Exhibit 711.13) apply to parcel post mail that both originates within one of the BMC or ASF service areas described above, or within Alaska, Hawaii, or Puerto Rico, and destinates within the same area.

* * * * *

723.2 Bulk Bound Printed Matter

723.21 Requirements. The bulk bound printed matter rates are applied to mailings of 300 or more pieces of fourth-class bound printed matter of identical weight and size. Mailings may contain pieces of nonidentical weight only if postage is affixed to each piece (using the instructions in 711.24), or if the Rates and Classification Center, serving the office of mailing, has authorized payment of postage by permit imprint, in accordance with 145.8 or 145.9.

(Renumber existing 723.22 as 723.23; add new 723.22 as follows.)

723.22 Nonidentical-Weight Pieces with Postage Affixed. To determine the correct postage to be affixed to nonidentical-weight pieces paid at the bulk bound printed matter rates, see the instructions in 711.24.

* * * * *

742 Special Fourth-Class Presort Mailing Fee

* * * * *

A presort mailing fee (see 712.1) must be paid once each 12-month period at each office of mailing by or for any person who mails presorted special fourth-class mail, and by any person who engages a business concern or other individuals to mail presorted special fourth-class mail.

* * * * *

753 Nonmachinable Surcharge

753.1 General. The nonmachinable surcharge (see 711.12) applies only to the items listed in 753.2 if mailed at the inter-BMC/ASF parcel post rates. It is not applicable to those items or any other matter mailed at the intra-BMC/ASF parcel post rates, or at any other fourth-class rates, or if the mailer has paid the special delivery fee (see 915) or the special handling fee (see 916).

753.2 Applicable Items. Except as provided by 753.1, the nonmachinable surcharge applies to items that meet any of the following criteria:

Page 51

* * * * *

(Delete existing 753.3.)

Parcel Post Rates--Inter BMC/ASF ZIP Codes Only, Machinable Parcels Only, No Discount, No Surcharge							
Weight	Zones						
Not Exceeding (pounds)	1 & 2	3	4	5	6	7	8
2	$1.69	$1.81	$1.97	$2.24	$2.35	$2.35	$2.35
3	1.78	1.95	2.20	2.59	2.98	3.42	4.25
4	1.86	2.10	2.42	2.94	3.46	4.05	5.25
5	1.95	2.24	2.65	3.29	3.94	4.67	6.25
6	2.04	2.39	2.87	3.64	4.43	5.30	7.34
7	2.12	2.53	3.10	4.00	4.91	5.92	8.30
8	2.21	2.68	3.32	4.35	5.39	6.55	9.26
9	2.30	2.82	3.55	4.70	5.87	7.17	10.22
10	2.38	2.97	3.78	5.05	6.35	7.79	11.18
11	2.47	3.11	4.00	5.40	6.83	8.42	12.14
12	2.56	3.25	4.22	5.75	7.30	9.03	13.09
13	2.64	3.40	4.44	6.10	7.78	9.65	14.03
14	2.69	3.48	4.56	6.27	8.02	9.96	14.50
15	2.75	3.55	4.67	6.44	8.24	10.24	14.94
16	2.79	3.63	4.78	6.60	8.45	10.52	15.35
17	2.84	3.70	4.88	6.75	8.66	10.77	15.74
18	2.89	3.76	4.98	6.90	8.85	11.02	16.11
19	2.93	3.83	5.07	7.03	9.03	11.25	16.45
20	2.98	3.89	5.16	7.16	9.20	11.47	16.79
21	3.02	3.95	5.25	7.29	9.37	11.68	17.10
22	3.06	4.01	5.33	7.41	9.53	11.88	17.41
23	3.10	4.07	5.41	7.53	9.68	12.08	17.70
24	3.14	4.12	5.49	7.64	9.83	12.26	17.97
25	3.18	4.18	5.56	7.75	9.97	12.44	18.24
26	3.22	4.23	5.64	7.85	10.11	12.62	18.50
27	3.26	4.28	5.71	7.96	10.24	12.79	18.75
28	3.29	4.33	5.78	8.05	10.37	12.95	18.99
29	3.33	4.38	5.85	8.15	10.50	13.11	19.23
30	3.37	4.43	5.91	8.25	10.62	13.26	19.45
31	3.40	4.48	5.98	8.34	10.74	13.41	19.67
32	3.44	4.53	6.04	8.43	10.85	13.56	19.89
33	3.47	4.58	6.10	8.51	10.97	13.70	20.10
34	3.51	4.62	6.16	8.60	11.08	13.83	20.30
35	3.54	4.67	6.22	8.68	11.18	13.97	20.50
For Pieces weighing over 35 pounds, see Exhibit 711.12							

Exhibit 711.11 - Inter-BMC/ASF Parcel Post Rates

Parcel Post Rates--Inter BMC/ASF ZIP Codes Only, Nonmachinable Parcels, Surcharge Included							
Weight	Zones						
Not Exceeding (pounds)	1 & 2	3	4	5	6	7	8
2	$2.84	$2.96	$3.12	$3.39	$3.50	$3.50	$3.50
3	2.93	3.10	3.35	3.74	4.13	4.57	5.40
4	3.01	3.25	3.57	4.09	4.61	5.20	6.40
5	3.10	3.39	3.80	4.44	5.09	5.82	7.40
6	3.19	3.54	4.02	4.79	5.58	6.45	8.49
7	3.27	3.68	4.25	5.15	6.06	7.07	9.45
8	3.36	3.83	4.47	5.50	6.54	7.70	10.41
9	3.45	3.97	4.70	5.85	7.02	8.32	11.37
10	3.53	4.12	4.93	6.20	7.50	8.94	12.33
11	3.62	4.26	5.15	6.55	7.98	9.57	13.29
12	3.71	4.40	5.37	6.90	8.45	10.18	14.24
13	3.79	4.55	5.59	7.25	8.93	10.80	15.18
14	3.84	4.63	5.71	7.42	9.17	11.11	15.65
15	3.90	4.70	5.82	7.59	9.39	11.39	16.09
16	3.94	4.78	5.93	7.75	9.60	11.67	16.50
17	3.99	4.85	6.03	7.90	9.81	11.92	16.89
18	4.04	4.91	6.13	8.05	10.00	12.17	17.26
19	4.08	4.98	6.22	8.18	10.18	12.40	17.60
20	4.13	5.04	6.31	8.31	10.35	12.62	17.94
21	4.17	5.10	6.40	8.44	10.52	12.83	18.25
22	4.21	5.16	6.48	8.56	10.68	13.03	18.56
23	4.25	5.22	6.56	8.68	10.83	13.23	18.85
24	4.29	5.27	6.64	8.79	10.98	13.41	19.12
25	4.33	5.33	6.71	8.90	11.12	13.59	19.39
26	4.37	5.38	6.79	9.00	11.26	13.77	19.65
27	4.41	5.43	6.86	9.11	11.39	13.94	19.90
28	4.44	5.48	6.93	9.20	11.52	14.10	20.14
29	4.48	5.53	7.00	9.30	11.65	14.26	20.38
30	4.52	5.58	7.06	9.40	11.77	14.41	20.60
31	4.55	5.63	7.13	9.49	11.89	14.56	20.82
32	4.59	5.68	7.19	9.58	12.00	14.71	21.04
33	4.62	5.73	7.25	9.66	12.12	14.85	21.25
34	4.66	5.77	7.31	9.75	12.23	14.98	21.45
35	4.69	5.82	7.37	9.83	12.33	15.12	21.65
36	4.73	5.86	7.43	9.92	12.44	15.25	21.84
37	4.76	5.91	7.49	10.00	12.54	15.38	22.03
38	4.79	5.95	7.55	10.07	12.64	15.50	22.21
39	4.83	5.99	7.61	10.15	12.74	15.63	22.39
40	4.86	6.03	7.66	10.23	12.84	15.75	22.56
41	4.89	6.08	7.72	10.30	12.94	15.87	22.73
42	4.93	6.12	7.77	10.38	13.03	15.98	22.90
43	4.96	6.16	7.82	10.45	13.12	16.09	23.07
44	4.99	6.20	7.87	10.52	13.21	16.21	23.23
45	5.02	6.24	7.93	10.59	13.30	16.31	23.39
46	5.05	6.28	7.98	10.66	13.39	16.42	23.54
47	5.08	6.32	8.03	10.73	13.47	16.53	23.69
48	5.11	6.36	8.08	10.79	13.56	16.63	23.84
49	5.15	6.39	8.13	10.86	13.64	16.73	23.99
50	5.18	6.43	8.18	10.92	13.72	16.83	24.13
51	5.21	6.47	8.22	10.99	13.80	16.93	24.27
52	5.24	6.51	8.27	11.05	13.88	17.03	24.41
53	5.27	6.55	8.32	11.12	13.96	17.13	24.55
54	5.30	6.58	8.36	11.18	14.04	17.22	24.69
55	5.33	6.62	8.41	11.24	14.11	17.31	24.82
56	5.36	6.66	8.46	11.30	14.19	17.41	24.95
57	5.39	6.69	8.50	11.36	14.26	17.50	25.08
58	5.42	6.73	8.55	11.42	14.34	17.59	25.21
59	5.45	6.76	8.59	11.48	14.41	17.68	25.33
60	5.48	6.80	8.64	11.53	14.48	17.76	25.46
61	5.51	6.84	8.68	11.59	14.55	17.85	25.58
62	5.53	6.87	8.72	11.65	14.62	17.93	25.70
63	5.56	6.91	8.77	11.70	14.69	18.02	25.82
64	5.59	6.94	8.81	11.76	14.76	18.10	25.93
65	5.62	6.98	8.85	11.82	14.83	18.18	26.05
66	5.65	7.01	8.89	11.87	14.90	18.27	26.17
67	5.68	7.04	8.94	11.92	14.96	18.35	26.28
68	5.71	7.08	8.98	11.98	15.03	18.43	26.39
69	5.74	7.11	9.02	12.03	15.10	18.51	26.50
70	5.76	7.15	9.06	12.08	15.16	18.58	26.61

Exhibit 711.12 - Inter-BMC/ASF Parcel Post Rates

Parcel Post Rates--Local and Intra-BMC/ASF ZIP Codes Only, All Parcels, Discount already included					
Weight	Zones				
Not Exceeding (pounds)	Local	1 & 2	3	4	5
2	$1.43	$1.49	$1.61	$1.77	$2.04
3	1.48	1.58	1.75	2.00	2.39
4	1.54	1.66	1.90	2.22	2.74
5	1.59	1.75	2.04	2.45	3.09
6	1.65	1.84	2.19	2.67	3.44
7	1.71	1.92	2.33	2.90	3.80
8	1.76	2.01	2.48	3.12	4.15
9	1.82	2.10	2.62	3.35	4.50
10	1.87	2.18	2.77	3.58	4.85
11	1.93	2.27	2.91	3.80	5.20
12	1.99	2.36	3.05	4.02	5.55
13	2.04	2.44	3.20	4.24	5.90
14	2.08	2.49	3.28	4.36	6.07
15	2.12	2.55	3.35	4.47	6.24
16	2.15	2.59	3.43	4.58	6.40
17	2.19	2.64	3.50	4.68	6.55
18	2.22	2.69	3.56	4.78	6.70
19	2.26	2.73	3.63	4.87	6.83
20	2.29	2.78	3.69	4.96	6.96
21	2.32	2.82	3.75	5.05	7.09
22	2.36	2.86	3.81	5.13	7.21
23	2.39	2.90	3.87	5.21	7.33
24	2.42	2.94	3.92	5.29	7.44
25	2.45	2.98	3.98	5.36	7.55
26	2.48	3.02	4.03	5.44	7.65
27	2.51	3.06	4.08	5.51	7.76
28	2.54	3.09	4.13	5.58	7.85
29	2.57	3.13	4.18	5.65	7.95
30	2.60	3.17	4.23	5.71	8.05
31	2.63	3.20	4.28	5.78	8.14
32	2.66	3.24	4.33	5.84	8.23
33	2.69	3.27	4.38	5.90	8.31
34	2.72	3.31	4.42	5.96	8.40
35	2.75	3.34	4.47	6.02	8.48
36	2.78	3.38	4.51	6.08	8.57
37	2.80	3.41	4.56	6.14	8.65
38	2.83	3.44	4.60	6.20	8.72
39	2.86	3.48	4.64	6.26	8.80
40	2.89	3.51	4.68	6.31	8.88
41	2.92	3.54	4.73	6.37	8.95
42	2.94	3.58	4.77	6.42	9.03
43	2.97	3.61	4.81	6.47	9.10
44	3.00	3.64	4.85	6.52	9.17
45	3.03	3.67	4.89	6.58	9.24
46	3.05	3.70	4.93	6.63	9.31
47	3.08	3.73	4.97	6.68	9.38
48	3.11	3.76	5.01	6.73	9.44
49	3.13	3.80	5.04	6.78	9.51
50	3.16	3.83	5.08	6.83	9.57
51	3.19	3.86	5.12	6.87	9.64
52	3.21	3.89	5.16	6.92	9.70
53	3.24	3.92	5.20	6.97	9.77
54	3.27	3.95	5.23	7.01	9.83
55	3.29	3.98	5.27	7.06	9.89
56	3.32	4.01	5.31	7.11	9.95
57	3.35	4.04	5.34	7.15	10.01
58	3.37	4.07	5.38	7.20	10.07
59	3.40	4.10	5.41	7.24	10.13
60	3.42	4.13	5.45	7.29	10.18
61	3.45	4.16	5.49	7.33	10.24
62	3.48	4.18	5.52	7.37	10.30
63	3.50	4.21	5.56	7.42	10.35
64	3.53	4.24	5.59	7.46	10.41
65	3.55	4.27	5.63	7.50	10.47
66	3.58	4.30	5.66	7.54	10.52
67	3.61	4.33	5.69	7.59	10.57
68	3.63	4.36	5.73	7.63	10.63
69	3.66	4.39	5.76	7.67	10.68
70	3.68	4.41	5.80	7.71	10.73

Exhibit 711.13 - Intra-BMC/ASF Parcel Post Rates

Weight (Pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5....	$0.67	$0.92	$.96	$1.04	$1.16	$1.28	$1.43	$1.56
2.0....	.69	.96	1.02	1.12	1.28	1.44	1.64	1.81
2.5....	.71	.99	1.07	1.20	1.39	1.60	1.85	2.06
3.0....	.73	1.03	1.12	1.27	1.51	1.76	2.06	2.31
3.5....	.75	1.07	1.17	1.35	1.63	1.91	2.26	2.56
4.0....	.77	1.10	1.22	1.43	1.74	2.07	2.47	2.81
4.5....	.79	1.14	1.27	1.50	1.86	2.23	2.68	3.06
5.0....	.81	1.18	1.33	1.58	1.98	2.39	2.89	3.31
6.0....	.85	1.25	1.43	1.73	2.21	2.70	3.30	3.80
7.0....	.89	1.32	1.53	1.89	2.44	3.02	3.72	4.30
8.0....	.93	1.39	1.63	2.04	2.67	3.33	4.13	4.80
9.0....	.97	1.47	1.74	2.20	2.91	3.65	4.55	5.30
10.0 ...	1.01	1.54	1.84	2.35	3.14	3.96	4.96	5.80

Note: Compute postage at the above rates for each addressed piece.

Exhibit 711.22 Single-Piece Bound Printed Matter Rates

Rate[1]	Zones							
	LOCAL	1 & 2	3	4	5	6	7	8
Per Piece - Basic - Car. Rt.	$.32 .27	$.43 .38	$.43 .38	$.43 .38	$.43 .38	$.43 .38	$.43 .38	$.43 .38
Per Pound	.028	.058	.087	.139	.217	.300	.399	.484

[1] Postage for bulk rate mailings includes both a per-piece and a per-pound charge.

Exhibit 711.23 Bulk Bound Printed Matter Rates

Weight (pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.0....	$.348	$.488	$.517	$.569	$.647	$.730	$.829	$.914
1.5....	.362	.517	.561	.639	.756	.880	1.029	1.156
2.0....	.376	.546	.604	.708	.864	1.030	1.228	1.398
2.5....	.390	.575	.648	.778	.973	1.180	1.428	1.640
3.0....	.404	.604	.691	.847	1.081	1.330	1.627	1.882
3.5....	.418	.633	.735	.917	1.190	1.480	1.827	2.124
4.0....	.432	.662	.778	.986	1.298	1.630	2.026	2.366
4.5....	.446	.691	.822	1.056	1.407	1.780	2.226	2.608
5.0....	.460	.720	.865	1.125	1.515	1.930	2.425	2.850
6.0....	.488	.778	.952	1.264	1.732	2.230	2.824	3.334
7.0....	.516	.836	1.039	1.403	1.949	2.530	3.223	3.818
8.0....	.544	.894	1.126	1.542	2.166	2.830	3.622	4.302
9.0....	.572	.952	1.213	1.681	2.383	3.130	4.021	4.786
10.0 ...	.600	1.010	1.300	1.820	2.600	3.430	4.420	5.270

Exhibit 711.24a Basic Bulk Bound Printed Matter Rates

Weight (pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.0....	$.298	$.438	$.467	$.519	$.597	$.680	$.779	$.864
1.5....	.312	.467	.511	.589	.706	.830	.979	1.106
2.0....	.326	.496	.554	.658	.814	.980	1.178	1.348
2.5....	.340	.525	.598	.728	.923	1.130	1.378	1.590
3.0....	.354	.554	.641	.797	1.031	1.280	1.577	1.832
3.5....	.368	.583	.685	.867	1.140	1.430	1.777	2.074
4.0....	.382	.612	.728	.936	1.248	1.580	1.976	2.316
4.5....	.396	.641	.772	1.006	1.357	1.730	2.176	2.558
5.0....	.410	.670	.815	1.075	1.465	1.880	2.375	2.800
6.0....	.438	.728	.902	1.214	1.682	2.180	2.774	3.284
7.0....	.466	.786	.989	1.353	1.899	2.480	3.173	3.768
8.0....	.494	.844	1.076	1.492	2.116	2.780	3.572	4.252
9.0....	.522	.902	1.163	1.631	2.333	3.080	3.971	4.736
10.0 ...	.550	.960	1.250	1.770	2.550	3.380	4.370	5.220

Exhibit 711.24b, Carrier Route Bulk Bound Printed Matter Rate

Exhibit 711.24, Bulk Bound Printed Mater Rates

(Representative Computed Postage Amounts-Pieces with Postage Affixed)

Note: These amounts are correct for the corresponding weights. Compute postage exactly for items of other intermediate weights (See 711.24). If fractional postage in the exact amount shown above is not available, apply postage in the amount equal to the exact amount shown rounded upward to the next whole cent.

Weight Not Exceeding (Lbs.)	Single Piece Rate	Level A Presort	Level B Presort	Weight Not Exceeding (Lbs.)	Single Piece Rate	Level A Presort	Level B Presort
1	$.90	$.65	$.83	36	$8.80	$8.55	$8.73
2	1.25	1.00	1.18	37	9.00	8.75	8.93
3	1.60	1.35	1.53	38	9.20	8.95	9.13
4	1.95	1.70	1.88	39	9.40	9.15	9.33
5	2.30	2.05	2.23	40	9.60	9.35	9.53
6	2.65	2.40	2.58	41	9.80	9.55	9.73
7	3.00	2.75	2.93	42	10.00	9.75	9.93
8	3.20	2.95	3.13	43	10.20	9.95	10.13
9	3.40	3.15	3.33	44	10.40	10.15	10.33
10	3.60	3.35	3.53	45	10.60	10.35	10.53
11	3.80	3.55	3.73	46	10.80	10.55	10.73
12	4.00	3.75	3.93	47	11.00	10.75	10.93
13	4.20	3.95	4.13	48	11.20	10.95	11.13
14	4.40	4.15	4.33	49	11.40	11.15	11.33
15	4.60	4.35	4.53	50	11.60	11.35	11.53
16	4.80	4.55	4.73	51	11.80	11.55	11.73
17	5.00	4.75	4.93	52	12.00	11.75	11.93
18	5.20	4.95	5.13	53	12.20	11.95	12.13
19	5.40	5.15	5.33	54	12.40	12.15	12.33
20	5.60	5.35	5.53	55	12.60	12.35	12.53
21	5.80	5.55	5.73	56	12.80	12.55	12.73
22	6.00	5.75	5.93	57	13.00	12.75	12.93
23	6.20	5.95	6.13	58	13.20	12.95	13.13
24	6.40	6.15	6.33	59	13.40	13.15	13.33
25	6.60	6.35	6.53	60	13.60	13.35	13.53
26	6.80	6.55	6.73	61	13.80	13.55	13.73
27	7.00	6.75	6.93	62	14.00	13.75	13.93
28	7.20	6.95	7.13	63	14.20	13.95	14.13
29	7.40	7.15	7.33	64	14.40	14.15	14.33
30	7.60	7.35	7.53	65	14.60	14.35	14.53
31	7.80	7.55	7.73	66	14.80	14.55	14.73
32	8.00	7.75	7.93	67	15.00	14.75	14.93
33	8.20	7.95	8.13	68	15.20	14.95	15.13
34	8.40	8.15	8.33	69	15.40	15.15	15.33
35	8.60	8.35	8.53	70	15.60	15.35	15.53

Exhibit 711.32 Special Fourth-Class Rates

Note: Compute postage at the above rates for each addressed piece.

Library Rate

Weight Not Exceeding (Lbs.)	Single Piece Rate	Weight Not Exceeding (Lbs.)	Single Piece Rate	Weight Not Exceeding (Pounds)	Single Piece Rate
1	$.64	24	$4.06	47	$6.82
2	.87	25	4.18	48	6.94
3	1.10	26	4.30	49	7.06
4	1.33	27	4.42	50	7.18
5	1.56	28	4.54	51	7.30
6	1.79	29	4.66	52	7.42
7	2.02	30	4.78	53	7.54
8	2.14	31	4.90	54	7.66
9	2.26	32	5.02	55	7.78
10	2.38	33	5.14	56	7.90
11	2.50	34	5.26	57	8.02
12	2.62	35	5.38	58	8.14
13	2.74	36	5.50	59	8.26
14	2.86	37	5.62	60	8.38
15	2.98	38	5.74	61	8.50
16	3.10	39	5.86	62	8.62
17	3.22	40	5.98	63	8.74
18	3.34	41	6.10	64	8.86
19	3.46	42	6.22	65	8.98
20	3.58	43	6.34	66	9.10
21	3.70	44	6.46	67	9.22
22	3.82	45	6.58	68	9.34
23	3.94	46	6.70	69	9.46
				70	9.58

Exhibit 711.42-Library Rate

Note: Compute postage at the above rates for each addressed piece.

Chapter 9
Special Services

910 Special Mail Services

911 Registered Mail

* * * * *

911.2 Fees and Liability

911.21 Fees. (See Exhibit 911.21.)

* * * * *

911.23 Postal Insurance Liability

* * * * *

911.232 With Commercial Insurance Containing a Deductible Amount.

(In the fifth sentence, replace *"25 cents"* with *"$0.35".)*

* * * * *

Certified Mail

* * * * *

912.3 Fees (in addition to postage.) The fees for certified mail are:

Fee	$ .85
Restricted delivery	2.00
Return receipts	
Requested at time of mailing:	
Showing to whom and date delivered	$0.90
Showing to whom, date, and address where delivered	1.20
Requested after mailing:	
Showing to whom and date delivered	$5.00

913 Insured Mail

* * * * *

913.2 Fees and Liability

913.21 Fees (in Addition to Postage). The fees for insuring mail are:

Liability	Fee
$0.01 to $50	$0.70
50.01 to 100	1.50
100.01 to 150	1.90
150.01 to 200	2.20
200.01 to 300	3.15
300.01 to 400	4.30
400.01 to 500	5.00

Liability for insured mail is limited to $500.

* * * * *

913.4 Mailing

* * * * *

913.43 Individual Receipts for Mailing. For each insured parcel mailed, the mailer is issued a receipt on one of the following forms:

a. Form 3813, *Receipt for Domestic Insured Parcel,* when the package is insured for $50 or less; or

b. Form 3813-P, *Receipt For Insured Mail Domestic/International,* when the package is insured for more than $50.

Note: The post office keeps no record of the mailing of insured packages. Mailers must enter the name and address of the addressee on the receipt and retain it. Mailers must exhibit the receipt if claim for loss is made. The receipt must be shown if an inquiry is filed. A temporary receipt showing only the total number of parcels accepted may be issued when a large number of articles are mailed. The permanent receipt will be issued as soon as possible.

(In sections 913.441a, 913.441b, 913.442, 913.461a, 913.461b, and 913.51, replace the figure *$25* with *$50.).*

* * * * *

914 Collect on Delivery (COD) Mail

* * * * *

914.2 Fees

Value	Fees (in addition to postage)	
	For articles with Postal insurance	For articles without Postal insurance
	Column A	Column B
$0.00 to $100	$4.50	4.40
$100.01 to $500	4.85	4.70
$500.01 to $1,000	5.25	5.05
$1,000.01 to $2,000	5.65	5.35
$2,000.01 to $3,000	6.05	5.70
$3,000.01 to $4,000	6.45	6.00
$4,000.01 to $5,000	6.85	6.35
$5,000.01 to $6,000	7.25	6.65
$6,000.01 to $7,000	7.65	7.00
$7,000.01 to $8,000	8.10	7.30
$8,000.01 to $9,000	8.55	7.65
$9,000.01 to $10,000	9.00	7.95
$10,000.01 to $11,000	9.50	8.30
$11,000.01 to $12,000	9.95	8.60
$12,000.01 to $13,000	10.45	8.95
$13,000.01 to $14,000	10.90	9.25
$14,000.01 to $15,000	11.40	9.60
$15,000.01 to $16,000	11.85	9.90
$16,000.01 to $17,000	12.35	10.25
$17,000.01 to $18,000	12.85	10.55
$18,000.01 to $19,000	13.25	10.90
$19,000.01 to $20,000	13.75	11.20
$20,000.01 to $21,000	14.25	11.55
$21,000.01 to $22,000	14.75	11.85
$22,000.01 to $23,000	15.25	12.20
$23,000.01 to $24,000	15.75	12.30
$24,000.01 to $25,000	16.25	12.65
$25,000 to $1,000,000	$16.25 plus handling charge of $0.35 per $1,000 or fraction over first $25,000.	$12.65 plus handling charge of $0.35 per $1,000 or fraction over first $25,000.
$1,000,000 to $15,000,000	$357.50 plus handling charge of $0.25 per $1,000 or fraction over first $1,000,000.	$353.90 plus handling charge of $0.25 per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

ADDITIONAL SERVICES

	Extra Fee
COD COLLECTION CHARGE (Maximum amount collectible is $500)	$2.00
RESTRICTED DELIVERY	$2.00
RETURN RECEIPTS:	
Requested at time of mailing:	
Showing to whom and date delivered	$0.90
Showing to whom, when and address where delivered	$1.20
Requested after mailing:	
Showing to whom and date delivered	$5.00

Exhibit 911.21, Registry Fees

914.21 In Addition to Postage. Collect-on-delivery (COD) fees are:

Amount to be collected, or insurance coverage desired [1]	COD Fees
$ 0.01 to 25	2.00
25.01 to 50	2.50
50.01 to 100	3.00
100.01 to 200	3.40
200.01 to 300	4.25
300.01 to 400	5.25
400.01 to 500	6.50
Restricted delivery	2.00
Notice of nondelivery	1.75
Alteration of COD charges or designation of new addressee	1.75
Registered COD	2.00

[1] For Express Mail COD shipments, collect the fee for the amount to be collected only. Express Mail insurance covers up to $500 merchandise insurance.

• • • • •

915 Special Delivery

• • • • •

915.3 Fees (in addition to postage).The special delivery fees are:

Class of mail	2 lbs. and under	10 lbs. and less, but over 2 lbs.	Over 10 lbs.
First-Class (Including Priority)	$5.35	$5.75	$7.25
All others	5.65	6.50	8.10

• • • • •

916 Special Handling

• • • • •

916.4 Fees (in addition to postage.) The fees for special handling are:

Weight	Fee
10 pounds and less	$1.55
More than 10 pounds	2.25

917 Business Reply Mail (BRM)

917.1 General

• • • • •

917.14 Business Reply Mail Accounting System (BRMAS). Mailers may obtain a reduced fee for the return of their BRM cards and letters under the Business Reply Mail Accounting System (BRMAS). BRMAS provides an automated method of processing and rating BRM. The requirements for entry into the BRMAS system are as follows:

a. Mailers must pay for BRM through a business reply account as specified in 917.343 or 137.276g.

b. Mailers must obtain an authorization in accordance with 917.213. During the authorization process mailers will be assigned a unique ZIP + 4 code for each rate category of BRM that will be returned to them under the system (one for cards, one for letter-size pieces weighing one ounce or less, one for letter size pieces weighing over 1 ounce and up to and including 2 ounces).

c. The unique ZIP + 4 code assigned during the application process must appear in the address of each BRM piece distributed for return under this system. The ZIP + 4 code on each BRM piece must be the proper one assigned for the rate category of the piece upon its return. The ZIP + 4 codes assigned for this program must be used only on the appropriate BRM pieces of the organization.

d. A barcode, prepared in accordance with 917.528b, that corresponds to the unique ZIP + 4 code that appears in the address as described in 917.14c, must appear on each BRM piece distributed under the BRMAS system.

e. Each BRM card or letter under the BRMAS system must contain a FIM C.

f. Each BRM card or letter must meet the automation size and paper stock requirements of 917.6.

g. All other requirements for BRM must also be met.

917.2 Permits

917.21 Application

• • • • •

917.213 Business Reply Mail Accounting System. A mailer who wants to participate in the BRMAS system must submit a letter of request to the Postmaster or to the Manager, Mailing Requirements, at the post office to which the pieces will be returned, so that an account can be opened on the BRMAS system. The mailer will be provided with detailed instructions on how to correctly prepare BRM, including the ZIP + 4 codes to be used. The mailer is encouraged to provide for approval, pre-production sample BRM pieces that properly show the ZIP + 4 codes, barcodes, and other BRMAS and BRM requirements. A letter of authorization will be issued to the mailer.

Note: The mailer must have a valid business reply permit as required in 917.211 and 917.22, or 137.276g, and must pay the annual BRM permit and accounting fee as described in 917.343b for entry into the BRMAS system.

917.22 Annual Permit Renewals. An annual renewal notice will be furnished to each BRM permit holder. The permit holder must return the renewal notice and payment to the post office that issued the permit by the expiration date of the permit. Management sectional centers (MSCs) will provide renewal notices for use by their associate offices.

• • • • •

917.241 Acceptance Conditions

• • • • •

c. A separate permit and accounting fee must be paid at each post office where a business reply account is desired (see 917.343b).

917.242 Return Through More Than One Post Office

• • • • •

b. Exceptions:

• • • • •

(3) A separate permit and accounting fee must be paid at each post office where a business reply account is desired (see 917.343b).

• • • • •

917.3 Postage and Fees

917.31 General. There is an annual BRM permit fee charged once each 12-month period. First-Class postage and a BRM per-piece charge will be collected from the addressee upon delivery. An annual permit and accounting fee is required for establishment of a business reply account (see 917.343b).

• • • • •

917.33 Fees

a. The BRM annual permit and renewal fee is $60 (for mailers not maintaining a BRM account as described in 917.343).

b. The BRM annual permit and accounting fee is $260 (for mailers maintaining a business reply account as described in 917.343).

c. The applicable and full BRM fee(s) must be paid once each 12-month period.

• • • • •

917.34 Payment of Postage and Fees

• • • • •

917.342 Cash or Postage-Due Account. Payment may be paid in cash or through a regular postage-due account, as follows:

a. Amount Collected. The amount to be collected for cash or use of regular postage-due account transactions is the appropriate First-Class postage, plus a charge of $0.40 per piece.

• • • • •

917.343 Business Reply Account. A business reply account must only be used for payment of postage and fees on BRM as follows:

a. Amount Collected. The amount to be collected for business reply account transactions is the appropriate First-Class postage, plus a charge of $0.08 per piece. The amount to be collected for business reply account transactions for pieces prepared under the BRMAS system (see 917.14) is the appropriate First-Class postage, plus a charge of $0.05 per piece.

Exception: Business reply cards and letters returned under the BRMAS system that are rejected by USPS barcode sorters and are found not to meet the machinability, barcode, or other preparation requirements necessary for the BRMAS system will be charged the appropriate First-Class postage plus a charge of $0.08 per piece. In addition, if improper barcodes appear on BRM pieces returned under the BRMAS system (for example, if a barcode representing the card rate appears on a letter-size piece) the pieces will be subject to the appropriate First-Class postage plus a charge of $0.08 per piece.

b. Permit and Accounting Fee. An annual permit and accounting fee is charged for each business reply account at each post office where the mail is to be returned. The full permit and accounting fee must be paid once each 12-month period.

Note: BRM permit holders who want to begin using a business reply account at a time other than the anniversary date of their existing permit must pay the full $260 permit and accounting fee. However, such permit holders may apply (under the provisions of 147) for a refund of the unused portion of the current permit fee. Such refunds will be given based on a prorated schedule of $5 for each whole month the permit was not used.

Example: A mailer paid the $60 permit fee on January 1, and, on July 5 of that same year, decided to open a business reply account. On July 5, this permit holder would be required to pay the $260 annual business reply permit and accounting fee. However, the permit holder could apply for a refund of the unused portion of the original permit fee (paid on January 1) for the period from August through December. Since the refund is based upon whole months not used, a refund for the month of July is not given. The mailer would be eligible for a $25 refund for the months of August, September, October, November, and December ($5 per month times 5 months).

c. The following conditions apply to business reply accounts:

• • • • •

(3) When a permit holder with a business reply account desires a separation of charges, payment of a business reply permit and accounting fee is required for *each* billing prepared for each separation. If a business reply permit and accounting fee is not paid for each separation, the permit holder pays the appropriate First-Class postage, plus a charge of $0.40 per piece for each separation.

• • • • •

d. Insufficient Funds. When a business reply account contains insufficient funds to cover the amount due for postage and fees, the BRM is held and the permit holder notified by certified mail that the BRM is being held. If funds are not deposited within 3 days, the BRM is treated as a cash or postage-due account transaction, and the permit holder pays the appropriate First-Class postage, plus a charge of $0.40 per piece. If funds are deposited within 3 days, all BRM held during the 3 days will be charged First-Class postage, plus $0.08 per piece or, if under the BRMAS system, First-Class postage, plus $0.05 per piece.

e. BRM Addressed to Different Firms. BRM addressed to several different firms at the same delivery unit may be delivered to an agent authorized by a valid business reply permit holder. The agent will pay one business reply account fee for all the firms represented by the agent in the same delivery unit. If the agent, or any of the firms represented by the agent, desires a separation of charges then the conditions in 917.343c(3) are applicable.

• • • • •

917.35 BRM Bearing Stamps

• • • • •

917.352 Refunds

• • • • •

b. The $0.05 (for BRMAS), $0.08, or $0.40 per BRM piece charges are not refundable. * * * * *

• • • • •

917.5 Format

• • • • •

917.52 Format Elements.

• • • • •

917.525 Address. The complete address, including the name of the permit holder, street address, and/or post office box number, city, state, and ZIP Code must be printed directly on the mailpiece. For pieces distributed under BRMAS (see 917.14) the address must include a unique ZIP + 4 code that is preassigned for the BRM piece and which identifies the type of BRM, the applicable rate, and the individual permit holder.

Exception: * * * * *

• • • • •

917.528 Prebarcoded BRM.

a. Optional Use of Barcodes. Barcoding permits highly reliable sortation of mail through automated barcode sorters instead of manual or mechanized methods. Prebarcoding of BRM is optional. If BRM is prebarcoded, these requirements must be followed:

• • • • •

Renumber existing 917.528 a-e as 917.528a (1)-(5).)

• • • • •

(2) Each full bar must be .125 inch, ± .1 inch. Each half bar must be .05 inch high, ± .01 inch. All bars printed must be .02 inch wide, ± .005 inch. The horizontal spacing of all bars must be 21 bars per inch, ± 1 bar. (See Exhibit 917.528a(2).)

• • • • •

b. Required use of Barcodes for BRMAS System. (Free camera-ready Postnet barcodes are provided by the Postal Service.)

(1) FIM C. FIM C must be used for prebarcoded BRM under the BRMAS system (see 917.527).

(2) ZIP + 4 Barcodes. A ZIP + 4 barcode is made up of a single field of 52 bars. The information content of the barcode is distinguished by the height of the bars, either tall (full) or short (half) bars, which represent a "one" or a "zero" to a USPS barcode sorter. These bars, when separated into groups of five, represent each of the nine digits of a ZIP + 4 code, plus a tenth digit designated as a "correction digit." The first and last bars of the barcode are "frame bars" and must always be full bars. (See Exhibit 917.528a(2).) The sequence of bars must represent the ZIP +4 code (including the appropriate correction character) in the address of the piece, according to the code defined in Exhibit 917.528a(2).

(3) Barcode Location. The location of the barcode must be on the address side of the mailpiece and within a clear space known as the "bar code read area," which must be free of any printing other than the barcode. The read area extends 5/8 inch from the bottom and at least 4-1/2 inches from the right edge of the mailpiece. Within the read area, the leftmost bar of the barcode must be located between 3-1/4 inches and 4 inches from the right edge of the mailpiece. The bottom of the bars must be positioned 1/4 inch (± 1/16 inch) from the bottom edge of the mailpiece (see Exhibit 917.528b(3)), and the barcode must be completely contained within the solid rectangle shown in Exhibit 917.528b(3).

(4) Barcode Dimensions and Spacing. A full bar must be .125 ± .01 inch in height. A half bar must be .05 ± .01 inch in height. The width of all bars must be equal and must be .02 ± .005 inch. Horizontal spacing of the bars must be 21 ± 1 bar per inch. Pitch (a bar and a space) must be limited to .045 inch minimum and .05 inch maximum.

(5) Background Contrast. A print reflectance difference (envelope reflectance minus print reflectance) of at least .3 (30% percent) is required between the background material of the mailpiece and the barcode when measured in the red portion of the spectrum at 650 nanometers.

(6) Skew and Baseline Shift. The combined effects of positional and rotational skew (slant) of the barcode must be limited to a maximum rotation of the bars of ± 5 degrees from a perpendicular to the bottom edge of the mailpiece. The bottom of any bar must not be more than .005 inch from the bottom of each adjacent bar.

(7) Printing Irregularities. Attached extraneous ink (connected to a bar) must not cause any bar to exceed the maximum height or width dimensions. Detached extraneous ink (not connected to any bar or bars) in the barcode read area must not exceed .003 inch in any dimension or cause the space-to-background print reflectance difference to exceed 10 percent. Individual bars must not contain ink voids which reduce bar width to less than .01 inch or remove more than .01 inch along the bar height.

(8) Inserts. The barcode may be printed on an insert and appear through a barcode window on an envelope under the following conditions:

(a) Barcode Window Specifications.

(i) Windows must be covered with a clear plastic material, securely glued on all sides.

(ii) Envelopes with barcode windows may be used only when the ZIP + 4 barcode will be visible through the barcode window.

READING THE ZIP + 4 BARCODE

The ZIP + 4 barcode consists of the nine digits plus a correction character used by the barcode reader to identify reading errors. The barcode consists of 52 bars as illustrated. Each of the 10 digits contained between the frame bars consists of 2 long bars (read as 1's) and 3 short bars (read as 0's).

Reading and understanding the bar code is simple. There are 10 combinations of 5 bars, each consisting of 2 long (1's) and 3 short (0's) bars. The digits 0 through 9 have been assigned to these combinations:

0=11000 1=00011 2=00101 3=00110 4=01001 5=01010 6=01100 7=10001 8=10010 9=10100

Within the group of 5 bars, each position has a different value: from left to right 7, 4, 2, 1, and 0. Addition of the values in the two positions occupied by 1 bars gives the value of the combination, except in the case of 11000 which totals 11 and has been assigned as zero.

In addition to the ZIP + 4 Code, each barcode contains a correction digit. This digit appears in the last position of the barcode. Its purpose is to ensure that the machine applying the barcode is working properly. The sum of the 10 digits in the barcode (the 9-digit ZIP + 4 Code plus the correction digit) must always be a multiple of 10. The value of the correction digit is therefore determined by adding the numbers in the 9-digit ZIP + 4 Code, and then determining what single-digit number must be added to that sum to make the total a multiple of 10 (end with a zero). In the Example, the sum of the nine digits of the ZIP + 4 Code is 45. Using a correction character of 5 makes the sum of all 10 characters 50, a multiple of 10. If the sum of the digits is not a multiple of 10, an error has been made and the barcode must not be used.

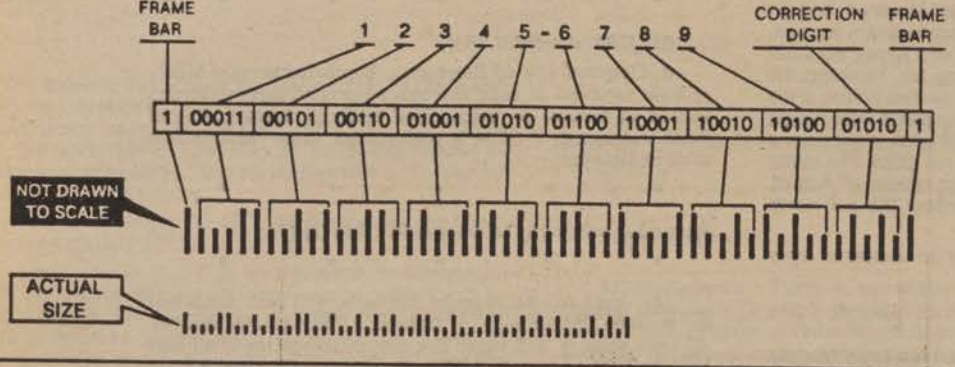

Exhibit 917.528a(2), ZIP + 4 Barcode

(iii) Windows must extend fully to the lower edge of the envelopes and must be of wrap-around construction.

(iv) The right edge of the window must be not less than 1/4 inch from the right edge of the envelope.

(v) The left edge of the window must be not less than 4-1/2 inches from the right edge of the envelope.

(b) Barcode Location Specifications.

(i) The ZIP + 4 barcode must be located within the barcode clear zone which extends 5/8 inch from the bottom of the envelope and 4-1/2 inches from the right edge of the envelope.

(ii) The barcode must be at least 1/5 inch from the right edge of the window and 1/5 inch from the left edge of the window.

(iii) No printing other than the ZIP + 4 barcode is permitted in the barcode clear zone.

(iv) The leftmost bar must be located 3-5/8 inches ± 3/8 inch from the right edge of the mail piece and from 3/16 inch to 7/16 inch from the bottom of the envelope.

(Renumber existing 917.53 as 917.528b(9), and revise as follows:)

(9) BRM Format Review. Postal inspection of BRM before printing is desirable but not mandatory. Permit holders receiving written postal approval of BRM before printing could avoid the cost of either reprinting and distribution in the event of a nonmailable ruling, or being ineligible for the BRMAS rate. (Remainder of section unchanged.)

* * * * *

917.57 Self-Mailers.

(Add the following sentence to the end of the section:) See 917.6 for additional requirements for pieces entered under the BRMAS system.

917.58 BRM Cards.

(Add the following sentence to the end of the section:) See 917.6 for additional requirements for pieces entered under the BRMAS system.

917.59 Business Reply Labels

917.591 The minimum size of a label with the legend "Business Reply Label" is 2 inches x 3 inches. It is not necessary to print FIM or bar codes on BR labels; however, all other BRM format requirements must be met.

917.592 The series of horizontal bars on business reply labels must be at least 3/4 inch high.

917.593 Business reply labels must not be used on standard-size BRM cards and envelopes.

917.594 Business reply labels may not be distributed under BRMAS.

* * * * *

(Delete existing section 917.6 and replace with the following:)

917.6 BRMAS Automation Requirements.

917.61 Size Requirements.

917.611 Letter-Size Pieces. Each letter-size BRM piece must meet the following size requirements:

a. Its length must be at least 5 inches and not more than 11-1/2 inches;

b. Its height must be at least 3-1/2 inches and not more than 6-1/8 inches;

c. Its thickness must be at least .007 inch and not more than 1/4 inch;

d. Its length divided by height must fall between 1.3 and 2.5.

917.612 Postcards. Each business reply card must meet the following size requirements:

a. Its length must be at least 5 inches and not more than 6 inches;

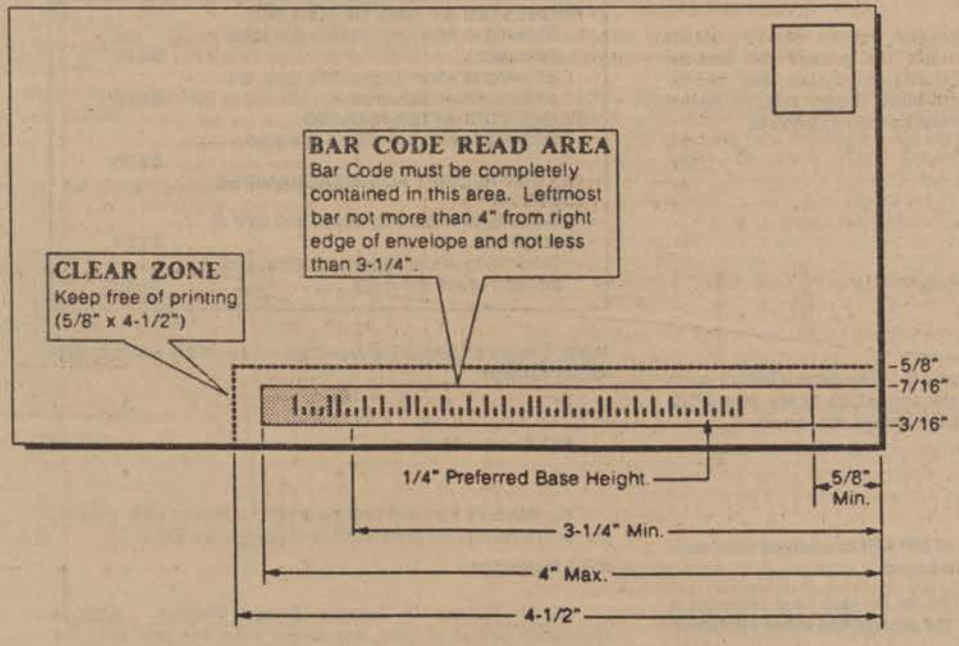

Exhibit 917.528b(3), Barcode Read Area

b. Its height must be at least 3-1/2 inches and not more than 4-1/4 inches;

c. Its thickness must be at least .007 inch and not more than .0095 inch.

917.62 Additional Physical Requirements.

917.621 Self-Mailers. Self-mailers prepared under the BRMAS system must be fabricated from paper having a minimum base weight of 20 pounds, using a 17 inch by 22 inch sheet size and 500 sheets, in addition to meeting all other requirements for BRM.

917.622 Cards. Business reply cards prepared under the BRMAS system must be printed on paper stock with a minimum basis weight of 75 pounds for 500 sheets measuring 25 inches by 38 inches, and have a thickness of at least .007 inch and not more than .011 inch.

Note: Cards exceeding 4-1/4 inches in height, 6 inches in length, or .0095 inch in thickness, are subject to postage at the regular single-piece rate for matter other than cards in Exhibit 310A (see 322.2 and 322.4).

918 Parcel Airlift

• • • • •

918.4 Fees. In addition to the regular surface rate of postage, the fees for parcel airlift are:

Weight	Fee
Up to 2 pounds	$ 0.30
Over 2 up to 3 pounds	0.60
Over 3 up to 4 pounds	0.90
Over 4 pounds	1.20

• • • • •

919 Merchandise Return

919.1 Description

919.11 General. Merchandise return service allows authorized permit holders to pay the postage and fees on single-piece rate First-Class, Priority, third-class, and fourth-class (parcel post, special fourth-class, library rate, or bound printed matter) mail to be returned by their customers.

• • • • •

919.2 Permits

• • • • •

919.23 Processing Applications.

• • • • •

919.232 Annual Permit Renewals. The permit holder must renew the permit by sending the annual fee to the post office issuing the permit by the expiration date of the permit.

• • • • •

919.3 Postage and Fees

919.31 Annual Fee. A fee of $60 will be charged once each 12-month period for each permit issued.

919.32 Transaction Fee. The fee for each item returned is $0.20 per parcel, in addition to the postage and other applicable fees.

• • • • •

930 Supplemental Mail Services

931 Certificates of Mailing

• • • • •

931.2 Fees

• • • • •

931.23 Bulk Mailings. Identical pieces of First-Class and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps, are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$2.00
For each additional 1,000 pieces or fraction	.25
Duplicate Copy	.45

• • • • •

932 Return Receipts

932.1 Description.

932.11 Return Receipt with Special Service. Return receipt service furnishes a mailer with evidence of delivery. The service may only be obtained for mail that is sent COD or Express Mail, is insured for more than $50, or is registered or certified. After delivery, the Postal Service mails the return receipt to the sender. Return receipts may be requested either before or after mailing.

932.12 Return Receipt for Merchandise Service. Return receipt for merchandise service is available only for merchandise sent at Priority Mail, third-class, or parcel post rates of postage. See 934.

Note: For information about international return receipt service, see *International Mail Manual*, 340.

932.2 Fees (in addition to postage and other fees.) The fees for return receipts are:

REQUESTED AT TIME OF MAILING:	
Showing to whom (signature) and date delivered	$0.90
Showing to whom (signature), date, and address where delivered	$1.20
REQUESTED AFTER MAILING:	
Showing to whom and date delivered	$5.00
RETURN RECEIPT FOR MERCHANDISE (See 934)	
Showing to whom (signature) and date of delivery	$1.00
Showing to whom (signature), date, and address where delivered	$1.35

Note: The fee for a return receipt does not insure the article against loss or damage.

• • • • •

932.32 After Mailing

• • • • •

c. Mailer's may not request a return receipt after mailing for return receipt for merchandise mailings. See 934.1.

932.5 Duplicates

932.51 Failure to Receive Return Receipt. After a reasonable period of time, not longer than one year after the date of mailing, a mailer who did not receive return receipt service for which the mailer had paid, may request a duplicate.

a. The mailer must complete a Form 3811-A, *Request for Return Receipt (After Mailing)*, at any post office. The clerk will assist the mailer in completing Form 3811-A, postmark it and mail it to the delivering post office. Or, the mailer may request in writing a copy of the actual delivery record for mail sent COD, numbered insured, Express or registered mail. Waive the fee if the mailer can produce a receipt showing the applicable return receipt fee was paid. Requests for duplicate return receipts or copies of delivery records for Express Mail must be filed within 90 days of the date of mailing.

b. A request for a duplicate receipt for certified mail may be filed without additional charge only if the original Form 3800, *Receipt for Certified Mail*, was date-stamped by a post office at the time of mailing. If the original Form 3800 was not date-stamped, the post office must charge the fee for a return receipt after mailing.

932.52 Request for Duplicate or Return Receipt After Mailing Form 3811-A. Procedures for a request for a duplicate of a return receipt after mailing a Form 3811-A, are as follows:

a. Records of delivery must be checked, and the date of delivery and the name of the individual or organization to whom delivered must be entered on the Form 3811-A.

b. If a signed receipt is not found for certified mail, send the addressee Form 1510, *Mail Loss/Rifling Report*. If the reply indicates that the addressee has received the certified mail, file the completed Form 1510 with the delivery records as a receipt. The delivery information contained on the Form 1510 will be used to complete the Form 3811-A. If the addressee does not return a completed Form 1510 within 14 days, the Form 3811-A must be completed to show no record of delivery and returned to the mailer.

c. Form 3811-A must be postmarked and the postage for receipt after mailing canceled. Draw a line through the address of the delivery post office on the front of the Form 3811-A and mail the form back to the mailer.

* * * * *

933 Restricted Delivery

933.1 Description. Restricted delivery service permits a mailer to direct delivery only to the addressee or the addressee's authorized agent. The addressee must be an individual (or natural person) specified by name. The service may only be obtained for COD mail, mail insured for more than $50, and for registered or certified mail.

933.2 Fee (in addition to postage and other fee.) The fee for restricted delivery fee is $2.00.

* * * * *

934 Return Receipt for Merchandise

934.1 Description

a. Return receipt for merchandise service is a form of return receipt service which provides the sender with a mailing receipt, a return receipt, and a record of delivery at the office of address. No record is kept at the office of mailing. Mail using this service will be dispatched and handled in transit as ordinary mail. No insurance coverage is provided. Restricted Delivery service is not available. No return receipt can be requested after mailing. This service may not be used on international mail.

b. Mailers may be authorized to use specially designed and privately printed Form 3804, *Return Receipt For Merchandise*. The return receipt for merchandise endorsement block must be printed in brown using the same size and format. The return receipt for merchandise number must begin with the letter N. Proposed labels must be submitted to the Office of Classification and Rates Administration, Rates and Classification Department, U.S. Postal Service Headquarters, Washington, D.C. 20260-5360, through the local postmaster.

c. The proper placement of the return receipt for merchandise endorsement is described in 121.44 and illustrated in Exhibit 121.4.

934.2 What May Be Sent With Return Receipt For Merchandise Service. Return receipt for merchandise service is available only for merchandise sent at the Priority, third-class or parcel post rates of postage. All articles must be mailable in accordance with postal regulations. Special Delivery service is available upon payment of the prescribed fees (except for bulk third-class). Special handling is available for third-class and parcel post.

934.3 Fees:

Showing to whom (signature) and date of delivery	$1.00
Showing to whom (signature), date, and address where delivered	$1.35

934.4 Mailing

934.41 Payment of Fee and Postage. The fee and postage may be paid by stamps, meter stamps, or by permit imprint. The fee and postage on official mail of federal government agencies and departments are collected under the reimbursement procedures in 137.

934.42 Points to Which Mailable. Return receipt for merchandise mail may be addressed for delivery only:

a. In the United States and its territories and possessions;

b. Through Army, Air Force (APO), and Navy (FPO) post offices; and

c. Through the United Nations, New York, Post Office.

934.43 Where To Mail. Mailers must mail articles at a post office, branch, or station, or give them to a rural carrier. They must not be deposited in mail drops at post offices nor in or on street mailboxes. They may be placed in, but not on, rural mailboxes.

934.44 How To Mail. Obtain both a Form 3804, *Return Receipt For Merchandise*, and a Form 3811, *Domestic Return Receipt*, at the post office or from rural mail carriers. Observe the following procedures:

a. Enter on the receipt portion of the return receipt for merchandise, the name and complete address of the person or firm to whom the mail is addressed;

b. Affix the numbered portion of the gummed label from Form 3804 to the mailpiece;

c. Endorse the mailpiece on the address side (near the return receipt for merchandise label) "Return Receipt Requested" or "Return Receipt Requested Showing Address Where Delivered." Enter the return receipt for merchandise number on the Form 3811, address it to yourself, and attach it to the front of the mailpiece -- if it will not cover the address. Otherwise, attach it to the back of the mailpiece. The name of the person to whom the return receipt is to be furnished must be the same as that of the sender. If the return receipt is to show the address where the article was delivered, check the block at the top of Form 3811;

d. Attach to the article, sufficient postage to pay for the rate of postage desired, the return receipt for merchandise fee, and the special delivery or special handling fee, as appropriate;

e. Attach the return receipt for merchandise label to the address side of the article and present the completed receipt to a postal employee. If asked to do so, the postal employee will show on the receipt the time the article was accepted for mailing. If given to a rural carrier, the carrier will return the postmarked receipt to the customer;

f. Customers may instruct the Postal Service to deliver without obtaining a signature by signing the waiver on Form 3804. This option allows the delivery employee to sign for the article on the first delivery attempt to the listed address, if the addressee or the addressee's agent is not available to accept the shipment. Customers who elect to waive the addressee's or the addressee's agent's signature must accept the delivery employee's signature and date of delivery as proof of delivery. To

waive the signature, detach both portions of the gummed label and attach to the mailpiece.

934.5 Firm Mailing Books. If three or more articles are mailed at one time, the sender may use mailing books, Form 3877, which are furnished by the Postal Service without charge, or privately printed firm mailing bills. A series of numbers will be furnished to the sender by the local postmaster. The sheets of the book become the sender's receipts. The mailer must present the books with the articles to be mailed at a post office. Mailers must also obtain, at their expense, stamps to endorse the articles with the endorsement "return receipt for merchandise". The endorsement must be a facsimile or proportionate enlargement of the official endorsement shown in 934.1. Following are instructions for the use of firm mailing bills:

a. Write in "return receipt for merchandise";

b. The mailer must endorse and number the articles "Return Receipt Requested," "Return Receipt Requested Showing Address Where Delivered," or "Special Delivery," as appropriate. Prepare and attach the return receipt to the envelopes with the receipt side showing;

c. Show on the bill the number of each article and the name and address of addressee;

d. Enter only the amount of fees paid in the proper columns;

e. Affix necessary postage to the articles;

f. The accepting employee will count the items, postmark and receipt the bill for the total number, indicate time of mailing, if requested, and return the bill to the sender;

g. A postmarked receipt marked "Bulk Receipt" will be issued if the quantity mailings do not check out, or if they are not listed and arranged to permit issuance of a verified receipt.

934.6 Delivery

934.61 Procedures. Return receipt for merchandise mail for delivery by carriers will be taken out on the first trip after it is received, unless the addressee has requested that the postmaster hold the mail at the post office. Return receipt for merchandise mail will be delivered to the addressee or authorized representative. A signature must be obtained on Form 3849. If the mailer has indicated on the mailing label that the delivery is to be made without obtaining the signature of the addressee or the addressee's agent, sign the return receipt in the "Signature - Agent" block, sign Form 3849 in the "Received By" block and leave the article. Form 3849 should be initialed and dated in the "Delivered By" block. Similarly, when the addressee has properly authorized unprotected delivery, articles should be delivered in accordance with 153.82. The carrier should complete Form 3849 and the return receipt as above.

934.62 Rural Delivery. For delivery by rural carriers or at personnel and nonpersonnel rural units, see 156.

934.63 Highway Contract Route Delivery. Highway contract route carriers will deliver return receipt for merchandise mail, if required by the contract, but delivery will be made only at the customer's box or along the route.

934.64 Delivery Records. The delivery records will be held for 2 years. At the end of that period, the records will be destroyed.

934.65 Notice of Arrival. The carrier will leave a notice of arrival on Form 3849, *Delivery Notice Reminder/Receipt,* if he cannot deliver the return receipt for merchandise article for any reason. The article will be brought back to the post office and held for the addressee. If the article is not called for within 5 days, a second and final notice on Form 3849 will be issued. If the article is not called for or its redelivery requested, it will be returned at the expiration of the period stated by the sender, or after 15 days if no period is stated.

934.66 Delivery at Post Office. Hold return receipt for merchandise mail at a place convenient for the public to call, if addressed for box or general delivery or for firm callers or if a Form 3849 had been left for addressee to call. Place Form 3849 in post office boxes for box service customers. Use Form 3883 for firm or other customers who receive an average of three or more return receipt for merchandise articles at one delivery.

934.7 Carrier Controls

934.71 Assignment. Send return receipt for merchandise mail, including that for firms, to a unit or employee designated to assign it for delivery. Assign as follows:

a. Individual Pieces. Offices with 190 or more revenue units must use Form 3867, *Registered, Express Mail and Certified Matter Received for Delivery,* to show the total number of pieces given to each carrier. Use Form 3850, Record of Delivered Registered, Numbered Insured, Certified, and COD Mail, as the chargeout record at post offices with 189 or fewer revenue units. Obtain the signature of the carrier on Form 3867 or 3850.

b. Firm Mail. Prepare Form 3883, *Firm Delivery Book--Registered, Certified and Numbered Insured Mail,* in duplicate for addressees who receive an average of three or more pieces at one time.

c. Specials. Assign special delivery return receipt for merchandise separately for special delivery service, following the rules in 934.71a and b.

934.72 Clearance. The clearing clerk must clear carriers and messengers in the following manner:

a. Have carriers or messengers account in bulk for all return receipts for merchandise articles charged to them, either by signed receipts or returned articles. If any article or return receipt is not accounted for, make an immediate report to the supervisor. Endorse the chargeout record when clearing is complete.

b. Sign and give back to the carrier or messenger Form 3821, *Clearance Receipt,* which is prepared and submitted when accounting for certified and return receipt for merchandise articles and return receipts assigned for delivery.

c. If return receipt for merchandise articles returned undeliverable by a carrier or messenger are forwarded or returned, show disposition on Form 3867 and prepare a disposition record on Form 3849 including the name of the addressee. File the Form 3849 with the delivery receipts.

d. Examine all return receipts. Make sure that they are properly signed and that the date of delivery has been entered. If delivery was improper, have the carrier or messenger obtain the addressee's signature on another receipt card and destroy the original after the duplicate has been signed. Mail the receipts no later than the next working day.

e. It is the supervisor's responsibility to take prompt corrective action with the delivering employee if return receipts or delivery receipts have not been obtained or have been improperly completed.

f. If the mail is not delivered in 5 days, issue a second and final notice to the addressee on Form 3849 marked "FINAL NOTICE." Send it through regular channels with the addressee's ordinary mail.

934.73 Delivery to Military Installations. Return receipt for merchandise mail addressed for delivery at military installations within the continental United States must be delivered to the military installations in the same manner as numbered insured mail.

934.74 Filing Delivery Receipts. See 913.72 for instructions on filing delivery receipts.

934.75 Undeliverable. Handle return receipt for merchandise mail which is undeliverable or is to be forwarded in accordance with 159.3 and 159.4.

934.8 Acceptance Procedures

934.81 Individual Mailings. The window clerk should verify as follows:

a. Compare name and address of addressee on the article and on Form 3804, *Return Receipt for Merchandise;*

b. Make sure the article bears the proper endorsement;

c. Examine the return receipt card to determine whether appropriate blocks in instructions to delivering employee have been checked, and that the card is securely attached. Make sure address is properly completed by the sender;

d. Make certain that proper postal charges have been paid by stamps or meter strip affixed; endorse mail, if special delivery;

e. Postmark receipt portion and give to mailer. Initial by the entry on the receipt, in ink, the time the article was mailed, if requested to do so by sender;

f. Deposit article in mail. Do not return to the mailer.

934.82 Quantity Mailings. If the return receipt for merchandise mail numbers are listed on firm mailing bills in consecutive order and the mail is similarly arranged, verify quantity mailings as follows:

a. Count the pieces of mail and listings on the bill. They must agree;

b. Compare return receipt for merchandise mail numbers on first and last articles with the first and last numbers listed on the bill. They must agree;

c. Make a spot-check to determine that mailings are properly prepared and that postal charges have been fully prepaid;

d. Postmark receipt and give to mailer. Enter time articles were mailed, if requested to do so by the sender, placing your initials by the entry. Use ink to enter time and initials in the space for the name of accepting employee;

e. Deposit articles in mail. Do not return to mailer.

934.83 Verification of Delivery. Mailers may obtain a copy of the delivery record by sending a written request to the post office of address for a copy of the delivery record. The fee is $5 for each copy requested and must be sent with the request. Mailers may not obtain a return receipt after mailing.

* * * * *

940 Nonmail Services

941 Money Orders

941.1 Issuance

* * * * *

941.12 Amounts, Fees, and Payments

* * * * *

941.122 Fees

a. The fee for a postal military money order is $0.25. They are issued by military facilities authorized by the Department of Defense.

b. Fees for domestic money orders issued at other post offices, including those with branches or stations on military installations, are as follows:

Amount of money order	Amount of Fee
$0.01 to $35	$0.75
$35.01 to $700	1.00

* * * * *

941.4 Inquiries

* * * * *

941.43 Fee. The customer must pay a $2.00 fee for each money order inquiry submitted on a Form 6401. Each Form 6401 covers only one money order.

Exceptions: The $2.00 fee does not have to be paid by banks, other financial institutions, and Government agencies that process money orders directly with the Federal Reserve Bank, and for official post office business.

* * * * *

945 Mailing List Services

* * * * *

945.2 Sortation of Mailing Lists on Cards by Five-Digit ZIP Code

* * * * *

945.23 Multi-Five-Digit ZIP Code Post Offices

945.231 General. Under the following conditions, post offices will sort mailing lists consisting of addresses for the multi-five-digit ZIP Code post offices described in 122.632 (see also 122.633), according to five-digit ZIP Codes, at a charge of $42 per thousand addresses or fraction thereof, payable to the local postmaster upon submission of the list.

* * * * *

950 Alternate Delivery Services

951 Post Office Box (P.O. Box) Service

* * * * *

951.2 Fees

* * * * *

951.26 Fee Schedule

951.261 Fees are:

Group	Box size 1	2	3	4	5
	Per semiannual period				
1	$14.00	$19.50	$36.00	$60.00	$100.00
2	3.25	5.00	8.50	14.00	22.00
	Per annual period				
3	$2.00	2.00	2.00	2.00	2.00

* * * * *

952 Caller Service

* * * * *

952.2 Fees

952.21 Reserved Number Fee. The fee for each number reserved by a customer for future use is $20 per postal calendar year or any part of such a calendar year.

952.22 Caller Service Fees

* * * * *

952.222 Basic Caller Service Fee

a. General Rule. The basic fee for caller service is $170.00 for a semiannual period, to be applied to each caller number or separation used.

* * * * *

[FR Doc. 88-6701 Filed 3-25-88; 8:45 am]

BILLING CODE 7710-12-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 265

[FRL-3355-3]

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Clarification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of clarification.

SUMMARY: The Environmental Protection Agency is today clarifying the broad interpretation of the term "soil" in the preamble to regulations promulgated on March 19, 1987. These regulations provide conforming changes to the interim status requirements for closure of hazardous waste surface impoundments, to be equivalent to the requirements for permitted hazardous waste surface impoundments. The conforming regulation is found at 40 CFR 265.228, and was published at 52 FR 8704.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline at (800) 424-9346 (in Washington, DC, call 382-3000) or for technical information contact James T. Bachmaier, Office of Solid Waste [WH-565-E], U.S. Environmental Protection Agency, Washington, DC 20406, (202) 475-8859.

SUPPLEMENTARY INFORMATION: EPA published a final regulation on March 19, 1987, amending the interim status requirements in 40 CFR 265.228 for closure of hazardous waste surface impoundments (52 FR 8704, March 19, 1987). This amendment conformed the closure requirements for interim status surface impoundments to those requirements already in existence for permitted surface impoundments (40 CFR 264.228). The amendment specifies that all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated subsoils, and structures and equipment contaminated with waste and leachate, must be removed or decontaminated to achieve "clean closure" and avoid the need to perform post-closure care. The removal or decontamination of contaminated ground water to achieve clean closure of interim status surface impoundments was discussed in the preamble to the final rule. In that preamble, the Agency stated that the term "soil" includes both unsaturated and saturated soil, and therefore, that "uncontaminated ground water is * * * a requirement for 'clean closure' * * *". The Agency also stated that uncontaminated ground water had been a requirement for clean closure under previous regulations.

Subsequent to publication of this preamble, questions have been raised regarding the above statements that the Agency would now like to address. Such questions relate to the broad interpretation of the term "soil" to include ground water, and whether this interpretation has implications on use of "soil" elsewhere in the Part 264 or 265 regulations. The purpose of this notice is to clarify the Agency's position on the interpretations and policy statements made in the March 19, 1987, preamble, and to articulate the policy the Agency intends to follow in implementing closures of surface impoundments under 40 CFR 264.228(a)(1) and 265.228(a)(1). The Agency notes that these policies are also applicable to waste piles that close under 40 CFR 264.258(a) and 265.258(a).

First, the preamble discussion on cleanup of ground water at closure should have referred to EPA's use of the phrase "contaminated subsoils" in §§ 264.228(a)(1) and 265.228(a)(1) rather than to the phrase "underlying and surrounding soils," since the former term replaced the latter term as a result of the March 19, 1987 rulemaking. The term "contaminated subsoils," in the context of closure of surface impoundments and waste piles by removal or decontamination, is interpreted to refer to any materials that may have been contaminated by hazardous wastes managed in the unit. Such contamination is evidenced by the presence of hazardous constituents at the time of closure. EPA does not now intend to interpret the term "soil" or "subsoil" to include the ground water contained in saturated or unsaturated soil or subsoil at any other place in the regulations where these terms may appear. At this time, the Agency's interpretation is limited to closure requirements for hazardous waste management units.

Second, the Agency's policy is that post-closure care is unnecessary if no hazardous wastes or waste residues remain at the site of the unit after closure (see §§ 264.228(a)(1) and 265.228(a)(1)). The term "waste residues" refers to any hazardous constituents derived from hazardous wastes that are present in the environment at or above levels of human health or environmental concern. Such levels are discussed in the March 19, 1987 preamble. The Agency has used the term "waste residue" in its closure regulations to cover any hazardous constituents released from a unit to the subsoils, for example, through escape from a liner, spills, over-topping at a surface impoundment, run-off, volatilization, or wind-blown releases to the atmosphere from a surface impoundment or waste pile. The term "waste residue" also includes any decomposition products of hazardous waste that contain hazardous constituents that are present in the environment at or above levels of human health or environmental concern, as discussed in the March 19, 1987 preamble. To remove or decontaminate these residues, the unit owner or operator must remove or decontaminate all contaminated materials, including liners and leachate collection devices, unsaturated soils, saturated soils, ground water, surface water, surface water sediments, and any other material containing hazardous constituents released from a hazardous waste management unit prior to completion of closure. Post-closure care is necessary where any of these or other waste residues, including any waste residues located in the ground water, remain at the site of the unit at or above levels of human health or environmental concern following completion of closure activities.

Third, it is the Agency's policy that in order to achieve clean closure of a hazardous waste management unit, the owner or operator must remove only those hazardous wastes or waste residues that are in the unit or have migrated from it, as shown by the factual circumstances in each case.

List of Subjects in 40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

J.W. McGraw,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 88-6672 Filed 3-25-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking on Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: NHTSA denies a petition for rulemaking from BMW of North America, Inc. requesting an amendment of the Federal motor vehicle safety standard on lighting. The petition asked that the definition of replaceable bulb headlamp be amended so that the lens reflector assembly need not be bonded, or alternatively to exclude ellipsoidal headlamps from the definition. The agency is denying the petition, consistent with its previous position with respect to the desirability for safety reasons of a bonded lens reflector assembly, because the petitioner presented no new information to justify its request.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: Marian Ulman, Office of Rulemaking, NHTSA (202–366–5890).

SUPPLEMENTARY INFORMATION: On December 4, 1987, BMW of North America, Inc., submitted a petition for rulemaking requesting that NHTSA amend Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Paragraph S3 of the standard defines a "replaceable bulb headlamp" in pertinent part as "a headlamp comprising a bonded lens and reflector assembly * * *." BMW asked that the word "bonded" be deleted, or alternatively, that ellipsoidal-type headlamps now appearing on its cars, be excluded from the definition.

The effect of an amendment of this nature would be to allow separate lens and reflector components. In support of its petition, BMW argued that this would reduce costs so that broken headlamp lenses would be replaced in a timely manner. BMW recognized that the agency had previously denied a petition from General Motors to delete the bonding requirement (See 48 FR 44815) on the grounds that removable lenses introduce additional opportunities for aiming problems due to alignment inaccuracy; further, the opportunity exists for substitution of lenses designed for off-road vehicles and other U.S. beam patterns. In BMW's opinion, replaceable bulb headlamps can be designed so that these problems will not occur, citing features of its own ellipsoidal headlamp in support. As a general argument, it submitted that replaceable bulb headlamps are both left/right specific, and vehicle-specific, and that it was therefore unlikely that outside suppliers would introduce off-road lenses that would fit vehicles with on-road lamps. In addition, lenses for replaceable bulb headlamps would most likely be produced by the original manufacturer and available primarily through dealerships, where they most likely would be installed. BMW cites the statutory proscription against rendering inoperative original safety equipment (15 U.S.C. 1397(a)(2)(A) as a legal tool available for enforcement, mitigating against the likelihood of mismatched parts.

Both BMW and the agency agree on the importance of lens integrity to headlighting safety. A cracked lens can allow water to enter the chamber of a headlamp, dirtying the lens and reflector, eventually eroding the latter. As a result, the beam is altered. If the lens is separate from the reflector, there is less likelihood that the dirty or corroded reflector will be replaced or even cleaned when the lens is replaced. BMW, however, has not presented any information in support of its primary argument that lower replacement costs will lead to more frequent replacements. One could just as easily argue that for appearance reasons, or to avoid a possible legal citation, or to pass an upcoming annual inspection a vehicle owner will seek to replace a broken lens at the earliest feasible time. Given the lack of data related to the number of incidences where only the lens might be replaced and the numerical relationship between price and frequency of replacement, the petitioner cannot balance a possible increased frequency of replacement—a safety plus—against the possibility of increased misaim—a safety minus. Thus, the reason for the agency's denial of General Motors' petition remains.

Currently Standard No. 108 contains no performance requirements for lenses and reflectors, only that a replaceable bulb headlamp meet photometric and environmental requirements with the appropriate light source. It would be difficult and time-consuming for NHTSA to develop separate requirements covering aftermarket lenses and reflectors because there is no industry standard, such as an SAE Recommended Practice, available as a model. The attachment of the two pieces would have to be regulated in some fashion to ensure that lenses fit only one way to minimize misaim. A requirement would have to be adopted for providing DOT certification on the reflector. This would require additional regulations, at a time when the policy of the agency is to reduce regulation consistent with safety. For the same reason, the agency does not view with approbation the exclusion of ellipsoidal headlamps with replaceable bulbs from the bonding requirements applicable to all replaceable bulb headlamps; it would result in additional regulations, necessitating further Figures to a standard that already devotes 43 pages of the Code of Federal Regulations to them.

The agency has completed its technical review of BMW's petition, and has determined pursuant to 49 CFR 552.8 that there is not a reasonable possibility that the amendment requested in the petition will be issued at the conclusion of a rulemaking proceeding. Accordingly, the petition is denied.

(15 U.S.C 1410a; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on March 22, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88–6715 Filed 3–25–88; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Procedural Change in Requesting Comments on Species Listings in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of decision.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain species of animals and plants. Appendices I, II, and III to the Convention list those species for which trade is controlled. Appendix II includes species that any Party nation identifies as being subject to regulation within its jurisdiction for the purposes of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade. In certain situations, the U.S. Fish and Wildlife Service (Service) has decided to announce additions to Appendix II as final rules without first requesting comments on the issue of entering a reservation.

Any Party may enter reservations on any species added to the Appendices. The effect of a reservation is to exempt that Party from implementing the Convention for a particular species. There is no time limit for entering reservations on species added to Appendix II. Public comments on the issue of entering a reservation will still

be considered after publication of the final rule, and reservations could be entered if appropriate.

DATES: This procedural change is effective April 27, 1988, and will apply to future additions to Appendix III as determined appropriate on a case by case basis.

ADDRESSES: Please send correspondence concerning this document to the Office of Scientific Authority; Mail Stop: Room 527, Matomic Building; U.S. Fish and Wildlife Service; Department of the Interior; Washington, DC 20240. Materials received will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday in Room 537, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane at the address given above, or telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION:

Background

The Covnention regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Apppendix II includes species that although not necessarily now threatend with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those of other species). Appendix III includes native species that any Party nation identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties in controlling trade.

Any Party nation may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties, or by postal procedures between meetings. Amendments are adopted by a two-thirds majority of the Parties voting at meetings or voting when necessary by the postal procedures. Species can be added to Appendix III by any Party nation that unilaterally makes such a request of the Convention's Secretariat, and identifies them as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation.

Under the Convention, trade in specimens of species included in Appendix III requires the issuance of either an export permit, a re-export certificate or a certificate of origin. Export permits are required if the shipment originates from the nation that has included the species in Appendix III. The export of specimens of these species from other nations requires the presentation of "certificates of origin," or in the case of re-export, "certificates from the nation of re-export," which are required to show that the specimen was processed in that nation and/or is being re-exported. Trade in any specimen of these species, whether alive or dead, will be covered by the provision of the Convention, as will trade in any readily recognizable part or derivative (unless an exemption for any part or derivative is specified in the listing).

As a Party to the Convention, the United States has an opportunity to reserve on amendments to the Appendices. Articles XV and XVI of the Convention enable any Party to exempt itself from implementing the Convention for any particular species or part or derivative if it enters a reservation with respect to that species. In the case of a nation that is a Party at the time an amendment to Appendix I or II is adopted, a reservation may be entered only during the period of 90 days (1) after the meeting at which Parties voted to place the species in Appendix I or II or (2) in the case of votes by postal procedures, after the date of notification by the Secretariat of the species' acceptance. In the case of a nation that is a Party at the time an amendment to Appendix III is requested, a reservation may be entered at any time after the Secretariat notifies the Parties of the amendment placing the species in Appendix III.

The limitations on the effect of reserving in alleviating importers and exporters from permit requirements were discussed in the previous **Federal Register** document (52 FR 43924; November 17, 1987) proposing this procedural change. Further, the entering of a reservation could interfere with one of the major U.S. goals under the Convention, which is full and active compliance with the spirit of this treaty by all countries. The U.S. Department of State, as a matter of general policy, does not favor the United States taking reservations under any treaty except in those cases where, absent a reservation, the treaty would conflict with U.S. law or be impracticable to implement. Service interest in bilateral cooperation with foreign governments in support of conservation efforts and preservation of endangered and threatened species, the fact that trade in Appendix III species not native to the United States is not prohibited under the Convention in any way, and the fact that paperwork processing associated with certificates for re-exports or indicating country of origin is already minimal, make it even less likely that the Service would recommend that a reservation be entered for an Appendix III listing.

Comments Received

The Wildlife Legislative Fund of America commented in support of this proposed procedural change. No other comments were received in response to the Service's solicitation for comments on the proposed procedural change (52 FR 43924). Furthermore, no comments with regard to entering reservations on previous Appendix III listings, at least in recent years, have been submitted.

Decision on Procedural Change

The Service has decided not to request public comments on whether to enter a reservation for any species added to Appendix III prior to the issuance of a final rule announcing the additions to Appendix III as determined appropriate on a case by case basis. The Service has made this decision based on (1) the lack of comments on previous Appendix III listings, (2) the Service's and U.S. Department of State's policies disfavoring reservations, (3) the opportunity provided in the Convention to enter reservations on Appendix III species at any time, and (4) the absence of any objection to this proposed procedural change. The main effect of this decision will be to reduce the Federal paperwork burden, thereby saving time and money.

In certain situations, the Service will submit future Appendix III species listings as final rules for immediate inclusion in the Code of Federal Regulations (50 CFR 23.23). Such final rules would contain a statement of reasons supporting the Service's finding that good cause exists to omit the proposed rule notice and public procedure thereon, because they would be "impracticable, unnecessary, or contrary to the public interest" (5 U.S.C. 553(b) (1982)).

While the Service proposes not to routinely request comments as to amending the list of Appendix III species in the Code of Federal Regulations, the Service may request public comments with regard to reservations in a proposed rule if a significant biological, trade, or legal issue exists. In any event, public

comments will be welcomed after any final rule amending the list of Appendix III species is published in the **Federal Register**. Inasmuch as reservations on Appendix III species can be entered *at any time*, any comment requesting a reservation could be addressed, and reservations entered if warranted even after publication of the final rule in the **Federal Register**.

If the United States considered it appropriate to initiate adding a species to Appendix III (which it has not done thus far), the Service would propose the species in the **Federal Register** and seek public comment in the usual way. This new procedure only applies to Appendix III listings by other Parties.

Note.—The Department has determined that amendments to the Convention Appendices, which result from actions of the Parties to the Convention, do not require the preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321–4347). The Department also has determined that this listing action is not a rule for purposes of Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601). Rules on Appendix III species listings do not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The document was prepared by Dr. Charles W. Dane, Chief, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 23

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

Dated: March 17, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

FR Doc. 88–6647 Filed 3–25–88; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 53, No. 59
Monday, March 28, 1988

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

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 58

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; Proposed Increase in Fees and Other Administrative Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments relative to the proposed rule.

SUMMARY: This notice extends the time for filing comments to a proposed rule issued February 11, 1988, concerning increases in fees and other administrative changes. The American Dairy Products Institute and the National Milk Producers Federation requested additional time to prepare and file comments.

DATE: Comments now are due on or before April 1, 1988.

ADDRESS: Comments should be sent to: USDA/AMS/Dairy Division, Office of the Director, Room 2968-S, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Lynn G. Boerger, USDA/AMS/Dairy Division, Dairy Grading Section, Room 2750-S, P.O. Box 96456, Washington, DC 20090–6456, (202) 382–9381.

SUPPLEMENTARY INFORMATION: Prior documents:

Proposed Rule: Issued February 11, 1988; published February 17, 1988 (53 FR 4639).

Notice is hereby given that the time for filing comments to the proposed rule, issued February 11, 1988, is hereby extended to April 1, 1988.

List of Subjects in 7 CFR Part 58

Food grades and standards, Dairy products.

The authority citation for 7 CFR Part 58, continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended, 7 U.S.C. 1621–1627, unless otherwise noted.

Signed at Washington, DC on March 18, 1988.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 88–6653 Filed 3–25–88; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88–ASO–3]

Proposed Amendment to Control Zone; Jacksonville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Jacksonville, North Carolina, control zone by changing the published hours during which the control zone is effective. This action will extend the effective hours to include periods of increased instrument flight activity at the MCAS New River (McCutcheon) Airport.

DATES: Comments must be received on or before May 1, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO–530, Manager, Airspace and Procedures Branch, Docket No. 88–ASO–3, P. O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88–ASO–3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Jacksonville, North Carolina, control zone. This action will extend the current effective hours for the control zone to accommodate increased instrument flight activity at the MCAS New River

(McCucheon) Airport. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zone.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Jacksonville, NC [Amended]

By deleting the last sentence which begins with the words, "This control zone is effective from 0700 hours, ..." and by adding the following sentence to the end of the description: "This control zone is effective from 0700–2300 hours, local time, Monday through Friday; 0900–1500 hours, local time, Saturday; 1500–1900 hours, local time, Sunday, and closed on holidays."

Issued in East Point, Georgia, on March 14, 1988.

James L. Wright,

Manager, Air Traffic Division, Southern Region.

FR Doc. 88-6626 Filed 3-25-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AGL-21]

Proposed Alteration of VOR Federal Airways; Illinois

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of VOR Federal Airways V-10, V-100, V-173, V-227, V-233 and V-429 located in the State of Illinois. These airway changes are the recommendations of a study group to improve the use of airspace in the Chicago, IL, metropolitan area. This action would improve the arrival/departure traffic flow in the O'Hare terminal area.

DATES: Comments must be received on or before May 5, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 87-AGL-21, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-21." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of V-10, V-100, V-173, V-227, V-233 and V-429 located in the State of Illinois. This proposal is the culmination of an airspace utilization improvement study for the Chicago, IL, area. These requested changes are adjustments to O'Hare approach control arrival and departure routes. In conjunction with these airspace changes, resectorization at the O'Hare Air Traffic Control Tower and the Air Route Traffic Control Center will be completed so that the airway changes and resectorization will be simultaneous. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routing amendments are necessary to keep them operationally current. It,

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

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

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

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

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

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-10 [Amended]

By removing the words "INT Bradford 056° and Joliet, IL, 351° radials." and substituting the words "INT Bradford 058°T(054°M) and Joliet, IL, 287°T(285°M) radials."

V-100 [Amended]

By removing the words "INT Rockford 080° and Northbrook, IL, 290° radials;" and substituting the words "INT Rockford 074°T(073°M) and Janesville, WI, 112°T(109°M) radials; INT Janesville 112°T(109°M) and Northbrook, IL, 290°T(288°M) radials;"

V-173 [Revised]

From Capital, IL; to Peotone, IL.

V-227 [Revised]

From Boiler, IN; Roberts, IL; Pontiac, IL; INT Pontiac 006°T(003°M) and Bradford, IL, 058°T(054°M) radials.

V-233 [Amended]

By removing the words "From Capital, IL, via Roberts, IL;" and substituting the words "From Capital, IL; INT Capital 063°T(059°M) and Roberts, IL, 233°T(231°M) radials; Roberts;"

V-429 [Amended]

By removing the words "Joliet, IL; INT Joliet 351° and Chicago O'Hare, IL, 237° radials." and substituting the words "to Joliet, IL."

Issued in Washington, DC, on March 10, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-6625 Filed 3-25-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-88-1776; FR-2495]

Section 8 Housing Assistance Payments Program; Fair Market Rents for New Construction and Substantial Rehabilitation—Rome, GA; Special Revision

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

ACTION: Proposed Fair Market Rents.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to establish Fair Market Rents (FMRs) periodically, but not less frequently than annually. This document proposes to amend the Fiscal Year 1986 Fair Market Rent Schedule to establish new Fair Market Rents for the Rome market area in the State of Georgia. These rents are necessary to provide fair market rents more comparable to market rents for new construction in this market area.

DATE: Comment Due Date: April 27, 1988.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, 451 Seventh Street SW., Washington, DC 20410-0500, telephone (202) 426-7624. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe, and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income families for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments on behalf of eligible families to owners. When families lease an eligible unit, the housing assistance payment is made and is based upon the difference between the total housing expense and the total family contribution. Initial contract rents, plus an allowance for utilities generally may not exceed area-wide Fair Market Rents (FMRs) established by the Department. FMRs are based primarily on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. In addition, for the FY 1986 Fair Market Rents previously promulgated by the Department (see the August 7, 1986 **Federal Register**, 51 FR 28486), these rents reflected the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs.

This Document

This document proposes a special revision to the entire Fiscal Year 1986 Fair Market Rent schedule applicable to the Rome, Georgia market area. The 1986 FMRs reflected data submitted by the Atlanta Office, as well as the cost containment efforts implemented for all 1986 New Construction and Substantial Rehabilitation Rents. While the data submitted by the field office was proper, it reflected comparables all built during the early 1970s because there has been no construction of modestly designed rental housing in the Rome market area for the past several years. (Moreover, the Rome market area experienced an economic decline during 1983 and 1984.) HUD's procedures, which are consistent with sound appraisal practices, permit

the use of such comparables, which are then adjusted for all variables, including age. Further, where comparables do not exist, HUD procedures permit the use of an interpolation technique to arrive at indicated FMRs. Although the use of interpolation and adjustments to establish rents are sound principles and techniques, the best data for "market rents" would be that from recently constructed projects, as it would necessarily reflect current conditions in the marketplace with respect to financing, vacancy rates, etc., and would provide a degree of assurance that rents so derived should be adequate to support new projects, all factors being equal.

The HUD Field Office hs requested that the Department propose new rents for the Rome, Georgia market area. Careful analysis of this request and reanalysis of the 1986 FMRs for this market area indicate that the rents resulting from the application of the aforementioned techniques, when modified to reflect the Department's cost containment policies, are not adequate, even when it is clear that there has been compliance with the Department's cost containment guidelines with respect to project design. Therefore, an upward adjustment of the 1986 FMRs for this market area is needed. Accordingly, the Department is proposing a revision of the entire 1986 schedule applicable to the Rome, Georgia market area. It is intended that when this schedule is published for effect, its applicability will be the same as set forth in the preamble to the original Fiscal Year 1986 schedule, published on August 7, 1986, at 51 FR 28486.

Other Information

HUD regulations in 24 CFR Part 50, implementing section 102(2)(c) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the FMRs proposed in this Notice are within the exclusion set forth in § 50.20(l), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Income Housing Assistance Program (Section 8).

Accordingly, the following amendment to the 1986 Fair Market Rent schedule is proposed for the Rome, Georgia market area:

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES' PROGRAMS)

[Region 4—Atlanta Regional Office Market: Rome]

Structure type	Number of bedrooms				
	0	1	2	3	4+
Detached	.....	.....	442	515	555
Semi-detached/row	307	333	384	456	510
Walkup	295	320	379	443	496
Elevator 2-4 STY	320	345	404	.....	.....
Elevator 5+ STY	381	400	460	.....	.....

Dated: March 21, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 88-6712 Filed 3-25-88; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revneue Service

26 CFR Part 1

[LR-97-86]

2-Percent Floor on Miscellaneous Itemized Deductions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary income tax regulations relating to the 2-percent floor on miscellaneous itemized deductions. The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

Proposed Effective Date

The regulations are proposed to be effective for taxable years beginning after December 31, 1986.

Dates for Comments and Requests For a Public Hearing

Written comments and requests for a public hearing must be delivered or mailed by May 27, 1988.

ADDRESS: Send comments and requests for a public hearing to: Commission of Internal Revenue, Attention: CC:LR:T (LR-97-86) Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Beverly A. Baughman of the Legislation and Regulation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC. 20224 (Attention: CC:LR:T) (202-566-3297, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR Part 1) to provide rules under section 67.

For the text of the temporary regulations, see T.D. [8189], published in the Rules and Regulations portion of this issue of the **Federal Register.** The preamble to the temporary regulations explains the addition to the regulations.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Comments and Requests For a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of time and place will be published in the **Federal Register.** The collection of information requirements contained herein have been submitted for OMB review under the Paperwork Reduction Act, and comments on them should be sent to the Office of Information and Regulatory Affairs of OMB, ATTN: Desk Office for Internal Revenue Service, New Executive Office Bldg., Washington, DC 20503. The Internal Revenue Service requests persons submitting comments to OMB to

also send copies of the comments to the Service.

Drafting Information

The principal author of these proposed regulations is Beverly A. Baughman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.61–1 Through 1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

These amendments are necessary because of the addition of section 67 to the Code by section 132 of Pub. L. 99–514 (100 Stat. 2113). These regulations are proposed to be issued under the authority contained in section 67(c) and 7805 of the Internal Revenue Code 1986 (100 Stat. 2114, 26 U.S.C. 67(c); 68A Stat. 917, 26 U.S.C. 7805, respectively).

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 88–6472 Filed 3–25–88 8:45 am]

BILLING CODE 4830–01–M

31 CFR Part 10

Tax Practitioners; Enrolled Agent

AGENCY: Department of the Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Director of Practice, Internal Revenue Service, has been asked to consider replacing the designation "Enrolled Agent," wherever it appears in 31 CFR Part 10 (Treasury Department Circular No. 230) to describe those who are enrolled to practice before the Internal Revenue Service. The request is based on the belief that another designation for those individuals will be more meaningful to the general public. Members of the tax practitioner community and other members of the public are invited to submit comments on the need and desirability of such revision. Those who believe a change is warranted are encouraged to propose new designations they consider suitable. Upon receipt of comments, the matter will be reviewed and evaluated.

DATES: Comments must be submitted on or before June 27, 1988.

ADDRESSES: Mail comments to Director of Practice, Internal Revenue Service, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Marcus Farbenblum, (202) 535–6787 or 535–6796.

SUPPLEMENTARY INFORMATION: The designation "Enrolled Agent" is generally used to describe those who have been enrolled to practice before the Internal Revenue Service, pursuant to the regulations governing practice before the Internal Revenue Service, 31 CFR Part 10 (Treasury Department Circular No. 230). The designation is not based on statutory mandate. Rather, it has evolved as a matter of customary use in the tax practitioner community. Such use has resulted in its reference in Treasury Department Circular No. 230. An observation made by members of the tax practitioner community is that the designation may not be sufficiently descriptive to be meaningful to the general public. Among the reasons for this observation are that the designation does not indicate any relationship to Federal taxation and does not specify the nature of the activity which the individual is enrolled to perform. Further, it may not be clear to some that an "Enrolled Agent" is the employing taxpayer's representative rather than an agent of the Government. In this connection, the similarity between the designation "Enrolled Agent" and the titles of positions within the Internal Revenue Service, such as "Revenue Agent" and "Special Agent," may confuse some taxpayers and deter them from seeking the assistance of "Enrolled Agents." It therefore has been suggested that the "Enrolled Agent" designation may be the unintended cause of significant disservice to the public and to the profession. Consequently, the Director of Practice and others in the Department of the Treasury have been urged to consider replacing the designation "Enrolled Agent" with a more descriptive term, such as "Enrolled Tax Practitioner" or "Enrolled Taxpayer Representative."

Contrary views also have been received. Such views generally suggest that many "Enrolled Agents" have established reputations for themselves and their profession which would be adversely affected by a change in designation. They argue that any change would create greater confusion and have more adverse consequences than benefits.

To fully assess the matter and to best serve the public and the tax practitioner community, the Director of Practice requests that interested persons make their views and experiences known. Comments on the need and desirability of a change, proposals for a suitable designation and expressions of contrary views are invited so as to determine if a consensus or any overwhelmingly convincing argument for or against a name change exists.

Authority: 5 U.S.C. 301; 31 U.S.C. 330.

Dated: March 23, 1988.

Leslie S. Shapiro,

Director of Practice.

[FR Doc. 88–6690 Filed 3–25–88; 8:45 am]

BILLING CODE 4810–25–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 88–57; FCC88–38]

Review of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network; and Petition for Modification of the Commission's Rules Filed by the Electronic Industries Association

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action is being taken to determine whether some of the regulatory restrictions on subscriber installation of simple inside wiring and access to carrier-installed facilities may be more restrictive than necessary and should be modified or removed. The objective of the item is to eliminate restrictions in the Commission's inside wiring program which are unnecessary or inimical to the public interest, while at the same time clarifying and strengthening certain Part 68 regulations essential to the program. The proposed amendment of the rules also offers for public comment the petition of Electronic Industries Association (EIA) who asks the Commission to require that all plugs and jacks used in simple inside wiring conform to certain technical specifications.

DATES: Interested parties may file comments on or before April 29, 1988 and reply comments on or before May 16, 1988. For general information on how to file comments, inquire of the Commission's Consumer Assistance and Small Business Division, telephone (202) 632–7000.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Domestic Services Branch, Common Bureau, telephone (202) 634–1832.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in CC Docket No. 88-57 (RM-5643), FCC 88-38, adopted January 29, 1988 and released March 8, 1988. The complete document may be inspected and copied during the weekday hours (excluding federal holidays) of 9 a.m. to 4:40 p.m. in the Commission's Public Reference Room, Room 239, 1919 M St., NW., Washington, DC; or a transcript may be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rulemaking

Part 68 of the Commission's rules, 47 CFR Part 68, contains the conditions under which telephone subscribers or their agents may connect subscriber-owned equipment to the telephone network without causing harm. Rule § 68.104 provides that all connections to the network be made through the standard plugs and standard telephone company provided-jacks defined in Subpart F of Part 68. The Commission is concerned that requiring telephone company installed jacks may be causing consumers unnecessary costs as they install, modify and use wiring and other equipment in ways that may be privately beneficial. Simply prohibiting access to the protector and its associated grounding combined with carrier-sponsored consumer education programs might be adequate to assure that consumers will not access the protector. By this NPRM, therefore, the Commission seeks to determine whether its rules should continue to require that a telephone carrier's installed jack be present before a subscriber may install simple inside wiring. In effect, the NPRM proposes that § 68.104 be modified to provide for subscriber connection to the network by directly accessing carrier-installed wiring and installing (up to and including the network interface or demaraction point) the type of jack defined in Subpart F of Rule Part 68. Moreover, the NPRM requests reevaluation of the Commission's previous determination that access to the protector poses potential harm to the network that justifies reserving access to the protector (on the telephone company side of the demarcation point) to the telephone company alone.

Section 68.213 of the Commission's Rules governs simple inside wiring, i.e., one and two-line wiring connected to the telephone network. The Commission is of the view that some of the originally adopted regulatory requirements for installation of simple inside wiring by the customer or his agent may be more restrictive than necessary to assure network protection. All of the requirements of § 68.213 are reviewed in the NPRM, and the Commission proposes that for the most part they be eliminated or modified to be less restrictive. However, the Commission proposes to retain some requirements such as technial standards for telephone wire.

The NPRM also considers the petition of EIA who requests that the Commission initiate a rulemaking proceeding to make plain the requirement that both plugs and jacks used in simple inside wiring conform to Subpart F of Part 68 of the rules which defines the technical specifications for plugs and jacks used as standard connectors.

For the reasons set forth in the NPRM, the Petition for Rulemaking, RM-5643, filed by EIA is granted. Moreover, Notice of Proposed Rulemaking is provided to amend Part 68 of the Commission's Rules as provided in the **"Proposed Rule Amendments"** contained below.

Public evaluation is invited on all issues raised in the NPRM.

(**Note:** Since this **Federal Register** publication is only a brief summary of the NPRM, parties interested in the proceeding are urged to examine the complete document which, as stated above, may be copied at the Commission's Public Reference Room or purchased from International Transcription Services).

Legal Basis

Authority for this action is contained in the Communications Act of 1934, as amended, 47 U.S.C. 151 *et seq.*, amended.

Ex Parte Presentations

This is a non-restricted notice and comment rulemaking proceeding. For rules governing permissible *ex parte* contacts, *see* § 1.1200, *et seq.*, of the Commission's Rules, 47 CFR 1.1200 *et seq.* as amended by the Commission's Report and Order in Gen. Docket No. 86-225 released May 22, 1987 [FCC 87-94], 2 FCC Rcd 3011, 52 FR 21051 (June 4, 1987); *partial reconsideration pending*, 2 FCC Rcd 4264, *Erratum*, 2 FCC Rcd 4265 (1987). A synopsis of regulations governing *ex parte* presentations is contained in the NPRM.

Initial Regulatory Flexibility Analysis

The purpose of this NPRM is to eliminate potentially unnecessary regulatory requirements covering premises wiring and jacks installed by telephone subscribers or their agents. The objective of the NPRM is to provide an opportunity for public comment so that a Commission decision may be based on that record. Elimination of current requirements on the installation of telephone wiring and jacks by telephone subscribers and their agents will reduce regulatory requirements on telephone subscribers and small entities employed by them to perform such installations.

Written comments are requested on the Initial Regulatory Flexibility Analysis. Such comments must be filed in accordance with the same filing deadlines set for comments on the other issues in this NPRM but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis.

List of Subjects in 47 CFR Part 68

Connections to the telephone network, Premises wiring, Plugs and jacks, Interference, Data equipment, Unprotected premises wiring, Telephone tariffs.

Proposed Rule Amendments

It is proposed to amend Part 68 of the Commission's Rules and Regulations (Chapter I, Title 47 of the Code of Federal Regulations, Part 68), as follows:

PART 68—[AMENDED]

1. The authority citation for Part 68 continues to read:

Authority: Sec. 4, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, 48 Stat. as amended, 1066, 1070, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 154, 201, 202, 203, 204; 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, unless otherwise noted.

2. Section 68.104, 47 CFR 68.104, is amended to revise paragraph (a) to read as follows:

§ 68.104 Means of connection.

(a) *General.* Except for telephone company-provided ringers and except as provided in paragraph (c) of this section, all connections to the telephone network shall be made through the standard plugs and jacks, or equivalent, described in Subpart F, in such a manner as to allow for easy and immediate disconnection of the terminal equipment or wiring. Standard jacks shall be so arranged that, if the plug connected thereto is withdrawn, no interference to the operation of the equipment at the customer's premises which remains connected to the telephone network shall occur by reason of such withdrawal.

* * * * *

3. Section 68108, 47 CFR 68.108, is revised to read as follows:

§ 68.108 Incidence of harm.

Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the telephone network, the telephone company shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the telephone company may temporarily discontinue service forthwith, if such action is reasonable under the circumstances. In case of such temporary discontinuance, the telephone company shall (a) promptly notify the customer of such temporary discontinuance, (b) afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance and (c) inform the customer of his right to bring a complaint to the Commission pursuant to the procedures set forth in Subpart E of this part.

4. Section 68.213, 47 CFR 68.213, is amended to revise paragraphs (a) and (b) to read as follows, and to remove paragraphs (f) and (g):

§ 68.213 Installation of other than "fully protected" non-system simple customer premises wiring.

(a) *Scope.* Provisions of this rule are limited to "unprotected" premises wiring used with simple installations of wiring for one and two-line residential and business telephone service. Unprotected premises wiring is wiring which is not located electrically behind apparatus which protects against hazardous voltages and imbalance. More complex installations of wiring for multiple line services, for use with systems such as PBX and key telephone systems, are controlled by § 68.215 of these rules.

(b) *Wiring authorized.* (1) Unprotected premises wiring may be used to connect units of terminal equipment or protective circuitry to one another, and to the network interface (or demarcation point), if installed in accordance with these rules. Telephone customers and/or premises owners, and their agents, may additionally directly access, mechanically and electrically, carrier-installed wiring up to and including the demarcation point and install standard jacks described in Subpart F. Responsibility for wiring on the subscriber's side of the demarcation point, including any wire or jacks that may have been installed by the carrier and may continue to be owned by the carrier, rests with the subscriber and/or premises owner. Responsibility for carrier facilities and wiring to which the customer is not permitted access rests with the carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point except that access to the protector and associated grounding is permitted in accordance with the carrier's reasonable and nondiscriminatory standard operating practices.

* * * * *

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-4491 Filed 3-25-88; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 53, No. 59
Monday, March 28, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Valencia Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of marketing policy.

SUMMARY: This notice sets forth a summary of the 1987–88 marketing policy for Valencia oranges grown in California and Arizona. The marketing policy was submitted by the Valencia Orange Administrative Committee, which locally administers the marketing order covering California-Arizona Valencia oranges. The marketing policy contains information on crop and market prospects for the 1987–88 season.

DATE: Written suggestions, views, or pertinent information relative to the marketing of the 1987–88 California-Arizona Valencia orange crop will be considered if received by April 7, 1988.

ADDRESS: Interested persons are invited to submit written statements in triplicate to: Docket Clerk, Room 2085–S, F&V, AMS, USDA, P.O. Box 96456, Washington, DC 20090–6456. Such submissions should reference the date and page number of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–2491. Growers and handlers of Valencia oranges may obtain a copy of the marketing policy directly from the Valencia Orange Administrative Committee. Copies of the marketing policy are also available from Ms. Schlatter.

SUPPLEMENTARY INFORMATION: Pursuant to § 908.50 of the marketing order covering Valencia oranges grown in Arizona and designated part of California, the Valencia Orange Administrative Committee, hereinafter referred to as the "committee", is required to submit a marketing policy to the Secretary prior to recommending regulations for the ensuing season. The order, issued pursuant to the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601–674), as amended, authorizes volume and size regulations applicable to fresh shipments of Valencia oranges to domestic markets which are defined by the order to include Canada. Regulation of export shipments of Valencia oranges and Valencia oranges utilized in the production of processed orange products are not authorized under the order.

Prior to the recommendation for regulation for each prorate district, the committee shall submit to the Secretary its marketing policy for the ensuing season. Such marketing policy shall contain the following information: (1) The available crop of oranges in the prorate district, including estimated quality and composition of sizes; (2) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (4) available supplies of the competitive oranges in all producing areas of the United States; (5) level and trend of consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In formulating its marketing policy, the committee should give due consideration to the onset and during of prorate and size regulation. In the event that it becomes advisable to substantially modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this paragraph.

The committee adopted its marketing policy for the 1987–88 marketing season at its February 16, 1988, meeting. Various meetings to develop, duscuss and review the committee's marketing policy were held throughout the production area on February 2 and 16 in Los Angeles, California; February 19 in Yuma, Arizona; March 1 in Ventura, California; and March 8 in Visalia, California. Substantial numbers of industry representatives were present at these meetings. The marketing policy is intended to inform the Secretary and persons in the industry of the committee's plans for recommending regulation of shipments during the marketing season and the basis therefore. The committee evaluates prospective market conditions and makes recommendations to the Secretary as to the quantity of Valencia oranges that can be shipped each week to domestic outlets during the season without disrupting markets. However, during the season each weekly recommendation may vary from the schedule depending on prevailing market conditions. Under certain conditions, the committee may recommend size regulations applicable to fresh domestic shipments.

In addition to providing the Secretary with information specified in the marketing order about crop and marketing conditions, the policy statement affords an opportunity for growers and handlers to gain a broad perspective of the industry as it relates to all prorate districts and supplies a view of the anticipated economic environment in which the total crop will be marketed.

In its marketing policy, the committee discussed the general classification by the public of the Valencia orange as a "juice orange". This year, 34 to 36 percent of the crop will be accounted for in processed and other use markets. This compares to a three year average of 31 percent. Domestic fresh and fresh export utilization will account for approximately 64 percent of the crop this year compared to a three year average of 69 percent.

The committee also discussed the competition which the Valencia orange faces as a summer fruit. This is one of the foremost factors affecting the development of the policy for the season and it impacts heavily in the decisions which are made weekly by the committee and daily by the individual handlers in their own operations.

The committee stated that many of the summer fruits (apricots, peaches, plums, grapes, cherries, etc.) enjoy distinct advantages over the Valencia orange in

marketing and promotion. All are classified as "seasonal" crops. This gives them a novelty value at the start of their respective seasons and thereby supplies marketers with built-in promotional potential as each becomes available in increasingly heavy volume.

This seasonal characteristic, according to the committee, also permits a pricing pattern which is advantageous. "First-of-the-season" supplies are often sold at premium prices. As the volume of shipments increases, prices are reduced even though they may still cost more than oranges or other non-seasonal commodities.

In its 1987–88 marketing policy, the committee projected a range of production for the California-Arizona Valencia orange crop of 48,000 to 53,500 cars (1,000 cartons at 37½ pounds net weight each equals one car). This compares with last year's estimated total production of 50,990 cars. The USDA's National Agricultural Statistics Service (NASS) estimate for the California-Arizona 1987–88 crop is 52,800 cars. The current committee/NASS forecast places the crop within the most recent five year average crop size of 52,840 cars.

The committee estimates District 1, Central California, 1987–88 production to range from 18,00 to 20,000 cars, compared to 23,300 cars produced in 1986–87. While freezing temperatures were experienced in this district during December 13–15, 1987, and again during December 23–29, it is not believed at this time that crop losses of any magnitude will be experienced in the district. There may be some unforeseen losses in isolated areas, but they would not be expected to cause the crop to fall below the lower end of the range.

In District 2, Southern California, the crop is expected to range from 26,500 to 29,500 cars, compared to 23,300 cars produced last year. As in the other California-Arizona production areas, freezing temperatures were experienced in this district in the mid and latter part of December. In addition to the cold weather, severe winds were experienced in the eastern portion of the district on December 23 and 24. It is possible that the adverse weather experienced in District 2 during December may result in a crop out-turn at the lower end of the range, but this will not become known until the season gets underway.

In District 3, the Arizona-California desert valley, production is expected to be in a range of 3,500 to 4,000 cars, compared to 4,400 cars in 1986–87. Cold weather experienced in this district was more severe in the Phoenix area than in the area surrounding Yuma, but that weather is not expected to result in any actual crop losses except, perhaps, in isolated areas.

The committee estimated that shipments to domestic fresh outlets, including Canada, during the 1987–88 season will account for approximately 20,000 to 21,000 cars. Last year a total of 20,239 cars were shipped to fresh domestic markets. Fresh export shipments are expected to total approximately 11,000 to 12,000 cars compared to 12,315 cars last year. Processing usage is forecast at approximately 16,100 cars to 19,400 cars compared to 17,548 cars last year. The committee believes that the fresh domestic market will absorb all the fruit that meets quality standards and is economically feasible to ship.

In terms of total crop utilization, the committee expects 39 to 42 percent of the 1987–88 crop to be accounted for in domestic fresh markets compared with 40 percent in 1986–87; fresh exports are projected to require 22 to 23 percent of total 1987–88 utilization compared with 24 percent in 1986–87; processed and other uses would account for the residual 36 to 38 percent compared with 36 percent in the last season.

The projected size composition of the total crop indicates an average orange size for the industry at the mid-point of the season of 123 oranges per carton, nearly the same as last year's average of 125 oranges. However, there are distinct differences between districts in both the average of sizes and in the size patterns of oranges grown in each district.

At their February 16 meetings, the committee discussed the need for a size regulation for the elimination of 180's and smaller for the 1987–88 season. A motion was made but failed as the committee generally agreed that it was too early in the season to consider size regulation. However, size regulation may be recommended as the season progresses.

Limited shipments of Valencia oranges began in mid-February. Based on current projections, shipments are expected to finish in early November. The committee has developed a schedule of estimated weekly shipments covering the 1987–88 season.

The committee reports that Florida round orange production is expected to be 270,000 cars, consisting of 150,000 cars of the early and mid-season type oranges and 120,000 cars of Valencia oranges. Total Florida round orange production is expected to be 13 percent greater than last year. In Texas, orange production is continuing to improve following the freeze of 1983. Total Texas orange production for the 1987–88 season is expected to be 2,800 cars, an increase of more than 65 percent from last season. Production of apples nationwide is estimated at 229.25 million bushels in 1987–88 compared to 188.27 million bushels in 1986–87. Winter pear fresh pack is estimated at 12.24 million bushels in 1987–88 compared to 9.82 million bushels last year. Of the domestic summer fruits, grapes have an average annual production of 5.7 million tons followed by peaches and pears at approximately 0.17 million tons. The annual supply of strawberries is 0.5 million tons followed by nectarines, cherries, apricots and plums at very significant, but lesser amounts. Annual average melon production, other than watermelons for which information is not available, approximates 0.8 million tons.

Of increasing importance in the supply of competitive non-citrus fruit are "summer fruit" importations from Chile (nectarines, plums, peaches, grapes and apples), and it is expected that this upward trend will continue for some time. General economic conditions are expected to be favorable.

The 1986–87 season average fresh equivalent on-tree grower returns for California-Arizona Valencia oranges as reported by the NASS were $4.30 per carton. This was about 70 percent of the equivalent season average parity of $6.13 per carton. The 1987–88 equivalent seasonal parity is projected to be $6.04 per carton.

In discussing the possibe need for prorate regulation early in the season, the marketing policy indicated that neither calendar dates nor specific levels of shipments in past years can be definitive as to the recommended onset of regulation. Rather, volume regulation recommendations to the Secretary will begin when they are deemed necessary by the committee to achieve conditions of orderly marketing.

Section 908.51(b) of the marketing order identifies areas the committee should consider in recommending prorate regulation.

In making its recommendations, the committee shall provide equity of marketing opportunity to handlers in all districts and shall give due consideration to the following factors: (1) Market prices for oranges, including market prices by grades and sizes; (2) supply of oranges on track at, and enroute to, the principal markets; (3) supply, maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (4) market prices and supplies of citrus fruits from California, Arizona, and competitive producing areas, and supplies of other competitive fruits; (5)

trends and level in consumer income; and (6) other relevant factors.

In order to provide an opportunity for public input, the Department will accept written views and information pertinent to the marketing policy and the need for, or level of regulation for the 1987–88 season. Comments are invited on the appropriate levels of fresh oranges which can be made available to the fresh domestic market and the intraseasonal dispersion of shipments. Interested persons are also invited to comment on the possible regulatory and informational impact of this marketing policy and seasonal volume regulations on small businesses. The notice provides a 10-day period for the receipt of comments. This period is considered to be adequate due to the number of meetings held throughout the production area, both prior to and subsequent to the adoption of the marketing policy, at which such policy was reviewed and discussed by industry representatives and interested persons.

Publication of this summary of the marketing policy is to provide information as to potential regulations. This action does not create any legal obligations or rights, either substantive or procedural.

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

Dated: March 23, 1988.

Robert C. Kenney,

Director, Fruit and Vegetable Division.

[FR Doc. 88–6790 Filed 3–25–88; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 376]

Resolution and Order Approving the Application of the City of New Bedford, MA for Foreign-Trade Subzones for Codman & Shurtleff, Inc.

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of New Bedford, Massachusetts, grantee of FTZ 28, filed with the Foreign-Trade Zones Board (the Board) on May 30, 1985, requesting special-purpose subzone status for the testing, repair, and distribution facilities of Codman & Shurtleff, Inc., in New Bedford, Avon and Randolph, Massachusetts, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority to Establish Foreign-Trade Subzones for Codman & Shurtleff, Inc., in New Bedford, Avon and Randolph, Massachusetts.

Whereas, by an Act of Congress approved June 18, 1934, and Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzone when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the City of New Bedford, Massachusetts, grantee of Foreign-Trade Zones No. 28, has made application (filed May 30, 1985, Docket 16–85, 50 FR 24551) in due and proper form to the Board for authority to estblish special-purpose subzones at the surgical instruments storage, testing and repair facilities of Codman & Shurtleff, Inc., in New Bedford, Avon and Randolph, Massachusetts;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, in accordance with the application filed May 30, 1985, as amended on September 28, 1987, the Board hereby authorizes the establishment of subzones at New Bedford, Avon and Randolph, Massachusetts, designated on the records of the Board as Foreign-Trade Subzone Nos. 28A, 28B, and 28C at the locations mentioned above and more particularly described on the maps and drawings accompanying the applcation, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzones shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzones in the performance of their official duties.

The grant does not include authority for manufacturing operations, and the Grantee shall notify the Board for approval prior to the commencement of any manufacturing operations within the subzones.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzones, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facitities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, DC, this 22nd day of March, 1988, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Gilbert B. Kaplan,

Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

[FR Doc. 88–6700 Filed 3–25–88; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Short-Supply Review on Certain Steel Products; Request for Comments

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short-supply

determination under Article 8 of the U.S.-Brazil Arrangement on Certain Steel Products and the U.S.-EC Arrangement on Certain Steel Products with respect to certain manganese bars.

DATE: Comments must be submitted on or before April 7, 1988.

ADDRESS: Send all comments to Nicholas C. Tolerico, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230 (202) 377–0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-Brazil Arrangement on Certain Steel Products and the U.S.-EC Arrangement on Certain Steel Products provides that if the U.S. determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product.

We have received a short-supply request for certain round, square, and flat steel bars, fully austenitized, of 11.5–14.0 percent manganese. Round bars range from 0.50 to 6.125 inches in diameter; square bars range from 0.5 to 2.0 inches on each side; and flat bars range from 0.375 to 2.0 inches in thickness and from 1.0 to 4.0 inches in width. These bars will be used in applications where heavy impact and friction are involved.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than April 7, 1988. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments on this request in a public file. Anyone submitting business proprietary information should clearly identify that portion of their submission and also provide a non-proprietary submission which can be placed in the public file.

The public file will be maintained in the Central Records Unit, Import Administration, U.S Department of Commerce, Room B–099 at the above address.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

March 22, 1988.

[FR Doc. 88–6699 Filed 3–25–88; 8:45 am]

BILLING CODE 3510–DS–M

Applications for Duty-Free Entry of Scientific Instruments; University of North Carolina et al.

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), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined 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: 88–082. *Applicant:* University of North Carolina, Marine Science Program, CB 3300 12–5 Venable Hall, Chapel Hill, NC 27514. *Instrument:* Radon Gas Detector with Accessories, Model PMT–TEL. *Manufacturer:* Pylon Electronics, Canada. *Intended use:* The instrument will be used to measure radon fluxes in a variety of environments, and to study fluxes of reduced gases through plants. *Application received by Commissioner of Customs:* January 26, 1988.

Docket Number: 88–083. *Applicant:* National Bureau of Standards, 325 Broadway, Boulder, CO 80303. *Instrument:* Admittance Bridge, Model MkIII. *Manufacturer:* NORE Microwave, Ltd., United Kingdom. *Intended use:* The instrument will be used to measure such admittance items as capacitors, inductors and resistors in the frequency range from 1 kHz to 100 MHz. These items will then become the national standards which the National Bureau of Standards will maintain and disseminate to the nation. *Application received by Commissioner of Customs:* January 26, 1988.

Docket Number: 88–094. *Applicant:* U.S. Department of the Interior, National Fisheries Contaminant Research Center, Fish and Wildlife Service, Route 1, Columbia, MO 65201. *Instrument:* Gas Chromatograph/Mass Spectrometer/Data System, Model VG 70–250S. *Manufacturer:* VG Instruments, United Kingdom. *Intended use:* The instrument will be used to study a variety of organic chemical contaminants present in the nation's aquatic environment, usually at very low but toxicologically significant concentrations (parts per billion, parts per trillion, or even parts per quadrillion). Thorough gas chromatographic/mass spectrometric investigations will be conducted of complex extracts from a variety of environmental matrices (fish, sediment, water, soil). *Application received by Commissioner of Customs:* February 8, 1988.

Docket Number: 88–096. *Applicant:* U.S. Department of Commerce, NOAA, National Marine Fisheries Service, Northeast Fisheries Center, Woods Hole, MA 02543. *Instrument:* Height/Temperature Sensor, Model S40–HJ60–T303. *Manufacturer:* SCANMAR, Norway. *Intended use:* The instrument will be used to monitor trawl gear. Experiments conducted will be evaluating gear performance such as bottom type, currents and changes in gear configuration during vessel fishing power using a variety of scopes, towing speeds and turning maneuvers. The objective of the experiments is to get statistics from the tow in real time indicating whether trawl gear performance was within standards. *Application received by Commissioner of Customs:* February 5, 1988.

Docket Number: 88–097. *Applicant:* Kansas State University, Department of Chemistry, Willard Hall, Manhattan, KS 66506. *Instrument:* Fourier Transform Interferometric Spectrophotometer System, Model D A2. *Manufacturer:* BOMEN, Canada. *Intended use:* The instrument will be used to study many ranges and systems. Some of the systems that can be investigated are environmental such as toxic waste sites, dumpsites and chemical spill sites. In addition, the instrument will be useful in the attainment of high resolution spectra of unknown or new compounds to characterize their primary and secondary frequencies. *Application received by Commissioner of Customs:* February 5, 1988.

Docket Number: 88–098. *Applicant:* The University of Texas at Dallas, 2601 N. Floyd Road, Richardson, TX 75083–0688. *Instrument:* Mass Spectrometer, Model MAT 261V. *Manufacturer:* Finnigan MAT GmbH, West Germany. *Intended use:* The instrument will be used to study the isotopic composition and trace element content of natural materials, especially rocks. Rock

samples will include the full range of igneous, sedimentary, and metamorphic varieties. Mineral components of rocks, fossilized shells of marine invertebrates and samples of human and animal components such as blood, bones, nerves and waste will also be studied with the instrument. In addition, the instrument will be used as a teaching tool in the folling graduate courses:

GEOS 5454 Instrumental Techniques in Geosciences
GEOS 5355 Introductory Geochronology
GEOS 5356 Isotope Geochemistry

Application received by Commissioner of Customs: February 8, 1988.

Docket Number: 88–099. *Applicant:* Miami University, 213 Roudebush Hall, Oxford, OH 45056. *Instrument:* Spectrophotometer, Model RA–401. *Manufacturer:* Otsuka Electronics Co., Ltd., Japan. *Intended use:* The instrument will be used for studies of the reactions of chlorine and sodium chlorite, hypochlorous acid and sodium chlorite, chlorite ion and chlorate ion as a function of pH, along with other chlorine-containing, oxidizing agents. The objectives of the experiments are to understand the microscopic details of the chemical reactions between dissolved species such as hypochlorous acid and sodium chlorite or the reactions between sodium chlorite and acid in the formation of chlorine dioxide. *Application received by Commissioner of Customs:* February 10, 1988.

Docket Number: 88–100. *Applicant:* USDA–ARS, Appalachian Soil and Water Conservation Research Lab, P.O. Box 867, Airport Road, Beckley, WV 25801–0867. *Instrument:* Root Length Scanner. *Manufacturer:* Hawker de Havilland Victoria Limited, Australia. *Intended use:* The instrument will be used to measure the length of plant roots in order to identify the best combinations of plows, disks etc. which can be used to maximize the length of crop roots in soil and thereby increase crop production. *Application received by Commissioner of Customs:* February 10, 1988.

Docket Number: 88–101. *Applicant:* The University of Texas at Arlington, Room B–24 Life Science Building, 501 Campus Drive, Arlington, TX 76019. *Instrument:* Electron Microscope, Model JEM–1200 EX. *Manufacturer:* JEOL, Ltd., Japan. *Intended use:* The instrument will be used for the investigation of biological materials such as the nature of cells and organelles, how they change through time, the manner in which stored foods are deposited and/or used, the relationship of cells to biomineralization, etc. There is also interest in polymer materials, e.g. polymer thickness, growth nature of its surface and change from one electrod to another. In addition, the instrument will be used on a one-to-one basis in the training of undergraduate and graduate students and other faculty. *Application received by Commissioner of Customs:* February 11, 1988.

Docket Number: 88–102. *Applicant:* Georgia State University, Department of Chemistry, University Plaza, Atlanta, GA 30303. *Instrument:* Stopped-Flow Dual-Beam and Scanning Spectrophotometer/Spectrofluorimeter, Model SF–51. *Manufacturer:* Hi-Tech Scientific Lt., United Kingdom. *Intended use:* The instrument will be used for studies of nucleic acids, oligonucleotides, natural and synthetic membranes, anticancer drugs, potential-sensitive dyes and organic molecules. Projects will be conducted to: (1) Develop new anticancer drugs, (2) better understand nucleic acid interactions and struture, (3) develop a molecular model for mitochondrial electron transport, (4) develop new bleomycin amplifiers as a potential new therapeutic method, and (5) better understand the molecular basis for organic molecule-oxygen chemistry and individual tuminescence. *Application received by Commissioner of Customs:* February 11, 1988.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 88–6698 Filed 3–25–88; 8:45 am]

BILLING CODE 3510–DS–M

Minority Business Development Agency

[Transmittal No. 06–10–88018–01; Project I.D. No. 06–10–88018–01]

Lubbock/Midland-Odessa Minority Business Development Center (MBDC); Texas

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve (12) months is estimated at $194,118 for the project's performance period of September 1, 1988 to August 31, 1989. The MBDC will operate in the Lubbock/Midland-Odessa Standard Metropolitan Statistical Area (SMSA).

The first year's cost for the MBDC will consist of:

Name	Federal	Non-Federal	Total
Lubbock/Midland-Odessa SMSA	$165,000	[1] $29,188	$194,118

[1] Can be combination of cash, in-kind contribution and fees for service.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance (M&TA) to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance (M&TA); and serve as a conduit of information and assistance regarding minority business.

Application will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance (M&TA); the firms's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that application have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA, based on such factor as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for receipt of application is May 6, 1988.

Address: MBDA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

For Further Information Contact: Deselene Crenshaw, Business Development Clerk, Dallas Regional Office, 214/767–8001.

Supplementary Information: Questions concerning the preceding information, copies of application kits

and applicable regulations can be obtained at the above address.

Melda Cabrera,

Regional Director, Minority Business Development Agency, Dallas Regional Office.

Section B. Project Specification

Program Number and Title: 11.800 Minority Business Development.
Project Name: Lubbock/Midland-Odessa MBDC.
Project Identification Number: 06–10–88018–01
Project Start and End Dates: 09/01/88 to 08/31/89.
Project Duration: 12 months.
Total Federal Funding (85%): $165,000.
Minimum Non-Federal Share (15%): $29,118.
Total Project Cost (100%): $194,118.
Closing Date for Submission of this Application: May 6, 1988.
Geographic Specification: The Minority Business Development Center shall offer assistance in the geographic area of: Lubbock/Midland-Odessa, Texas SMSA.
Eligibility Criteria: There are no eligibility restrictions for this project. Eligible applicants may include individuals, non-profit organizations, for-profit firms, local and state governments, American Indian Tribes, and educational institutions.
Project Period: The competitive award period will be for approximately three years consisting of three separate budget periods. Performance evaluations will be conducted, and funding levels will be established for each of three budget periods. The MBDC will receive continued funding, after the initial competitive year, at the discretion of MBDA based upon the availability of funds, the MBDC's performance, and Agency priorities.
MBDA's Minimum Level of Effort:
Financial packages: $2,747,000
Billable M&TA: $84,000
Number of Professional Staff: 3
Procurements: $5,493,000
M&TA Hours: 1,680
Number of Clients: 76

[FR Doc. 88–6657 Filed 3–25–88; 8:45 am]
BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Ocean Salmon Fisheries Off the Coast of Washington, Oregon, and California; Public Hearings and Request for Comments

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

ACTION: Notice of public hearings and request for comments.

SUMMARY: The Pacific Fishery Management Council (Council) will hold public hearings to receive comments on the proposed 1988 ocean salmon fishery management options off the coasts of Washington, Oregon, and California.

DATES: Tuesday, March 29, 1988; Wednesday, March 30, 1988; and Monday, April 4, 1988. All hearings will begin at 7:00 p.m.

Written comments will be accepted until March 31, 1988. After March 31, to assure adequate review by Council members, comments should be provided in person at the April 4 public hearing or during the regular Council meeting in April, both of which are in Millbrae, California.

ADDRESSES: See **"SUPPLEMENTARY INFORMATION"** for locations of the hearings.

Written comments should be sent to the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 503–221–6352.

SUPPLEMENTARY INFORMATION: The hearings will take place at the following locations:

March 29—Thunderbird Motor Inn, North and South Umpqua Rooms, 1313 North Bayshore Drive, Coos Bay, Oregon
March 29—Seattle Airport Hilton, Alpine Room, 17620 Pacific Highway S., Seattle, Washington
March 30—Astoria Middle School, Cafeteria, 1100 Klaskanine Avenue, Astoria, Oregon
March 30—Red Lion Inn, Redwood Ballroom, 1929 Fourth Street, Eureka, California
April 4—Clarion Hotel, Golden Gate Ballroom, 401 East Millbrae Avenue, Millbrae, California

The Council will meet on April 5–8 at the Clarion Hotel, 401 East Millbrae Avenue, Millbrae, California, to consider input from the public hearings and written comments, and hear additional comments from its advisors and the public. By April 8, the Council will adopt its final recommendations for the 1988 ocean salmon management measures for submission to the Secretary of Commerce.

(16 U.S.C. 1801 *et seq.*)
Dated: March 23, 1988.

Ann D. Terbush,

Acting Director, Office of Fisheries Conservation and Management.

[FR Doc. 88–6648 Filed 3–25–88; 8:45 am]
BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Cancellation of Staged Entry for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

March 23, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs cancelling staged entry.

EFFECTIVE DATE: April 1, 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: Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

SUPPLEMENTARY INFORMATION: It has been determined by the Committee for the Implementation of Textile Agreements that the remaining staged entry periods for Category 359–C are no longer needed.

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, dated December 11, 1987). Also see 52 FR 49060, published in the **Federal Register** on December 29, 1987.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 23, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated February 2, 1988, between the Governments of the United States and the People's Republic of China, I request that effective on April 1, 1988, you cancel the staged entry periods established in the directive of December 21, 1987 for cotton textile products in Category 359–C,[1]

[1] In Category 359–C, only TSUSA numbers 381.0822, 381.6510, 384.0928 and 384.5222.

produced or manufactured in the People's Republic of China and exported during 1987.

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. 88-6685 Filed 3-25-88; 8:45 am]

BILLING CODE 3510-DR-M

Amendment to the Export Licensing System for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manfactured in the People's Republic of China

March 21, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 28, 1988. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

A CITA directive dated Febraury 23, 1984 (49 FR 7269), as further amended on December 24, 1987 (52 FR 49189) and December 30, 1987 (53 FR 54), established an export licensing system for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China.

Under the terms of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 2, 1988 between the Governments of the United States and the People's Republic of China, and the exchange of letters dated January 28, 1988 amending the export licensing system, agreement was reached to further amend the existing export licensing system to include the use of export licenses for shipments of cotton and man-made fiber down-filled coats in Categories 353, 354, 653 and 654, produced or manufactured in China and exported on or after March 28, 1988. Shipments classified in these categories and exported from China on or after March 28, 1988 for which the Government of the People's Republic of China has not issued an appropriate export license will be denied entry.

The two Governments also agreed that properly marked commercial samples valued at $250 or less, which are exported from China on or after January 1, 1988, will not be charged to the limits established under the agreement. The export licensing system is amended to read as follows:

Properly marked commercial samples, valued at $250 or less, and items for the personal use of the importer and not for resale, need not be accompanied by an export visa and shall not be subject to the limits established under this agreement.

Commercial shipments, regardless of value, other than (1) properly marked samples, valued at $250 or less, and (2) items for the personal use of the importer, regardless of value, shall be subject to visa and quota requirements.

As clarification to the directive of December 24, 1987 concerning visa requirements (see 52 FR 49189), Category 340-Y is valid for import quota purposes only for shipments exported on and after January 1, 1988 and until further notice. Category 340-Y is not valid for visa purposes.

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, dated December 11, 1987).

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 21, 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 February 23, 1984, as further amended on December 24, 1987 and December 30, 1987, by the Chairman of the Committee for the Implementation of Textile Agreements which established an export licensing system for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China.

Effective on March 28, 1988 and until further notice, you are directed to prohibit entry into the United States (i.e., the 50 States, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawl from warehouse for consumption of cotton and man-made fiber textile products in Categories 353, 354, 653, and 654, produced or manufactured in China and exported on or after March 28, 1988 for which the Government of the People's Republic of China has not issued an appropriate export license. Shipments of merchandise in the foregoing categories exported before March 28, 1988 will not be denied entry for lack of an appropriate export license.

In addition, shipments of properly marked commercial samples, valued at $250 or less, and items for the personal use of the importer, regardless of value, and not for resale, which are exported from China on or after January 1, 1988, need not be accompanied by an export license and shall not be subject to limits established by the agreement.

Commercial shipments, regardless of value, other than (1) properly marked samples, valued at $250 or less, and (2) items for the personal use of the importer, regardless of value, shall be subject to visa and quota requirements.

As clarification to the directive of December 24, 1987 concerning visa requirements (see 52 FR 49189), Category 340-Y is valid for import quota purposes only for shipments imported on and after January 1, 1988 and until further notice. Category 340-Y is not valid for visa purposes.

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,

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 6683 Filed 3-25-88; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Request for Bilateral Textile Consultations with the Government of India

March 23, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice of request for consultations.

AUTHORITY: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories on which consultations have been requested call (202) 377-3740.

SUPPLEMENTARY INFORMATION: On January 28, 1988, the Government of the United States requested consultations with the Government of India with respect to imports of cotton and man-

made fiber textiles in Categories 219 and 300/301.

According to the terms of the bilateral agreement between the United States and India, dated February 6, 1987, the United States reserves the right to establish limits at levels of 10,983,635 square yards for Category 219 and 1,781,664 pounds for Categories 300/301 for the ninety-day consultation period which began on January 28, 1988 and extends through April 26, 1988.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of India, further notice will be published in the **Federal Register.**

Summary market statements for Categories 219 and 300/301 follow this notice.

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, dated December 11, 1987).

Anyone wishing to comment or provide data or information regading the treatment of Categories 219 and 300/301 under the agreement with India, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Mr. James H. Babb, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

India—Market Statement

Category 219—Duck Fabric

January 1988.

Summary and Conclusions

United States imports of duck fabric—Category 219—from India were 31.4 million square yards during the year ending October 1987. This is more than five times the amount imported during the same period one year earlier. During the first ten months of 1987, imports of duck fabric from India reached 30.2 million square yards, five and a half times the 5.4 million square yards imported during January–October 1986 and four and a half times the total shipped in calendar year 1986. India is the largest supplier of duck fabrics, accounting for 28 percent of total January–October 1987 imports.

This sharp and substantial increase in duck fabric imports from India is posing a real risk of market disruption in the U.S.

Production and Market Share

Although U.S. duck fabric production increased in the first three quarters of 1987, U.S. producers continued to lose market share. The U.S. producers' share of the market dropped from 54 percent in calendar year 1986 to 49 percent during the first three quarters of 1987.

Imports

U.S. imports of Category 219, duck fabrics, reached 121.8 million square yards in the year ending October 1987, 47 percent above the level for the same period in 1986. Imports were 106 million square yards during the first ten months of 1987, up 46 percent from the 72.7 million square yards imported in the first ten months of 1986.

The ratio of imports to domestic production increased from 84 percent in calendar year 1986 to 105 percent during the first three quarters of 1987.

Import Values

Approximately 87 percent of India's Category 219 imports are entered under TSUSA 320.1963. This is a lightweight cotton duck fabric not fancy or figured, of 10 yarn count. This fabric is entered at duty-paid values well below the U.S. producer price for comparable fabrics.

India—Market Statement

Category 300/301—Cotton Yarns

January 1988.

Summary and Conclusion

U.S. imports of cotton yarns—Categories 300/301 from India were 5,090,468 pounds during the year ending October 1987, 45 times higher than the 113,033 pounds imported a year earlier. During the first ten months of 1987, imports of Categories 300/301 cotton yarns from India reached 5,018,690 pounds, more than 44 times the level reached in the first ten months of 1986 and 27 times the 184,811 pounds imported in calender year 1986. Imports of Categories 300/301 from India were non-existent in calendar year 1985.

This sharp and substantial increase in cotton yarn imports from India is posing a real risk of market disruption in the U.S.

Production and Market Share

U.S. production of cotton yarns dropped 14 percent between 1983 and 1985. Although U.S. producers regained their 1983–1985 production loss in 1986, their loss of market share accelerated. The U.S. producers' share of the market fell from 95.1 percent in 1983 to 92.6 percent in 1985, a 2.5 percentage point drop. In 1986 alone the U.S. producers' share of the cotton yarn market fell 4 percentage points to 88.6 percent. Indications are that cotton yarn production will be up in 1987, however, it is expected that the U.S. producers' share of the market will continue to decline due to the substantial increase in 1987 imports.

Imports and Import Penetration

U.S. imports of Categories 300/301, cotton yarns, from all sources increased 34 percent between 1983 and 1985 then surged in 1986 reaching 93.5 million pounds, double its 1985 level. These import increases have resulted in a substantially higher level of import penetration. The ratio of imports to domestic production of cotton yarns increased nearly two and a half times, from 5.2 percent in 1983 to 12.9 percent in 1986. Imports continue to increase at a substantial rate in 1987, increasing 13 percent in January–October 1987 over the same period in 1986. The ratio of imports to domestic production is expected to increase in 1987.

Duty-Paid Value and U.S. Producers' Price

Approximately 51 percent of total Categories 300/301 imports from India during the first ten months of 1987

entered under TSUSA numbers 301.1000—wholly cotton single, 10–19 count yarns, not bleached, mercerized, colored or combed and 302.1026—wholly cotton single, combed, bleached, mercerized, colored yarns. These cotton yarns entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable yarns.

[FR Doc. 88–6684 Filed 3–25–88; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Advisory Group on Electron Devices, Working Group B (Microelectronics); Advisory Committee Meeting

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Wednesday, 13 April 1988.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Becky Terry, AGED Secretariat, 2011 Crystal Drive, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The Microelectronics area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

March 23, 1988.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88–6665 Filed 3–25–88; 8:45 am]

BILLING CODE 3810-01-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 5, 1988; April 12, 1988; Tuesday, April 19, 1988; and Tuesday, April 26, 1988 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employes pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC 20301.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense

[FR Doc. 88–6666 Filed 3–25–88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1988 Summer Study on Assured Military Use of Space; Change in Date and Location of Advisory Committee Meeting

SUMMARY: The meeting of the Defense Science Board 1988 Summer Study on Assured Military Use of Space scheduled for April 6–7, May 11–12, and June 8–9, 1988 at the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 53, No. 35, Page 5293, Tuesday, February 23, 1988, FR Doc. 88–3771) will be held on April 5–6, May 12–13, and June 9–10, 1988 at SAIC, McLean, Virginia.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 23, 1988.

[FR Doc. 88–6659 Filed 3–25–88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Low Observable Technology; Change in Location of Advisory Committee Meeting

SUMMARY: The meeting of the Defense Science Board Task Force on Low Observable Technology scheduled for March 23–24, 1988 as published in the **Federal Register** (Vol. 53, No. 13, page 1658, Thursday, January 21, 1988, FR Doc. 88–1124) will be held at the Pentagon, Arlington, Virginia.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 23, 1988.

[FR Doc. 88–6660 Filed 3–25–88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Strategic Arms Reduction Treaty (START) Verification Procedures; Change in Date of Advisory Committee Meeting

SUMMARY: The meeting of the Defense Science Board Task Force on Strategic Arms Reduction Treaty (START) Verification Procedures scheduled for March 30, 1988 as published in the

Federal Register (Vol. 53, No. 22, Page 3067, Wednesday, February 3, 1988, FR Doc. 88–2251) will be held on April 27, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 23, 1988.

[FR Doc. 88–6661 Filed 3–25–88; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Subgroup to the Strategic Air Defense; Cancellation of Meeting

SUMMARY: The meeting notice for the Defense Science Board Task Force on Subgroup to the Strategic Air Defense for March 8, 1988 as published in the Federal Register (Vol. 53, No. 30, Page 4441, Tuesday, February 16, 1988, FR Doc. 88–3218) has been cancelled.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 23, 1988.

[FR Doc. 88–6663 Filed 3–25–88; 8:45 am]

BILLING CODE 3810–01–M

Defense Logistics Agency

Privacy Act of 1974; Notice of a New Ongoing Computer Matching Program Between the Department of Defense (DoD) and the Small Business Administration (SBA).

AGENCY: Defense Manpower Data Center (DMDC), Defense Logistics Agency (DLA), Department of Defense (DoD).

ACTION: This action constitutes notice for public comment on a proposed new ongoing computer matching program between the Department of Defense (DoD) and the Small Business Administration (SBA) to identify and locate individuals for debt collection purposes.

SUMMARY: The Department of Defense, under an interagency agreement with the Office of Management and Budget, Department of the Treasury and the Office of Personnel Management (OPM), announces a proposal to match by computer DoD employment records of active and retired military members, including the Reserve and Guard; the OPM Government-wide Federal civilian employed and retired records with the computer records of individuals who are delinquent debtors under various programs administered by SBA. The purpose of the computer match is to identify and locate SBA delinquent debtors who are receiving any Federal salary or benefit payments so as to permit the SBA to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365).

DATE: This proposed action will be effective without further notice on April 27, 1988 unless comments are received which would result in a contrary determination. Send any comments to the individual identified below.

ADDRESS: Send any written comments to Mr. Robert J. Brandewie, Defense Manpower Data Center, Suite 200, 550 Camino El Estero, Monterey, CA 93940–3231. Telephone: (408) 646–4131; Autovon: 878–2951.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr., Staff Director, Defense Privacy Office, Room 205, 400 Army Navy Drive, Arlington, VA 22202–2803. Telephone: (202) 694–3027; Autovon: 224–3027.

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 permits Federal creditor agencies to pursue collection and to offset delinquent debts against salary or other financial benefits which the debtor may otherwise be due from the U.S. Government.

The Office of Management and Budget (OMB) has designated Financial Management Service of the Department of the Treasury as the Lead Agency to coordinate and monitor the implementation of the U.S. Government's Federal Salary Offset Program. An interagency agreement, restricted exclusively to the implementation of the Debt Collection Act of 1982 (Pub. L. 97–365), established an Interagency Working Group to facilitate computer matching and subsequent salary offset procedures throughout the Federal government under the auspices and oversight of the OMB. The Interagency Agreement for implementation of the Federal Salary Offset Initiative and assigning specific roles and agency responsibilities was set forth in Federal Register at 52 FR 37492 on October 7, 1987. As a result, a centralized computer data base for computer matching consisting of Department of Defense and Office of Personnel Management records has been established for debt collection purposes in order to have a data bank record of active and retired military members, including the Reserve and Guard, and the OPM Government-wide employed and retired civilian personnel that are receiving salaries or other Federal benefit payments. This established data bank is hosted and maintained by the Defense Manpower Data Center, Defense Logistics Agency, Department of Defense, for use by any Federal creditor agency that desires to participate in a computer matching program to identify and locate debtors for debt collection by the creditor agency under the Debt Collection Act of 1982 (Pub. L. 97–365) provided the creditor agency meets the requirements of the OMB matching guidelines identified below.

Set forth is the information for a proposed computer matching program required by the paragraph 5.f.(1) of the "Revised Supplemental Guidance for Conducting Computerized Matching Programs" issued by the Office of Management and Budget dated May 11, 1982 (47 FR 21656, May 19, 1982).

A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget on March 17, 1988 pursuant to the cited OMB matching guidelines.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 23, 1988.

Report of a Continuing Computer Matching Program Between the Department of Defense (DoD) and the Small Business Administration (SBA)

a. *Authority.* The legal authority under which this computer match is being conducted is the Debt Collection Act of 1982 (Pub. L. 97–365); 5 U.S.C. 5514 (Installment deduction for indebtedness) the Privacy Act of 1974 (5 U.S.C. 552a); 10 U.S.C. 136; 4 CFR Chapter II (Federal Claims Collection Standards); 13 CFR Part 140 (Debt Collection—SBA); and the Office of Management and Budget: "Revised Supplemental Guidance for Conducting Matching Programs" dated May 11, 1982 (47 FR 21656, May 19, 1982) and "Guidelines on the Relationship Between the Privacy Act of 1974 and the Debt Collection Act of 1982" dated March 30, 1983 (48 FR 15556, April 11, 1983).

b. *Program Description.* The purpose of this computer matching program is to identify and locate individuals who are receiving Federal salaries or benefit payments that are indebted and delinquent in the their repayment of debts to the United States Government under certain programs administered by the SBA in order to collect the debts by voluntary repayment or by administrative or salary offset procedures under the provisons of the Debt Collection Act of 1982.

The SBA, as the source agency, will provide the Defense Manpower Data Center (DMDC) of the DoD, the

matching agency, a computer tape of all the individual delinquent debt records of those indebted to the U.S. Government under certain SBA programs.

Upon receipt of the computer tape file of debtor accounts, the DMDC will perform a computer match using all nine digits of social security numbers of delinquents against a DMDC computer data base. The DMDC computer data base, established under an interagency agreement, consists of records of active duty and retired military members including the Reserve and Guard and the OPM Government-wide employed civilian and retired civilian records.

Matching records, "hits" based on the SSN, will be furnished to the SBA consisting of the member's name, service or agency, category of employee, salary or benefit, and current work or home address from DMDC's data base records.

The SBA will be responsible for reviewing the "hit" records to assure that each individual is positively identified in the match as the debtor; to assure that the debtor is afforded proper due process under GAO regulation (4 CFR Chapter II) "Federal Claims Collection Standards" and that a proper accounting of any further disclosures outside the SBA shall be maintained by in accordance with 5 U.S.C. 552a(c) of the Privacy Act. The SBA will insure that the debt is valid and the information is accurate, complete, timely and relevant. Hard copy match records will be used by the SBA to determine any continued benefit entitlement level, if any, and to contact the debtor if necessary. The notification to the debtor shall include information concerning the amount to be collected, the amount of the proposed monthly deductions, and the debtor shall be given an opportunity to enter into voluntary agreement to repay the debt before any administrative or salary offset measures are initiated. The debtor shall further be given an opportunity to inspect and copy records related to the debt and for review of the decision related to the debt. If no collection action is needed, the DoD record will not be used by the SBA for any other purposes.

c. *Records to be Matched.* The systems of records, subject to the Privacy Act of 1974 (5 U.S.C. 552a), to be matched are as follows:

SMALL BUSINESS ADMINISTRATION (Source Agency)

(1) System identification: SBA 250
System Name: Loan Master Files
Federal Register citation: 47 FR 7908, February 23, 1982
Amended: 48 FR 55663, December 14, 1983
Amended: 52 FR 7360, March 10, 1987
Amended: 52 FR 47477, December 14, 1987

DEPARTMENT OF DEFENSE (Matching Agency)

(1) System identification: S322.11 DLA–LZ
System name: Federal Creditor Agency Debt Collection Data Base
Federal Register citation: 52 FR 37495, October 7, 1987
(2) System identification: OPM/GOVT–1
System name: General Personnel Records
Federal Register citation: 49 FR 36954, September 20, 1984
(3) System identification: OPM/CENTRAL–1
System name: Civil Service Retirement and Insurance Records
Federal Register citation: 49 FR 36950, September 20, 1984

d. *Period of the Match.* The initial match will begin as soon as possible after this public notice becomes effective as set forth under **"DATE"** in the preamble of this notice and then conducted no more often than semiannually thereafter.

e. *Security Safeguards.* Automated records are stored in limited access computer facilities and accessible only by password. Access to the computer center is by key or picture identification. Hard copy records are maintained in Federal office buildings in lockable file cabinets and accessed only by authorized Federal employees on a need-to-know basis.

f. *Retention and Disposition of Records.* Under a written Memorandum of Understanding (MOU) agreement between the DoD/DMDC and the SBA, signed May 18, 1987, it is agreed that tapes provided by the SBA for the matches shall be destroyed or returned to the SBA upon successful completion of each match and shall be used only for debt collection purposes. Non-hit records will not be used for any purposes. Hard copy matched records (hits) will be used by SBA to conduct individual reviews and to contact the debtor for payment pursuant to the Debt Collection Act of 1982. The SBA will maintain a disclosure accounting, as required by 5 U.S.C. 552a(c) of the Privacy Act as a result of the match information received from DMDC when contacting other agencies pursuing debtors.

DMDC will insure that an accounting of the disclosures pursuant to Section (c) of the Privacy Act is maintained. DMDC will within 30 days of a completed match, as standard practice, either erase or return to the SBA the magnetic tape file of delinquent debt records unless contrary specific instructions are furnished by the SBA.

[FR Doc. 88–6664 Filed 3–25–88; 8:45 am]

BILLING CODE 3810–01–M

Privacy Act of 1974; Amendment of Record System Notice

AGENCY: Defense Logistics Agency, (DoD).

ACTION: Notice of an amendment of a record system.

SUMMARY: The Defense Logistics Agency is amending a system of records subject to the Privacy Act of 1974. The specific changes to the amended system is set forth below followed by the amended notice published in its entirety.

DATES: This proposed action shall be effective without further notice on April 27, 1988, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments may be submitted to the System Manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Henshall, Administrative Management Branch (DLA–XAM), Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, Virginia 22304–6100. Telephone: (202) 274–6234.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR. Doc. 85–10237 (50 FR 22897) May 29, 1985 (DoD Compilation)
FR. Doc. 85–30123 (50 FR 51898) December 20, 1985
FR. Doc. 86–17259 (51 FR 27443) July 31, 1986
FR. Doc. 86–19035 (51 FR 30104) August 22, 1986
FR. Doc. 87–21654 (52 FR 35304) September 18, 1987
FR. Doc. 87–22481 (52 FR 37495) October 7, 1987
FR. Doc. 88–03220 (53 FR 04442) February 16, 1988

This proposed amendment is not within the purview of subsection (o) of the Privacy Act (5 U.S.C. 552a) which requires the submission of a new or altered system report.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 23, 1988.

Amendment

S322.50 DLA-LZ

System name:

Defense Enrollment/Eligibility Reporting System (DEERS) (50 FR 22920, May 29, 1985).

Changes:

Categories of records in the system:

Add: "Information on individual records may extend to blood test results, dental care premium codes and dental x-rays."

Authority:

Add: E.O. 9397.

Purpose(s):

Add: (after "CHAMPUS and before "to monitor"), "to support DoD health care management programs, to provide indentification of deceased members,"

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add: "To private dental care providers to assure treatment eligibility."

S322.50DLA-LZ

SYSTEM NAME:

Defense Enrollment/Eligibility Reporting System (DEERS).

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Navy Postgraduate School Monterey, CA 93940.

Decentralized segments—A support center and an eligibility center are maintained and operated by a contractor in Monterey, CA and Alexandria, VA; two data processing centers in Sacramento, CA and Camp Hill, PA and the Processing Center for Automation of DoD Forms 1171 in Monterey, CA.

Back-up files maintained at the Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940–3231.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Armed Forces and reserve personnel and their depednents, retired Armed Forces personnel and their dependents; surviving dependents of deceased active duty no retired personnel; active duty and retired Coast Guard personnel; active duty and retired Public Health Service (PHS) personnel (Commissioned Corps) and their dependents; and active duty and retired National Oceanic and Atmospheric Administration (NOAA) employees (Commissioned Corps) and their dependents; and State Department employees employed in a foreign country and their dependents and any other individuals entitled to care under the health care program; providers and potential providers of health care; and any individual who submits a health care claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer files containing beneficiary's name, Service or Social Security Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address of beneficiary or sponsor, date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of beginning and ending eligibility, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor, and claim records of CHAMPUS claims containing enrollee, patient and provider data such as cause of treatment, amount of payment, name and Social Security or tax ID number of providers of care. Information on individual records may extend to blood test results, dental care premium codes of dental x-rays.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136; 1969 Pub. L. 91–121, Section 404(A)(2), "Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975)": DoD Directive 1341.1, Defense Enrollment/Eligibility Reporting System, October 14, 1981; DoD Instruction 1341.2, DEERS Procedures; E.O. 9397.

PURPOSE(S):

The purpose of the system is to provide a data base for determining eligibility to receive health care benefits under the Uniformed Health Services Delivery System and CHAMPUS, to support DoD health care management programs, to provide identification of deceased members, to monitor the accuracy of payments and to identify and collect overpaid amounts and to detect fraud and abuse of the benefit program by claimants and providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Health and Human Services; Veterans Administration; Federal Preparedness Agency; Commerce Department and Transportation Department for the conduct of health care studies, for the planning and allocation of medical resources, for support of the DEERS enrollment process, and to identify individuals not entitled to health care. The data provided includes data on ages, sex, residence and other domographic parameters. To other federal agencies to identify fraud and abuse of the federal agency's programs and to identify debtors and collect debts and overpayments in the DoD health care programs. State, local and territorial governments to help eliminate fraud and abuse in their benefits programs. To provide dental care providers to assure treatment eligibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes and disks are housed in a controlled computer media library.

RETRIEVABILITY:

Records about individuals are retrieved by an algorithm determined by contractor which uses name, enrollment number, Social Security Number, date of birth, rank and duty location as possible inputs. Retrievals are made on a summary basis by geographic characteristics and location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals. Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and demographic keys.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations). Exits used solely for emergency situations is secured to prevent unauthorized intrusion.

Personal data stored at a separate location for backup purposes is protected at least comparably to the protection provided at the primary location.

Requirements for protection of information are binding on contractors of their representative and are subject to the following minimum standards:

Access to personal information is restricted to those who require the

records in the performance of their official duties, and to the individuals who are the subjected of the record or their authorized representative. Access to personal information is further restricted by the use of passwords which are changed periodically.

All those officials whose duties require access to, or processing and maintenance of personal information are trained in the proper safeguarding and use of the information.

RETENTION AND DISPOSAL:

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Sciences Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed in accordance with DoD Component record mangement regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301–3314. Non-record material containing personal information and other material of similar temporary nature is destroyed as soon as it's intended purpose has been served under procedures established by the Head of the DoD Component consistent with the following requirement. Such material shall be destroyed by tearing, burning, melting, chemical deposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

SYSTEM MANAGER(S) AND ADDRESS:

Project Manager, DEERS, Defense Manpower Data Center, 2100 Garden Road, Suite J, Monterey, CA 93940.

NOTIFICATION PROCEDURES:

Information may be obtained from: Project Manager, DEERS, Defense Manpower Data Center, 2100 Garden Road, Suite J, Monterey, CA 93940.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Project Manager, DEERS, Defense Manpower Data Center, 2100 Garden Road, Suite J, Monterey, CA 93940. Telephone: (408) 646–2126, Autovon: 878–2126.

Written requests for the information should contain full name of individual and sponsor, if applicable, and other attributes required by previously mentioned search algorithm.

For personal visits the individual should be able to provide a data element required to satisfy the previously mentioned algorithm.

Identification should be corroborated with a driver's license or other positive identification.

CONTESTING RECORD PROCEDURES:

The DLA rules for access to records and for contesting and appealing initial determinations are contained in DLA Regulation 5400.21 (32 CFR Part 1286).

RECORD SOURCE CATEGORIES:

Personnel and financial pay systems of the Military Departments, the Coast Guard, the Public Health Service, the National Oceanic and Atmospheric Administration, other Federal agencies having employees eligible for military medical care.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 88-6658 Filed 3-25-88; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education; Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Proposal Review Committee of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2.

DATES: April 12–13, 1988, 9:00 a.m. until conclusion of business each day.

ADDRESS: U.S. Department of Education, 400 Maryland Avenue SW., Room 2177, Washington, DC 202/732–1887.

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 330 C Street SW., Room 4072, Switzer Building, Washington, DC 20202, (202/732–1353).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to, among other things, assist the Secretary of Education on carrying out responsibilities under the Indian Education Act (Title IV of Pub. L. 92–318), and to advise Congress, and the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The Proposal Review Committee of the Council will meet in closed session starting at approximately 9:00 a.m., and will end at the conclusion of business each day, approximately 5:00 p.m. The agenda includes reviewing applications submitted under the (1) Title IV, Indian Fellowship Program of the Indian Education Act. Under section 442(b)(2) of Part D of the Indian Education Act, the Council is authorized to review applications for assistance submitted under this program and to make recommendations to the Secretary of Education with respect to their approval.

The reviewing of applications must be held in the highest confidence until the announcement is released by proper authorities as to which projects will be funded. The premature disclosure of information discussed during the review process is likely to significantly frustrate implementation of proposed agency action. Financial information obtained from a person which is privileged or confidential is contained in and related to these proposals and will be discussed at the review session. In addition, discussion will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (9), (4), and (6) of section 552b(c) of Title 5 U.S.C.

A summary of the activities of the closed meeting and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Dated: March 17, 1988. Signed at Washington, DC.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 88-6765 Filed 3-25-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Natural Gas Publications; Statistical Tables

AGENCY: Energy Information Administration, DOE.

ACTION: Natural gas publications; solicitation of comments.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy solicits comments concerning the publication of statistical tables in the *Natural Gas Monthly* (*NGM*) and *Natural Gas Annual* (*NGA*) publications.

DATE: Written comments must be received on or before April 27, 1988.

ADDRESS: Send comments to Margaret R. McDonald, at the address listed immediately below:

Margaret R. McDonald, Reserves and Natural Gas Division, Energy Information Administration, EI–441, Department of Energy, Mail Stop BE–064, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6303.

SUPPLEMENTARY INFORMATION: .

I. Background
II. Current Action
III. Comment Procedure

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. 93–275) and the Department of Energy Organization Act (Pub. L. 95–91), EIA is obligated to publish, and otherwise make available to the public, high-quality statistical data that reflect national and regional natural gas supply and consumption as accurately as possible. To meet this responsibility, as well as internal DOE requirements that are dependent on accurate data, the EIA conducts statistical surveys that encompass significant natural gas supply and consumption activities in the United States.

II. Current Actions

Through disclosure avoidance procedures, EIA seeks to maintain the confidentiality of its respondents and their data when releasing collected survey information. These disclosure avoidance procedures are applied to tables which present aggregates of individual respondents' survey data which are considered proprietary.

EIA's disclosure avoidance standard (EIA 84–03–04) addresses statistical confidentiality and describes a method for determining whether individual cell data are sensitive or not by application of prescribed rules. Cell data are considered sensitive if one of the following occures:

1. The non-zero value for a cell is based on the information from one or two respondents, or
2. The value for a cell is based on information from three or more respondents but the calculation of a sensitivity measure indicates that the cell should be withheld because one or two large companies dominate the cell.

Several of the detail tables in the *NGM* and *MGA* do not conform to the EIA standard. The application of the disclosure avoidance procedures for these tables is complicated by the fact that data from some respondents are considered publicly available, while data from other respondents are proprietary. The State level of detail provided in these tables has remained essentially unchanged from the level of detail provided in publications released since the inception of DOE. However, additional data cells have been introduced. To date, EIA has not withheld any data from publication.

Special requests for unpublished data, except for data deemed public information, are subjected to disclosure avoidance procedures. Individual company data are considered proprietary and are not available to the public.

III. Comment Procedures

Written Comments

Conformance with the EIA standard would require the discontinuation of some State level information in the *NGM* and *NGA*. It would require withholding publication of sensitive cells together with a sufficient number of additional cells to protect the sensitive cells. In view of the mixture of public and private data presented in aggregate in these cells, the required suppression would be extensive. This would significantly reduce the level of information which EIA believes is useful to accurately reflect regional natural gas activities. Therefore, EIA plans to continue publishing the data as in the past. This will continue the statistical disclosure in the tables of the *NGM* and the *NGA*, and will permit a knowledgeable person to estimate some individual respondent data.

As in the past, EIA will continue to consider individual company data proprietary unless they are publicly available. EIA will apply disclosure avoidance procedures to aggregates of proprietary data prepared in response to special requests.

Objections to this course of action should be provided in writing.

Statutory Authority: Sec. 5(a), 5(b), 13(b) and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790(a)).

Issued in Washington, DC, on March 22, 1988.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 88–6714 Filed 3–5–88; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. CP88–294–000 et al.]

Colorado Interstate Gas Co. et al., Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Colorado Interstate Gas Company

[Docket No. CP88–294–000]

March 22, 1988.

Take notice that on March 14, 1988, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP88–294–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the purchase of natural gas from Northwest Pipeline Corporation (Northwest), and further to abandon the transportation and exchange of natural gas with Northwest, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that it is proposing to abandon the transportation and exchange of volumes of natural gas received by CIG for the account of Northwest which Northwest has heretofore owned or controlled in the Barrel Springs area of Carbon County, Wyoming, and currently owns or controls in the Creston Nose area of Carbon County, Wyoming, and the abandonment of the option to purchase up to 25 percent of the gas delivered by Northwest to CIG.

CIG states that the purchase, transportation, and exchange were made pursuant to a gas transportation and exchange agreement between CIG and Northwest dated April 7, 1976, as amended, which is on file with the Commission as CIG's special Rate Schedule X–13 to CIG's FERC Gas Tariff, Original Volume No. 2. CIG states that, pursuant to the agreement, as amended, Northwest gathered volumes of natural gas under contract to CIG in the Barrel Springs and Creston Nose areas of Carbon County, Wyoming, and CIG gathers volumes of natural gas under contract to Northwest in the Creston Nose area of Carbon County, Wyoming. CIG states that it has notified

Northwest that, pursuant to the terms of the April 7, 1976 agreement, it has elected to terminate such agreement effective February 28, 1988. CIG further states that no volumes of natural gas will be lost to the interstate market as a result of the abandonment as other methods of transportation are presently available or will be made available.

Comment date: April 6, 1988, in accordance with Standard Paragraph F at the end of this notice.

Canyon Creek Compression Company

[Docket No. CP88-283-000]

March 23, 1988.

Take notice that on March 10, 1988, Canyon Creek Compression Company (Canyon Creek), 701 East 22nd Street, P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP88-283-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a 22,000 horsepower compression station and related facilities and the firm and interruptible compression service that is being provided by the compressor station that is located in Uinta County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Canyon Creek provides a firm compression service of natural gas for Colorado Interstate Gas Company (CIG), MFR Energy Systems, Inc. (MFR) and Natural Gas Pipeline Company of America (Natural) and also provides an interruptible compression service of natural gas for Columbia Gas Transmission Corporation (Columbia Gas) by means of the subject 22,000 horsepower compressor station.

Canyon Creek alleges that under the present jurisdictional climate the role of interstate pipelines has changed from purchaser-wholesaler to that of a transporter of natural gas. Therefore, Canyon Creek claims the primary function of the compressor station is no longer properly classified as a jurisdictional facility as the compression service provided is now production-related in nature and therefore no longer subject to the jurisdiction of the Federal Energy Regulatory Commission. It is for these reasons that Canyon Creek requests permission for the abandonment of the 22,000 horsepower compressor station and the related compression service provided to others.

Comment date: April 13,1988, in accordance withStandard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Company

[Docket No. CP88-292-000]

March 23, 1988.

Take notice that on March 14, 1988, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-292-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery point for an existing firm sales customers, the City of Portland, Tennessee (Portland), under the certificate issued in Docket No. CP82-413-000 purusant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee proposed to install the facilities, to be located in Robertson County, Tennessee, at a cost of $37,000, for the delivery of up to 240 dt of natural gas per day to Portland. It is stated that Portland needs the additional delivery point to serve the growing requirements of its existing service area. It is asserted that the establishment of the additional delivery point would not affect Portland's daily or annual purchases from Tennessee. It is further asserted that the addition of the deilvery point is not prohibited by any of Tennessee's existing tariffs and that Tennessee has sufficient capacity to make the deliveries without any impact on Tennessee's other customers.

Comment date: May 9, 1988, in accordance with Standard paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-6704 Filed 3-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-289-000 et al.]

Trunkline Gas Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Trunkline Gas Company

[Docket No. CP88-289-000]

March 21, 1988.

Take notice that on March 11, 1988, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP88-289-000 a request, pursuant to § 284.223 of the Commission's Regulations, for authorization to provide a transportation service for Tejas Power Corporation (Tejas), a marketer, under Trunkline's blanket certificate issued in

Docket No. CP86–586–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline proposes to transport natural gas on behalf of Tejas pursuant to a January 8, 1988, transportation agreement. In accordance with the agreement, Trunkline would receive the gas from various receipt points on its system in Illinois, Louisiana, offshore Louisiana, Tennessee and Texas and transport such gas to Mississippi River Transmission Corporation (MRT) at their interconnection in Clay County, Illinois, for MRT's system supply.

Trunkline sttes that the maximum daily and annual quantities would be 50,000 dt and 9,125,000 dt equivalent of natural gas, respectively.

Trunkline further states that initial service commenced on January 9, 1988, as reported in Docket No. ST88–2126–000.

Comment date: May 5, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Williams Natural Gas Company

[Docket No. CP88–229–000]

March 22, 1988.

Take notice that on February 8, 1988, as supplemented on March 10, 1988, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101 filed in Docket No. CP88–229–000, an emergency application for temporary and permanent certificates for a transportation service and for abandonment of sales service under the provisions of sections 7(c) and 7(b), respectively, of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williams indicates it is submitting the application not voluntarily, but solely as a result of an order issued on February 5, 1988, by the United States District Court for the District of Kansas in Cities of Chanute, Kansas, *et al.*, v. Williams Natural Gas Company, Case No. 87–1463–K. Williams states that the court order granted a mandatory preliminary injunction against Williams that requires Williams to transport, on a firm and/or interruptible basis, certain gas in lieu of full requirements sales service for the cities of Chanute, Auburn, Garnett, Humboldt, Iola, Neodosha, and Osage City, Kansas and the City of Cleveland, Oklahoma (Cities). Williams asserts that it has been placed in an untenable dilemma. Williams indicates that if it performs such court-ordered transportation in lieu of full requirements and other sales service, the Commission could determine that Williams is in violation of the Natural Gas Act because it does not have the necessary section 7 authorization to perform transportation service in lieu of sales services, as required by the court's order. Williams also asserts that to discontinue sales service as provided by the court's order could also be construed as a violation of section 7(b) of the Natural Gas Act. Williams concludes that it is required to submit this application to comply with both the Commission's Regulations and the court order.

Specifically, in the supplement filed March 10, 1988, Williams included unexecuted contracts for each of Cities reflecting proposed receipt and delivery points. Appendix A attached here shows the proposed receipt points, which are the same for all of the Cities, and Appendix B lists proposed delivery points to each. Williams indicated that the contracts were being provided to the Cities for execution on March 10, 1988. Further information regarding volumes by individual delivery points and intermediate transporters will be provided to the Commission upon receipt by Williams from the Cities.

Comment date: April 12, 1988, in accordance with Standard Paragraph F at the end of this notice.

Appendix A

Receipt Point(s)	Meter	SEC-TWN-RGE	County	ST	Assumed Atmos Pres (PSIA)	Max. Daily Qty-(MCF)	Status of Facility
1. MESA-Tenneco	5577	27-T29S-R35W	Grant	KS	13.2	1,500	Existing.
2. Arkansas Louisiana Gas Company	6493	31-T23S-R05W	Reno	KS	14.4	1,500	Do.
3. Maysville Plant	7158	18-T04M-R02W	Garvin	OK	14.4	1,500	Do.
4. Phillips Petro (Fox PLT)	7361	28-T02S-R03W	Carter	OK	14.4	1,500	Do.
5. Natural Gas P.L. Co. of America	8865	38-B6-I&GM	Carson	TX	13.2	1,500	Do.
6. ONG Ringwood	9647	25-T22M-R06W	Garfield	OK	14.4	1,500	Do.
7. Champlin Petro. (Enid PLT)	9963	34-T23M-R06W	Garfield	OK	14.4	1,500	Do.
8. Cities Service (Ambrose PLT)	10296	09-T27M-R01W	Kay	OK	14.4	1,500	Do.
9. Sun Exploration (Wakita PLT)	10745	32-T28M-R07W	Grant	OK	14.4	1,500	Do.
10. Arkansas Louisiana Gas Company	10997	22-T21M-R32W	McDonald	MO	14.4	1,500	Do.
11. Oxy Cities Service NGL, Inc	11435	27-T20M-R08W	Garfield	OK	14.4	1,500	Do.
12. M.J.D. Cattle Company	12601	11-T20M-R08E	Pawnee	OK	14.4	1,500	Do.
13. Phillips Petro (Kingfisher PLT)	12723	09-T15M-R05W	Kingfisher	OK	14.4	1,500	Do.
14. Oklahoma Natural Gas Company	12905	32-T08M-R07W	Grady	OK	14.4	1,500	Do.
15. East Ctrl. Gas & P.L. Corp	12945	02-T28M-R14E	Mowata	OK	14.4	1,500	Do.
16. Okam Gas Company	12986	07-T25M-R14E	Washington	OK	14.4	1,500	Do.
17. Oklahoma Natural Gas Company	13011	02-T20M-R19W	Woodward	OK	14.4	1,500	Do.
18. El Paso Natural Gas Company	13104	26-B042-H&TC	Hemphill	TX	13.2	1,500	Do.
19. Sun Exploration (Carney PLT)	13194	36-T16M-R02E	Lincoln	OK	14.4	1,500	Do.
20. Beard Oil Co. (Paradise PLT)	13257	15-T18M-R01E	Payne	OK	14.4	1,500	Do.
21. Arco (Drumright PLT)	13338	16-T18M-R07E	Creek	OK	14.4	1,500	Do.
22. Union Texas (Lamont PLT)	13344	36-T27M-R03W	Grant	OK	14.4	1,500	Do.
23. Champlin Petro. (W. Edmond PLT)	13544	27-T15M-R04W	Logan	OK	14.4	1,500	Do.
24. Molz Oil Company (Blunk No. 2)	13616	17-T34S-R13W	Barber	KS	14.4	1,500	Do.
25. T. Mayfield (Mannford PLD)	13628	09-T19M-R08E	Creek	OK	14.4	1,500	Do.
26. Mid-America Gas Line Corp	13899	09-T19M-R08E	Creek	OK	14.4	1,500	Do.
27. Alkan Petroleum	14155	15-T19S-R07E	Chase	KS	14.4	1,500	Do.
28. ONG-Enid	14236	25-T22N-R06W	Garfield	OK	14.4	1,500	Do.
29. Gulf Energy Gathering (W. Guth.)	14340	30-T15M-R02W	Logan	OK	14.4	1,500	Do.
30. MMGC (Bushton-Receipt)	14355	32-T19S-R11W	Barton	KS	14.4	1,500	Do.
31. Southeast Kansas Gas	14372	30-T34S-R11E	Chautauqua	KS	14.4	1,500	Do.
32. ARCO (Mannford)	14382	01-T18M-R07E	Creek	OK	14.4	1,500	Do.
33. TAG Petroleum, Inc	14505	27-T20M-R08E	Pawnee	OK	14.4	1,500	Do.
34. Highwood Gas Co. (Kessler)	14530	28-T33S-R19E	Labette	KS	14.4	1,500	Do.

Receipt Point(s)	Meter	SEC-TWN-RGE	County	ST	Assumed Atmos Pres (PSIA)	Max. Daily Qty-(MCF)	Status of Facility
35. Union Texas (Clyde PLT)	14546	35-T28M-R06W	Grant	OK	14.4	1,500	Do.
36. TAG Petroleum, Inc. No. 2	14684	17-T18M-R03E	Payne	OK	14.4	1,500	Do.
37. Medallion Petroleum	14808	29-T05M-R24E	Beaver	OK	13.2	1,500	Do.
38. Associated Natural Gas, Inc	14809	11-T03M-R09W	Comanche	OK	14.4	1,500	Do.
39. Kansas Gas Supply	14850	14-T29S-R01W	Sedgwick	KS	14.4	1,500	Do.
40. Golden Gas Energies, Inc. (MOLZ)	14851	33-T34S-R12W	Barber	KS	14.4	1,500	Do.
41. Goldsby Central	14860	27-T10M-R03W	Cleveland	OK	14.4	1,500	Do.
42. Sunflower Gas Company	14893	34-T34S-R10E	Chautauqua	KS	14.4	1,500	Do.

Appendix B

Delivery points	Meter	County	ST	Status
City of Humbolt, KS:				
City of Humbolt (South TB)	8764	Allen	KS	Existing.
City of Humbolt (North TB)	10070	do	KS	Do.
City of Humbolt (West TB)	10388	do	KS	Do.
Total Volumes, 1,500 MCfd				
City of Auburn, KS:				
KPL Gas Service (Auburn TB)	10683	Shawnee	KS	Do.
Total Volumes, 1,000 Mcfd				
City of Garnett, KS:				
City of Garnett	5262	Anderson	KS	Do.
City of Garnett (West TB)	9510	do	KS	Do.
City of Garnett (Electric Power)	6276	do	KS	Do.
Total Volumes, 2,000 Mcfd				
City of Neodesha, KS:				
City of Neodesha (Electric Plt)	555	Wilson	KS	Do.
City of Neodesha (North 11th)	8745	do	KS	Do.
City of Neodesha (South 4th)	8746	do	KS	Do.
City of Neodesha (West Main TB)	8767	do	KS	Do.
City of Neodesha (Maine 212th)	8770	do	KS	Do.
City of Neodesha (Water Works)	8845	do	KS	Do.
City of Neodesha (Northeast TB)	12696	do	KS	Do.
Total Volumes, 2,200 Mcfd				
City of Chanute, KS:				
City of Chanute	6172	Neosho	KS	Do.
City of Chanute (Power Plt)	8739	do	KS	Do.
City of Chanute (South 14 TB)	8740	do	KS	Do.
City of Chanute (South TB)	9121	do	KS	Do.
City of Chanute (Mun Pwr Plt)	10253	do	KS	Do.
City of Chanute (Custom Camper)	10695	do	KS	Do.
City of Chanute (Alcorn Fab)	10735	do	KS	Do.
City of Chanute (Erie TB)	14350	do	KS	Do.
City of Chanute	14604	do	KS	Do.
Total Volumes, 5,000 Mcfd				
Cleveland Municipal Authority:				
The Cleveland Municipal Authority	92	Pawnee	OK	Do.
Total Volumes, 1,500 Mcfd				
City of Iola, KS:				
City of Iola	1217	do	KS	Do.
City of Iola (West TB)	7529	do	KS	Do.
City of Iola (South TB)	10382	do	KS	Do.
City of Iola	14281	do	KS	Do.
City of Iola (East TB)	14009	do	KS	Do.
Total Volumes, 5,000 Mcfd				
City of Osage City, KS:				
City of Osage (Osage City TB)	5685	do	KS	Do.
City of Osage (Elect Plt)	9223	do	KS	Do.
Do.	9224	do	KS	Do.
Do.	9225	do	KS	Do.
Do.	10823	do	KS	Do.
Do.	11277	do	KS	Do.
City of Osage (Power Plt)	14215	do	KS	Do.
Do.	14216	do	KS	Do.
Total Volumes, 3,000 Mcfd				

3. Williams Natural Gas Company

[Docket No. CP88-287-000]

March 22, 1988.

Take notice that on March 10, 1988, Williams Natural Gas Company (Applicant), P.O. Box 3288, Tulsa, Oklahoma 74102, filed in Docket No. CP88-287-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline tap, measuring, regulating and appurtenant facilities and the sale of gas to the City of Wheaton, Missouri for resale in and about Wheaton, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities would cost approximately $30,220, which would be paid from treasury cash. Applicant further estimates that the gas required would be approximately 50,500 Mcf the first year increasing to 101,000 Mcf by the fifth year. Applicant states that such sale would not significantly affect its overall gas supply and that the proposed sale would not adversely affect any of its existing customers.

Comment date: April 12, 1988, in accordance with Standard Paragraph F at the end of this notice.

4. Northern Border Pipeline Company

[Docket No. CP88-285-000]

March 22, 1988.

Take notice that on March 10, 1988, Northern Border Pipeline Company (Northern Border), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-285-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) for authority to provide an interruptible transportation service for Encor Energy (America) Inc. (Encor), a producer, under Northern Border's blanket certificate issued in Docket No. CP86-395-000 and Docket No. CP86-395-001 pursuant to section 7(c) of the NGA, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern Border proposes to transport pursuant to its IT-1 Rate Schedule at the Maximum Rate, on an interruptible basis for Encore, up to 20,000 MMbtu of natural gas per day or an annual amount of 7,040,000 MMBtu from a receipt point on the international boundary near Port of Morgan, Montana, for ultimate delivery at Aberdeen, South Dakota, Welcome, Minnesota and Ventura, Iowa. It is indicated that Northern Border has been informed by Encor that it is selling the gas to Hadson Gas Systems Inc. (Hadson) and that the dockets under which Hadson transports the gas are ST87-1069-000, ST87-0748-000 and ST87-0573-000 which were filed by Northern Natural Gas Company, Natural Gas Pipeline Company of America and El Paso Natural Gas Company, respectively.

It is stated that Northern Border commenced the transportation service February 9, 1988, as reported in Docket No. ST88-2416-000 on February 24, 1988.

Comment date: May 6, 1988, in accordance with Standard Paragraph G at the end of this notice.

5. Lone Star Gas Company, a Division of ENSERCH Corporation

[Docket No. CP88-277-000 and CP88-277-001]

March 22, 1988.

Take notice that on March 7, 1988, Lone Star Gas Company, a Division of ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201 filed in Docket No. CP88-277-000, as amended by its filing on March 10, 1988, in CP88-277-001, a request pursuant to § 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon certain sales taps, lateral lines and appurtenant facilities, under the authorization issued in Docket No. CP83-59-000, as amended pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request, and amendment thereto, which are on file with the Commission and open for public inspection.

Lone Star proposes to abandon its facilities heretofore used to provide gas service to the following customers:

Customer	Location	Line
Rutler & Wilbanks	Stephens County, OK.	GDHB (portion).
Granite Oil Trust No. 2	Wichita County, TX.	A18-5 (all of the remaining (portion).

Lone Star states that it has not obtained letters of consent from Rutler & Wilbanks or Granite Oil Trust No. 2 (Granite). Rutler & Wilbanks, and oil field drilling company, did not provide Lone Star with written notice when it terminated its purchases of gas in 1973 or 1974, it is asserted. It is stated that Granite, a lease operator, converted to an alternate fuel (electricity) and sold its oil wells in 1986 to Grover Investment Company, which did not request service from Lone Star. Lone Star states that no other customers are served from these facilities and that sales to these customers have heretofore been made at the appropriate rate as provided by state authorities. Lone Star proposes to remove these sales taps, lateral lines and appurtenant facilities, which are located in Stephens County, Oklahoma and Wichita County, Texas.

Comment date: May 6, 1988, in accordance with Standard Paragraph G at the end of this notice.

6. Arkla Energy Resources a Division of Arkla, Inc.

[Docket No. CP88-279-000]

March 22, 1988.

Take notice that on March 8, 1988, Arkla Energy Resources (AER), a division of Arkla, Inc., P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP88-279-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) to construct and operate a tap and related jurisdictional facilities necessary to deliver gas from its jurisdictional system for resale by Arkansas Louisiana Gas Company (ALG), a division of Arkla, Inc., under authorization issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that AER would construct and operate a sales tap on its Line 6 in Sedgwick County, Kansas, to deliver gas to ALG for service to David D. Cranmer, a small commercial customer who would use approximately 2,930 Mcf per year.

AER states that the gas would be delivered from its general system sypply, which it is stated is adequate to provide the service.

Comment date: May 6, 1988, in accordance with Standard Paragraph G at the end of this notice.

7. Natural Gas Pipeline Company of America

[Docket No. CP88-281-000]

March 22, 1988.

Take notice that on March 9, 1988, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP88-281-000 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon a portion of its sales service to four of its jurisdictional sales customers, Iowa Electric Light and Power Company (Iowa Electric), Iowa-Illinois Gas and Electric Company (Iowa-Illinois), Iowa Southern Utilities Company (Iowa Southern) and Northern Indiana Public Service Company (NIPSCO), all as more fully set forth in the application which is

on file with the Commission and open for public inspection.

Natural indicates that Iowa-Illinois, Iowa Southern, NIPSCO, and Iowa Electric gave notice on December 31, 1987, February 18, 1988, December 30, 1987, and January 4, 1987, respectively, of their election to convert fifteen percent of their daily contract demand to firm transportation service pursuant section 284.10 of the Commission's regulations. Natural proposes to partially abandon sales service for the four customers converting to firm transportation service. It is alleged that the resulting firm transportation service would be performed in accordance with the terms and conditions in Natural's Rate Schedule FTS or successor tariff. Natural avers that the following table [1] sets forth each customer's current Daily Contract Quantity (DCQ), the DCQ to be converted to firm transportation, the effective date of the requested conversion and each customer's new DCQ.

[1] This table does not reflect any reductions currently pending in Docket No. CP87-206-000.

Customer	Current DCQ (Mcf)	Amount to be Converted (Mcf)	Effective Date Of Requested Conversion	New DCQ (Mcf)
Iowa Electric	48,541	7,281	3-1-88	41,260
Iowa-Illinois	266,048	39,907	4-4-88	226,141
Iowa Southern	10,497	1,575	3-1-88	8,922
NIPSCO	468,795	70,320	4-1-88	398,475

It is stated that the four customers elected to convert a portion (fifteen percent or less) of their daily contract quantity (DCQ) of the effective dates listed above. The DCQ changes were reflected in proforma tariff sheets for Iowa Electric, Iowa-Illinois, Iowa Southern, and NIPSCO on Ninth Revised Sheet No. 502, Tenth Revised Sheet No. 503, Eleventh Revised Sheet No. 503, and Third Revised Sheet No. 506, respectively. It is further stated that the DCQ level was used in the determination of basic annual quantities (BAQ) which are described on the proforma tariff sheet, Third Revised Sheet No. 137 of Natural's FERC Gas Tariff, Volume 1. It is alleged that the BAQ is utilized in the allocation of available gas supplies under section 22 of the General Terms and Conditions of Natural's Tariff. Natural has lowered proportionately the BAQ's of the four customers electing contract conversion to maintain the pre-existing relationship between DCQ and BAQ. It is further alleged that otherwise these customers would be entitled to receive the same supply allocation as previously notwithstandig the reduction of DCQ's.

It is stated that one of the customers, Iowa-Illinois, participated in a load switch with Wisconsin Southern Gas Utilities (Wisconsin Southern) which took effect January 1, 1986. However, changes were not made to their BAQ's at that time. It is further stated that this contract exchange was authorized by the Commission in Docket No. CP85-774. Natural has revised the BAQ for Wisconsin Southern and Iowa-Illinois to reflect this change.

It is alleged that the five customers discussed here and Natural's other 11 DMQ-1 customers were sent the current and proposed changes to the BAQ's in a letter dated January 26, 1988, and none voiced opposition to the proposed action. It is alleged that the current and revised BAQ levels are shown below:

Customer	Current BAQ (Mcf)	Revised BAQ (Mcf)
Iowa Electric	15,946,000	13,554,100
Iowa-Illinois	84,000,000	69,825,278
Iowa Southern	2,240,080	1,903,000
NIPSCO	154,000,000	130,900,000
Wisconsin Southern	7,093,064	8,526,682

Natural asserts that the change for Iowa-Illinois was effectuated in two steps. The customer exchanged 6,000 Mcf of daily contract quantity with Wisconsin Southern effective January 1, 1986. Such a change would have reduced the BAQ to 82,147,386 Mcf. It is alleged that the current requested conversion reduced the BAQ to the 69,825,278 Mcf level.

Comment date: April 12, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in detemining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-6705 Filed 3-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-56-003 et al.]

Citizens Energy Corp. et al., Applications for Extension of Blanket Limited-Term Certificates With Pregranted Abandonment [1]

March 22, 1988.

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for amendment of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1988, to extend such authorization for the term listed herein, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before March 30, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Requested term of extension
CI86-56-003, 3-18-88.	Citizens Energy Corp. and Citizens Gas Supply Corp., 530 Atlantic Avenue, Boston, MA 02210.	10 yr.
CI87-847-001 3-18-88.	Texas Eastern Gas Services Co., c/o Vinson & Elkins, 3300 First City Tower, 1001 Fannin, Houston, TX 77002-6760.	2 yr.

[FR Doc. 88-6703 Filed 3-25-88; 8:45 am]

BILLING CODE 6717-01-M

Cases Filed; Office of Hearings and Appeals; Week of December 24, 1987 Through January 1, 1988

During the Week of December 24, 1987 through January 1, 1988, the appeals and applications for 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 requlations, 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.

George B. Breznay,

Director of Hearings and Appeals.

March 21, 1988.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 24, 1987 through Jan. 1, 1988]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 28, 1987	Amoco *et al.* /Texas, Austin, Texas.	RM21-96, RM8-97,RM5-98, RM31-99, RM33-100, RM35-101, RM21-102, RM34-10.	Request for Modification/Rescission. *If granted:* The August 13, 1987 Decision and Order issued to Texas would be modified regarding the state's refund applications in the Amoco, Belridge, Palo Pinto, World Wide, Loveladdy, Fagadeau, Gas Engine, and Ada Resources second stage refund proceedings.
Dec. 28, 1987	National Helium/Ohio, Columbus, Ohio.	RM3-104	Request for Modification/Rescission. *If granted:* The March 25, 1987 Decision and Order issued to Ohio (Case No. RQ3-258) would be modified regarding the state's application for refund in the National Helium second stage refund proceeding.
Dec. 29, 1987	Washington, Olympia, Washington.	KEG-0027	Petition for Special Redress. *If granted:* The Office of Hearings and Appeals would review and approve the State of Washington's proposed expenditure for Stripper Well funds which were disapproved by the Assistant Secretary for Conservation and Renewable Energy.
Dec. 31, 1987	Cities Service Oil & Gas Corporation, Washington, DC.	KFA-0154	Appeal of an Information Request Denial. *If granted:* The November 30, 1987 Freedom of Information Request Denial issued by the Office of Management and Information Systems, Economic Regulatory Administration, would be rescinded and Cities Service Oil & Gas Corporation would receive access to certain information involving Chevron, U.S.A. and Gulf Oil Corporation.
Dec. 31, 1987	Little America Refining Company, Washington, DC.	KES-0008, KET-0008	Request for Stay and Request for Temporary Stay. *If granted:* Little America Refining Company would receive a stay and a temporary stay of the distribution of refunds in The True Companies special refund proceeding (Case No. HEF-0557).

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Dec. 24, 1987 through Jan. 1, 1988]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 31, 1987	U.S.A. Petroleum Corporation, Cincinnati, Ohio.	KFA-0155	Appeal of an Information Request Denial. *If granted:* U.S.A. Petroleum Corp. would receive access to certain Energy Information Administration reporting forms filed on behalf of Atlantic Richfield Company.

REFUND APPLICATIONS RECEIVED

[Week of Dec. 24, 1987 to Jan. 1, 1988]

Date received	name of refund proceeding/Name of refund applicant	Case No.
Dec. 28, 1987	Southwest Gas Equipment Company	RF253-43
Dec. 28, 1987	Amoco II/Texas	RQ251-420
	Charter/Texas	RQ23-421
	National Helium/Texas	RQ3-422
	Vickers/Texas	RQ1-423
	Pennzoil/Texas	RQ10-424
	OKC/Texas	RQ13-425
	Coline/Texas	RQ2-426
	Perry Gas/Texas	RQ183-427
Dec. 14, 1987 thru Jan. 1, 1988	Crude Oil Refund Applications Received	RF272-23341 thru RF272-30033
Dec. 24, 1987 thru Jan. 1, 1988	Gulf Oil Refund Applications Received	RF300-4507 thru RF300-4589

[FR Doc. 88-6631 Filed 3-25-88; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[ER-FRL-3354-9]

Intent To Prepare Environmental Impact Statements (EIS's); Designation of Ocean Dredged Material Disposal Sites (ODMDS's) for Three Navigation Channels in Coastal Louisiana

AGENCIES: U.S. Environmental Protection Agency (EPA), Region VI and U.S. Army Corps of Engineers (COE), New Orleans District.

ACTION: Notice of intent to prepare draft EIS's on the final designation of ODMDS's off coastal Louisiana.

Purpose: In accordance with section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972 and 40 CFR Part 228 (Criteria for the Management of Disposal Sites for Ocean Dumping), EPA and the COE will jointly prepare draft EIS's on EPA's designation of ODMDS's off coastal Louisiana.

FOR FURTHER INFORMATION CONTACT:

Norm Thomas, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, TX 75202-2733, (214) 655-2260

Suzanne Hawes, U.S. Army Corps of Engineers, P.O. Box 60267, New Orleans, Louisiana 70160-0267, (504) 862-2518.

SUMMARY: The proposed DEIS's will provide information regarding the environmental impacts and final designation for continued use of ocean dredged material disposal sites (ODMDS's) for three navigation channels in coastal Louisiana—the Mississippi River-Gulf Outlet in St. Bernard Parish, the Barataria Bay Waterway in Jefferson Parish, and the Houma Navigation Canal in Terrebonne Parish. Material dredged from the navigation channels is proposed for disposal. Without dredging, operating depths would decrease and limit economically important ship traffic utilizing the channel. Each of the above navigation channels extends into the Gulf of Mexico until it reaches a depth equal to the authorized channel depth. During maintenance dredging of the channels, material is placed in a narrow disposal site westward of and parallel to each channel. All three sites proposed for designation have been in use for over 25 years. All three of these sites received a 3-year interim designation from EPA in 1977, based on historical use. In January 1980, the interim designation of each site was extended indefinitely. The EPA has now determined that it will voluntarily prepare a draft and final EIS for each designation action. The COE and EPA will function as joint lead agencies in preparing these draft EIS's.

Alternatives: Alternatives to be considered in the draft EIS's include no action, final designation of the interim designated ODMDS's, relocation of the ODMDS's to alternate ocean areas, and land disposal and beach nourishment. Other alternatives may be identified during the scoping process.

Scoping: No formal scoping meetings are planned to receive input on these documents. A Scoping Input Request will be distributed in March 1988 to allow Federal, state, and local agencies; environmental groups; and other interested parties an opportunity to provide input and assist in identification of significant issues and alternatives to be addressed in the draft EIS's. Comments received as a result of the Scoping Input Request will be compiled and analyzed. A scoping document summarizing the results will be made available to all respondents.

Estimated Date of Release: The draft EIS's are currently scheduled to be available for public review as follows:

Houma Navigation Canal—Summer 1988

Mississippi River-Gulf Outlet—Summer 1988

Barataria Bay Waterway—Fall 1988

Responsible Officials:

Robert E. Layton, Jr., P.E., Regional Administrator, EPA, Region VI

Lloyd K. Brown, Colonel, Corps of Engineers, District Engineer.

Dated: March 3, 1988.

Lloyd K. Brown,

Colonel, Corps of Engineer, District Engineer.

Dated: March 22, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-6636 Filed 3-25-88; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3355-6]

Agency Paperwork Reduction Act Requests Completed by OMB

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces Office of Management and Budget (OMB) actions on the Information Collection Requests (ICRs) submitted by EPA.

Approved

EPA ICA #0309; Registration of Fuels and Fuels Additives; OMB action date: 3/3/88; OMB #2060-0150; expires 3/31/91. Revision of existing regulation.

EPA ICR #1078; Information Collection Requirements for Phosphate Rock Plants (NSPS Subpart NN); OMB action date: 2/19/88; OMB #2060-0111; expires 2/29/91. Revision of existing regulation.

EPA ICR #1397; Survey of Municipal Waste Combustors; OMB action date: 2/19/88; OMB #2060-0160; expires 12/31/88. New Collection.

EPA ICR #0276; Application for Experimental Use Permit to Ship and Use a Pesticide for Experimental Purposes Only/Final Reports on EUP'S; OMB action date: 2/23/88; OMB #2070-0040; expires 8/31/90. Revision of existing regulation.

EPA ICR #0857; Polychlorinated Biphenyls (PCBs), Manufacturing, Processing, and Distribution in Commerce Exemptions; OMB action date: 2/23/88; OMB #2070-0021; expires 2/29/91. Reinstatement.

EPA ICR #0976; Hazardous Waste Biennial Reporting System; OMB action date: 2/23/88; OMB #2050-0024; expires 12/31/88. Revision of existing regulation.

EPA ICR #1437; Letter to Governors of 50 States Requesting Review of Summaries of State Mining Waste Regulations; OMB action date 2/19/88; OMB #2050-0082; expires 12/31/88. New Collection.

EPA ICR #1427; Wastewater Permit Compliance Assessment Information; OMB action date: 2/23/88; OMB #2040-0110; expires 2/29/90. New Collection.

Not Approved

EPA ICR #1432; Protection of Stratospheric Ozone. New Collection.

Discontinued

EPA ICR #1233; Asbestos School Hazard Abatement Act Grant and Loan Program; OMB #2070-0062.

FOR FURTHER INFORMATION CONTACT:

Carla Levesque, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M St., SW., Washington, DC 20460, Telephone No. (202) 382-2840.

or

Susan Dudley, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503, Telephone No. (202) 395-3084.

Dated: March 16, 1988.

Odelia Funke,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 88-6673 Filed 3-25-88; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3355-1]

Intent to Prepare an Environmental Impact Statement (EIS); Designation of Ocean Dredged Material Disposal Site (ODMDS) Off Port Aransas, TX

AGENCY: Region VI, Environmental Protection Agency (EPA).

ACTION: Notice of intent to prepare an environmental impact statement on the final designation of an ODMDS off Port Aransas, Texas.

Purpose: The U.S. Environmental Protection Agency (EPA), Region VI, in accordance with its voluntary EIS policy for ocean dumping site designation, will prepare a Draft EIS on the designation of an ODMDS off Port Aransas, Texas. An EIS is needed to provide the information necessary to designate an ODMDS. This Notice of Intent is issued pursuant to section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 and 40 CFR Part 228 (Criteria for the Management of Disposal Sites for Ocean Dumping).

For Further Information and to be Placed on the ODMDS Project Mailing List Contact: Norm Thomas, (6E-F), EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 655-2260 or (FTS) 255-2260.

SUMMARY: The Corps of Engineers, Galveston District is responsible for maintaining the Corpus Christi Ship Channel. This requires the removal of approximately 955,000 cubic yards of maintenance material per year with a maintenance cycle at approximately 18-month intervals. The Corps has requested that EPA designate an ODMDS offshore Port Aransas, Texas for the continuing disposal of dredged material from the Corpus Christi Ship Channel when ocean disposal is the preferred alternative.

Alternatives: Alternatives to be evaluated include no action (defined as not designating an ODMDS), upland disposal and several offshore disposal site alternatives.

Scoping: A scoping meeting is not contemplated. Scoping with affected federal, state and local agencies and with interested parties is being accomplished by correspondence.

Estimated Date of Release: The Draft EIS will be made available in May 1988.

Responsible Official: Mr. Robert E. Layton Jr., P.E., Regional Administrator, Region VI.

Dated: March 22, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-6635 Filed 3-25-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL 3355-4]

Availability of Report to Congress on Wastes From the Combustion of Coal by Electric Utility Power Plants; Public Hearings

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of availability of report to Congress and announcement of public hearings.

SUMMARY: The Environmental Protection Agency (EPA) recently submitted to the Congress its report entitled "Report to Congress: Wastes from the Combustion of Coal by Electric Utility Power Plants." The report was compiled in response to section 8002(n) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6982(n). In the report, EPA provides information on: (1) The scope of the exemption for coal-fired utility wastes, (2) sources and volumes of waste, (3) current waste management practices, (4) cases of documented damage, (5) assessment of risk to human health and the environment, (6) potential costs of alternative waste management practices, (7) economic impact on industry of these alternative waste management practices on the use of coal and other natural resources, and (8) current and potential utilization of

waste materials. The report includes conclusions and recommendations. The purpose of this notice is to solicit public comment on the accuracy of the information and findings and the appropriateness of the recommendations. Public comment is especially invited on: 1. The scope of the exemption and 2. whether low-volume utility wastes should be regulated under Subtitle C of RCRA.

DATES: Public comments on this report must be received on or before May 16, 1988. EPA will conduct two public hearings on this report: April 26, 1988 in Denver, Colorado; and April 28, 1988 in Cincinnati, Ohio. Registration for all hearings will start at 8:00 a.m. The hearings will begin at 9:00 a.m. and will end at approximately 5:00 p.m.

ADDRESSES: The locations of the public hearings are:

The Regency, 3900 Elati Street, Denver, Colorado 80216

U.S. Environmental Protection Agency, Andrew W. Breidenbach Auditorium, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline (800) 424–9346 or (202) 382–3000. For technical information, contact Mr. Patrick Pesacreta at (202) 382–7915.

SUPPLEMENTARY INFORMATION: A block of hotel rooms for public hearing attendants will be set aside up to two weeks prior to the hearings. Attendants should make their hotel reservations in advance. Request for additional details on the hearings or to preregister to present testimony at a hearing should be addressed in writing to Hearing Clerk, Office of Solid Waste, WH–565, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Preregistration is not required to speak at a hearing, but is highly recommended.

The public must send an original and two copies of their comments on the report to: Docket Clerk, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Place the docket number F–88–PATA–FFFFF on your comments.

Copies of the full report to Congress will be available for purchase through the National Technical Information Service (NTIS). Information on how to purchase this report is available from: U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161; (703) 487–4650. Please use the full title of the document when ordering. The report to Congress is available for viewing at all EPA Regional libraries and in the EPA RCRA Docket. Also, major supporting documents cited in the report to Congress are available for public review beginning March 31, 1988 in the RCRA Docket (sub-basement), Office of Solid Waste, WH–565–E, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, from 9:00 to 4:00, Monday through Friday except Federal holidays, by appointment only. Appointments can be made by calling (202) 475–9327. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost 20 cents per page.

Dated: March 16, 1988.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 88–6674 Filed 3–25–88; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL–3353–5]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

ACTION: Notice of open meeting.

SUMMARY: A meeting of the National Air Pollution Control Techniques Advisory Committee will be held at the Sheraton Imperial Hotel and Towers, Empire Ballroom, I–40 Exit 282 at Page Road, Research Triangle Park, North Carolina 27709. The commercial telephone number is (919) 941–5050.

DATES: May 18 and 19, 1988.

FOR FURTHER INFORMATION CONTACT: All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by May 10, 1988. The commercial telephone number is (919) 541–5571, and the FTS number is 629–5571.

SUPPLEMENTARY INFORMATION: The agenda for the meeting is as follows:

May 18 (Wednesday)—9:00 a.m.

Asphalt Roofing, Review of Standards of Performance for New Stationary Sources (section 111 of the Clean Air Act)

Volatile Organic Compounds (VOC's) Capture Efficiency, Test Methods and Procedures (sections 110 and 111 of the Clean Air Act)

Municipal Waste Combustion, Status Report to the Committee on Regulatory Development (sections 111 and 111(d) of the Clean Air Act)

Municipal Solid Waste Landfills, Background Information and Regulatory Alternatives (sections 111 and 111(d) of the Clean Air Act)

Treatment, Storage, and Disposal Facilities (TSDF), Background Information and Regulatory Alternatives (Resource Conservation and Recovery Act)

Perchloroethylene Dry Cleaning, Background Information and Regulatory Alternatives (section 112 of the Clean Air Act)

May 19 (Thursday)—9:00 a.m.

Continuation of May 18—as Required

Ethylene Oxide Commercial Sterilizers, Background Information and Regulatory Alternatives (section 112 of the Clean Air Act)

Small Steam Generating Units, Status Report to the Committee on Regulatory Development (section 111 of the Clean Air Act)

The dockets containing material relevant to asphalt roofing (A–87–02), capture efficiency (A–87–13), municipal waste combustion (A–86–16), municipal landfills (A–88–09), perchloroethylene dry cleaning (A–88–11), ethylene oxide commercial sterilizers (A–88–03), and small steam generating units (A–86–02) are located in the U.S. Environmental Protection Agency, Central Docket Section, South Conference Center—Room 4, 401 M Street SW., Washington, DC 20460. The docket for treatment, storage, and disposal facilities (F–88–CESP–FFFFF) is located in the U.S. Environmental Protection Agency, RCRA Docket Section, Sub-Basement (Room S–212), 401 M Street SW., Washington, DC 20460. The dockets may be inspected between 8:00 a.m. and 3:30 p.m. on weekdays, and a reasonable fee may be charged for copying.

(Public Law 92–463)

Dated: March 17, 1988.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 88–6443 Filed 3–25–88; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3354–4]

Science Advisory Board, Environmental Engineering Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that the Science Advisory Board's Environmental Engineering Committee will meet April 14–15, 1988 in the Administrator's Conference Room 1101 West Tower, 401 M Street SW., Washington, DC. The meeting will begin at 9:00 a.m. on Thursday and adjourn no later than 2:30 p.m. on Friday.

The Committee will discuss final changes to the Underground Storage

Tank report and hear the report of the Unsaturated Zone Code Subcommittee. The Committee will discuss a draft resolution on modeling and receive an update on a potential Science Advisory Board review of issues related to the disposal of Municipal Combustion Ash. The Committee will be briefed on a number of other EPA activities related to engineering.

The meeting is open to the public. Any member of the public wishing to attend or submit written comments should notify Mrs. Kathleen Conway, or Marie Miller at 202/382-2552 by April 11, 1988.

Dated: March 18, 1988.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 88-6675 Filed 3-25-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Information Collection submitted to OMB for review and approval under the Paperwork Act of 1980.

Title of Information Collection: Criminal Referral Reporting (OMB No. 3064-0077).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for the review and approval of the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to John Keiper, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429.

Comments: Comments on this collection of information should be submitted on or before April 27, 1988.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3810.

SUMMARY: The FDIC is requesting OMB approval to revise the forms used in the Report of Apparent Crime. FDIC regulation 12 CFR Part 353 requires insured nonmember banks to use prescribed forms (short form, FDIC 6710/06, or long form, FDIC 6710/06A) to report suspected criminal activity. The purpose of the reporting requirement is to assure that the specific information needed by investigators and prosecutors for effective law enforcement is provided in an orderly and timely fashion. The FDIC and other Federal financial institutions regulatory agencies are revising the criminal reporting forms to:

(1) Reduce the reporting burden;

(2) Incorporate additional criminal statutes; and

(3) Standardize the reporting basis.

The aggregate annual reporting burden imposed on insured nonmember banks in using the revised forms is 2,850 hours.

Dated: March 22, 1988.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 88-6721 Filed 3-25-88; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-812-DR]

Amendment to Notice of a Major-Disaster Declaration; California

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-812-DR), dated February 5, 1988, and related determinations.

DATED: March 15, 1988.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice

Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Tommie C. Hamner of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of John D. Swanson as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 88-6644 Filed 3-25-88; 8:45 am]

BILLING CODE 6718-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Welfare Dependency; Solicitation of Applications for Grants

Pursuant to section 1110A of the Social Security Act, the Assistant Secretary for Planning and Evaluation (hereafter the Assistant Secretary) is seeking applications for research in the area of income security policy from States, public, non-profit, and for-profit organizations. This grant announcement is the result of substantial interagency cooperation and the funds available from the Assistant Secretary may be supplemented by additional funds from other government agencies.

I. Type of Application Requested

This announcement seeks applications for projects to develop and conduct a program of research relating to national policy concerns in the area of welfare dependency. The Assistant Secretary has recently received two syntheses of research in this area that are available to potential applicants; these syntheses have helped determine our areas of interest.[1] The following paragraphs describe this general area of interest in greater detail by enumerating high priority areas of research. The questions they contain are intended as illustrations of specific concerns. Applications should be for projects that will address one or more of the priority areas discussed below; other, closely related issues may also be included if they are shown to be relevant to the general areas of interest.

A broad range of methodologies is acceptable for the purpose of this grant competition. However, all proposed projects should embody a sound theoretical base upon which new and original empirical work, employing the most useful and relevant data bases, is built. Demonstration projects will not be

[1] These syntheses are available from the Grants Officer (see section I):

1. Ellwood, David T. "Understanding Dependency: Choices, Confidence or Culture?" Brandeis University, November 1987.

2. Kevin R. Hopkins, "Welfare Dependency: Behavior, Culture and Public Policy." Hudson Institute, September 1987.

funded, though funds may be requested to carry out or supplement evaluation of carefully designed existing demonstrations. Applicants must demonstrate knowledge of past and current research relating to the priority area under consideration, and they must also demonstrate access to data adequate to conduct a proposed study. With the exception of priority area B below, new data collection is inappropriate.

1. *The high priority research areas* for which applications for the proposed program of research are most desired are as follows:

A. Empirical Analysis of Welfare Dependency and Multiple Program Participation Using Monthly Longitudinal Data

Despite the well-known limitations of annual data provided by such longitudinal surveys as the Panel Study of Income Dynamics and the National Longitudinal Surveys in understanding welfare dependency (including underestimation of the prevalence of short spells), little analysis of monthly data has been done. Analysis of other longitudinal data sets providing monthly data (such as State administrative case records linked across assistance programs, the Survey of Income and Program Participation [SIPP], etc.) would be quite useful, though researchers must be aware of the difficulties involved in dealing with household and family composition changes over time. Are the answers we get from administrative data sources consistent with those we get from survey data? Such investigations should not be limited solely to nonelderly female-headed families.

A number of issues related to the Aid to Families with Dependent Children (AFDC) and the Food Stamps programs can be addressed by such an investigation.

- What are the facts regarding administrative churning versus true short-term dependency and what does that tell us about biases in annual measurement? Have the 1981 AFDC amendments changed average spell length? What is the relationship between AFDC benefit levels and spell length?
- What are the reasons for most entrances to and exists from the AFDC and Food Stamps rolls? Which type of former recipient is most likely to return to the rolls (those that leave due to earnings, marriage, or ineligibility)? Are earnings exits and returns gradual or abrupt? Are there correlations between spell length, means of exit, subgroup membership, and recidivism? Does having additional children while an AFDC recipient affect spell length or the probability of an exit?
- Is there a "welfare trap," that is, does an initial spell increase the likelihood of subsequent spells or is the variation in spell length due entirely to differences in individual characteristics? If there is a trap, through which mechanism(s) does it operate—e.g., does an initial spell make welfare receipt more acceptable; does being on welfare act to constrain the choices available to a potential welfare recipient (that is, does the time out of the labor market reduce skill acquisition so that future labor market opportunities are reduced); does being on welfare reduce marriage prospects? Do AFDC recipients have lower returns to schooling and other human capital investments than other women, and is that a cause or a result of their dependency? How does recidivism fit into the entire life cycle analysis of welfare participation, work, marital decisions?

Further, little has been done with any of the longitudinal data sets to examine multiple transfer program benefit receipt over time. In particular, examination of the longitudinal nature of Food Stamp and AFDC receipt would be useful. What happens to Food Stamp receipt when a household leaves AFDC? Controlling for income, are former AFDC recipients more likely to return to AFDC if they continue to receive Food Stamps after they leave AFDC, that is, is return to dependency facilitated by continued contact with the welfare system? More broadly, what is the relationship over time of the receipt of cash assistance (including AFDC, Supplemental Security Income, general assistance) to the receipt of in-kind transfers (e.g. Food Stamps, housing assistance)? Why do some individuals who are eligible for AFDC or Food Stamps choose not to participate and is this affected by the benefit reduction rate ("marginal tax rate") on earnings? What is the relative importance of stigma, lack of knowledge, attitudes toward welfare, short-run adversity, hassle, supply factors, etc. on participation? Are non-participants active in the underground economy and do not need welfare benefits?

B. Investigating Exists and Recidivism With Qualitative Data

Recent research has focused on national data sets, such as the Panel Study of Income Dynamics and the National Longitudinal Surveys. Supplementing empirical analysis with qualitative, ethnographic interviews, possibly involving new data collection, could be quite instructive. Such analysis should focus on life cycle patterns of welfare receipt, work effort, earnings, marital status and conjugal relationships, childbearing, health status and Medicaid use, and so forth for a substantial sample of former welfare recipients.

For example, studying individuals who have recently left the AFDC rolls is of particular importance. Supplementing current cross-sectional findings with longitudinal analyses may yield new insights into exist patterns. For example, we can learn more about recidivism—why those who we thought successful home "failures" and return to the welfare rolls—by following former recipients over time. What are the characteristics of those who successfully leave AFDC through earnings? Do these women have prior labor market experience? Do they have superior labor market opportunities? Is the process of an earnings exist gradual or abrupt? Why do some mothers work part-time when the income gains are small at best? Are the part-time workers of this period those that leave with full-time jobs next period? How do day care, medical, or other problems get in the way of finding or keeping a job? What mechanisms are used to finance health care in the absence of Medicaid coverage and do significant health care problems lead to a return to dependency on Medicaid alone (in "medically needy" states) or on welfare plus Medicaid?

C. AFDC-Unemployed Parent Program

Assertions have been made that mandating the AFDC-UP program for all states would increase family stability by removing the incentive for unemployed parents to abandon their families. While there is some evidence that the AFDC-Basic program increases the likelihood of divorce, there is no evidence to date whether or not the AFDC-UP program decreases that likelihood. Moreover, the participation rate of eligible families in the UP program is believed to be substantially less than for the Basic program. What are the determinants of participation in AFDC-UP and why is the participation rate in AFDC-UP for eligible families below the participation rate for the AFDC-Basic program? Do eligible non-participants get benefits from other income transfer programs such as Food Stamps? Is there any evidence that AFDC-UP affects family stability and work effort in ways different from AFDC-Basic? What do we know about the interaction of AFDC-Basic and AFDC-UP in states that have both, that is, what is the pattern of movement of families between the two

programs? What can we learn when states change their programs to cover or end coverage of UP families? Is participation in UP related to changes in the Unemployment Insurance extended benefits program?

D. Problems of the Underclass

The recent widespread interest in problems of an underclass in American cities has served to highlight our lack of knowledge about welfare use at the neighborhood level. Clearly, one central issue involves defining the underclass. Almost universally, extant definitions involve geographic concentrations of poverty and/or welfare use.

Two methods can be used to shed light on the problems of the underclass—analysis of both nationally-representative data and geographically-concentrated data. Currently, census tract data are being linked to the Panel Study of Income Dynamics. With these data, one can experiment with alternative definitions of an underclass including aspects of both economic marginality and geographically concentrated poverty. As a consequence, employment and unemployment rates, underemployment, welfare use, and dependency can now be investigated as they differ among neighborhoods. For example, does the fact that a particuarly high proportion of a neighborhood's population uses welfare have any effect on marriage and welfare use or on the intergenerational transmission of dependency in that neighborhood? What is the distribubtion of welfare recipients, long-term welfare recipients, and the long-term poor (as opposed to all poor persons) by neighborhood proverty rate? What is the work history of those living in high poverty areas and how many are receiving Unemployment Insurance? What are the characteristics of the non-poor and non-dependent populations living in high poverty areas? Are these people more at risk of dependency than those with similar characteristics that live in better-off neighborhoods? Are the near-poor in any one year future or past poor? What is known about the relationship between residence in public housing areas and the use of public assistance? Can information from criminal justice statistics for local areas be used to determine whether there is a link between criminality and welfare dependency?

At the neighborhood level, systematic assessment of the characteristics of neighborhoods and their evolution through time can be used to develop and assess hypotheses about the origins and likely future of economically deprived populations. For example, William Julius Wilson, in a recent paper for the Rockefeller Foundation, has investigated neighborhoods in Chicago in the detail necessary to examine these issues. Questions that might be addressed include the following: Is it lack of jobs or lack of skills that leads to low employment rates in underclass areas? Are employment and training programs (such as the Job Training Partnership Act) serving inner city populations? Is there any evidence that local self-help programs (such as the Kenilworth-Parkside Resident Management Corporation in Washington, DC) have any effect on welfare use, transition to self-sufficiency, neighborhood quality, or related issues? Do the attitudes of males or females toward welfare in areas with relatively low proportions of the population receiving welfare differ from those areas with relatively high receipt?

Finally, a systematic assessment of ethnographic findings to abstract lower class subculture characteristics may be informative. Currently, researchers include "race" as an explanatory variable in their welfare and poverty regression models with little explanation. Can we understood what this term stands for? Can we explain the significant differences between blacks and whites in these models through differences in educational opportunities, housing quality, etc., or are there underlying cultural differences between races that cannot be explained even when neighborhood influences are taken into account?

E. Topics Related to Teenage Pregnancy

Unmarried women entering welfare as teenagers are often long-term dependent. This series of proposed projects focuses on the antecedent behavior—teenage pregnancy.

1. Examining the "Opportunity Costs" Hypothesis

Teenagers from disadvantaged families and neighborhoods are considerably more likely to become parents during their teen years. One explanation for this pattern is the "nothing to lose" hypothesis. That is, these teens perceive that they lack opportunities for personal advancement and believe they have limited options. Because early parenthood may appear to entail little in the way of lost opportunities, teens lack the motivation to avoid becoming parents as adolescents. We would like to test the validity of this hypothesis. Does it apply equally well to males and females? Are there other important variables which affect young people's attitudes and perceptions about the future?

2. Child Support, Male Responsibility, and Family Involvement

Child support payments can affect the duration and depth of welfare dependency. Yet, 70% of all AFDC recipients have not been awarded any child support. How might increased child support enforcement, paternity establishment, and provision of male and/or female employment opportunities change the patterns of child support payment, employment, and family structure?

Even on a descriptive level, the attitudes, values and concerns of teenage males are not well-documented. Can the rigorous enforcement of existing child support laws affect the behavior of young males? Would widespread imposition of uniform child support awards on fathers change behavior (e.g. reduce illegitimacy or divorce) by increasing the financial risk to males? How might the work effort of both mothers and fathers be affected? How might increased mandatory payments affect informal payments by fathers? Would child support collections increase if fathers were allowed to make in-kind contributions in lieu of cash payments due and thus have greater control over how their payments are used? Would increased child support payments affect the chance that the mothers marry or remarry?

There is some evidence that efforts to establish paternity around the time of birth frequently result in voluntary acknowledgement of paternity. Does such an approach lead to greater involvement of the father in the care and support of his child? Would job counseling of the father at the time of paternity establishment increase the likelihood of child support? Many of the fathers of AFDC children are unemployed or underemployed. They often are not given high priority by child support enforcement officials for paternity establishment or child support enforcement. Furthermore, they are not given any priority in human capital development programs, perhaps because that might create perverse incentives to father children out-of-wedlock. Can integrated child support enforcement and work programs for the fathers increase their support for their children without increasing birth rates? To what extent do welfare, workfare, employment and training rules/regulations and practices discourage rather than encourage father support of children and/or family dissolution. To what extent have job training programs or other human capital investments (e.g.

schooling) on the part of males affected the likelihood that they will marry?

Variations in State child support enforcement practice toward young absent fathers create "natural experiments"—some AFDC recipients are in a "strict enforcement" group while others are in a "no enforcement" group. Do states or particular communities differ in measurable ways in their child support enforcement or employment practices (e.g. workfare for the fathers) so that meaningful comparisons about outcomes can be made?

F. Influence of Child Care on the Capacity for Independence

Several attitudinal surveys have indicated that lack of affordable, available child care is a significant barrier to the labor force participation of low-income women. On the other hand, several studies indicate that child care is less significant an impediment than charged. Ellwood in his previously-cited synthesis of the welfare dependency literature says, "One of the most talked about but least understood strategies to help people move toward independence involves day care." He adds, "There are surveys of day care arrangements (including SIPP) which could be examined. Some may even have a useful longitudinal component. Moreover, there is already considerable variation in the provision of day care across States. Work-welfare programs are a potentially rich source of information on the role of day care in influencing work decisions."

What types of child care do welfare recipients that work currently use? What are the relative roles of (1) private procurement of services covered, the AFDC child care disregard and (2) provision of day care services by government programs (including both work programs for welfare recipients and Title XX programs)? Can government target fiscal resources to appropriate families for day care in a way to encourage cost-effective labor force participation by welfare recipients? We are also interested in studies that will help us understand whether an inadequate supply of affordable child care is a major barrier to low income women's labor force participation in general. If there is a problem, is it pervasive across the country or are there only pockets where supply, quality, or costs are the problem? Does the demand for child care services differ in type (e.g. family vs. center-based) or quantity among regions?

G. Effects of Child Support Enforcement on AFDC and of Financing Arrangements on Program Effectiveness and Efficiency

Federal financing arrangements for child support enforcement (CSE) activities are very generous—a 68 percent administrative cost match rate, a 90 percent match for ADP systems, an incentive payment of 6 to 10 percent of all child support collections, plus the return to the State of its share of all collections made on behalf of AFDC recipients (an average of about 36% when the $50 per month pass-through and other payments to families have been excluded). These monies flow into the State's general revenues. Consequently, there is no need for a State to link the generosity of its AFDC program to the effectiveness of its CSE program. Nevertheless, State legislators may make such a link in setting the AFDC benefit level or in determining some other aspect of the AFDC program. Is there any evidence of such a link? (The effectiveness of CSE is not to be construed simply as the total amount of collections or the ratio of collections to administrative cost, but also the degree to which paternity and support awards are established, the proportion of support awards which are in collection status, the degree to which States concentrate on current collections versus arrears, and the extent to which States have backlogs of unworked or inactive cases.)

It has not been documented that the current financing arrangements have any effect on the CSE program's effectiveness or efficiency. Further, because of the complex nature of the program, administrative and financial interactions between AFDC and CSE may make it difficult for States and counties to determine the long-run benefit of increasing CSE activities, especially for the AFDC population. It is also suggested that there may be conflict between the State-level view of how child support and AFDC should interact and how this interacting is perceived at the county level, especially where one or both of the CSE and AFDC programs are county-administered or operated. Consequently, we are interested in an examination of how the administrative structures for AFDC and CSE within States and the particular Federal and State financing arrangements may be affecting the effectiveness of the CSE program.

2. Products

The applicant should present a schedule for delivery of interim progress reports and a final report. For any project that significantly enhances a data base or creates a new data base in the course of the work, a well-documented public use file should also be prepared.

3. Potential Users

Potential users of the research include policy makers at Federal, State, and local levels of government, as well as professionals in social services, demography, economics, sociology, social work, and related fields. Because many of those who will be interested in this research lack advanced technical training, it is important that the results of projects be presented in a fashion accessible to such an audience. This may involve the submission of a separate, non-technical executive summary.

4. Types of Projects Excluded

In consideration of the intent of this announcement, applications concentrating on a narrow programmatic or policy focus, or on one that is not directed to concerns of national interest, will not be considered for funding.

In addition, this announcement seeks empirical analysis of the individual issues founded on a sound theoretical base. Applications that are limited to theoretical development or involve new demonstrations will not be considered. In addition, applications that include new data collection efforts are unlikely to be approved, except in priority area B.

5. Content and Organization of the Applications.

The application must begin with a cover sheet followed by the required application forms and an abstract (of not more than two pages) of the application. Failure to include the abstract may result in delays in processing the application. Each application should include a discussion of the relevant literature, a description of the models to be analyzed, the data sources to be used, and the methodologies proposed to test the models. Resumes of staff should be included, as should a full budget and a schedule of tasks for the proposed projects.

II. Applicable Regulations

1. "Grants Programs Administered by the Office of the Assistant Secretary for Planning and Evaluation" (45 CFR Part 63), Code of Federal Reguations, October 1, 1980.

2. "Administration of Grants" (45 CFR Part 74), Code of Federal Regulations on June 9, 1981.

III. Effective Date and Duration

1. The grants awarded pursuant to this announcement are expected to be made on or about July 1, 1988; however some may be made subsequent to this date (see Section D below).

2. In order to avoid unnecessary delays in the preparation and receipt of applications, this notice is effective immediately. The closing dates for applications are specified in Section F and G below.

3. It is expected that most projects will be completed within a twelve- or an eighteen-month period. Longer projects, particularly those addressing priority area B, can be considered but will be subject to the availability of funds.

IV. Statement of Funds Available

1. $450,000 has been set aside for grants to be awarded in Fiscal Year 1988 as a result of this announcement. Applications may be for any amount, but it is expected that most awards will be for single projects of no more than $100,000. Up to $500,000 of additional funds in both Fiscal Years 1988 and 1989 may be made available for unfunded proposals which are of exceptional quality.

Applicants are encouraged to seek additional funds from other sources for this project. Applicants should discuss any commitments, plans, or hopes for additional funds, including size and sources. When it is judged that successful completion of a proposed project depends on outside funding, this office's funding commitment will be made contingent on complete demonstration of that outside funding.

2. Funds may be obligated fully at the time of award of these grants or incrementally.

3. The government reserves the right to select for funding more than one application in a given priority area. Further, the selection of the priority areas from the entire set, for which awards will be made, will be made in accordance with the quality of proposals received. However, nothing in this application should be construed as committing the Assistant Secretary to make any award.

V. Application Processing

1. Applications will be initially screened for relevance to the needs defined in section A (as well as additional areas of interest persuasively shown to be relevant by the grantee). If judged relevant, the application will then be reviewed by a government review panel, possibly augmented by outside experts. *Three (3) copies* of each application are required. Applicants are encouraged to send an additional *seven (7) copies* of their application to ease processing, but applicants will not be penalized if these extra copies are not included. Applicants should clearly indicate on their cover sheet into which of the priority topics listed above their application falls, or if none, indicate "OTHER".

2. Applications will be judged as to eligibility, quality, and relevance, according to the criteria set forth in item 5.

3. An unacceptable rating on any individual criterion may render the application unacceptable. Consequently, applicants should take care to ensure that all criteria are fully addressed in the application.

4. Applications should be as brief and concise as is consistent with the information requirements of the reviewers. Applications should be limited to 25 double-spaced typed pages, exclusive of forms, abstract, resumes, and proposed budget; they should neither be unduly elaborate nor contain voluminous supporting documentation.

5. *Criteria for Evaluation.* Evaluation of applications will employ the following criteria. The relative weights are shown in parentheses.

a. *Usefulness.* The potential usefulness of the objectives and anticipated results of the proposed project for providing individuals and organizations concerned with the issues discussed in Section A above with improved bases for making decisions about these issues. The potential usefulness of the proposed project for the advancement of science. (25 points)

b. *Clarity and Understanding.* Understanding and knowledge of prior work in the area. The cost effectiveness of the proposal and the clarity of statement of objectives, methods, and anticipated results. (15 points)

c. *Research Design.* The appropriateness and soundness of methodology (which may include an interdisciplinary approach), including overall research design, statistical techniques, modeling strategies, choice of data, and other proposed procedures. Probability of successful completion of the study. (30 points)

d. *Experience and Qualifications of Personnel.* Principal Investigator's and other key staff's experience in this or related areas and indications of innovative approaches and creative potential. Indication of the ability of key staff to produce publishable quality reports or articles. (30 points)

VI. Applications Sent by Mail

Applications may be sent by either the U.S. Postal Service or a commercial carrier. Applications sent by U.S. Postal Service will be considered to be received on time by the Grants Officer if the application was sent by first class, registered or certified mail not later than May 19, 1988, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service. Applications sent by a commercial carrier will be considered to be received on time by the Grants Officer if sent not later than May 19, 1988, as evidenced by a receipt from the commercial carrier.

VII. Hand-Delivered Applications

An application to be hand-delivered must be taken to the Grants Officer at the address listed at the end of this announcement. Hand-delivered applications will be accepted daily between 9:00 a.m. and 4:30 p.m., Washington, DC, time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after close-of-business on May 20, 1988.

VIII. Disposition of Applications

1. *Approval, disapproval, or deferral.* On the basis of the review of the application, the Assistant Secretary will either (a) approve the application as a whole or in part; (b) disapprove the application; or (c) defer action on the application for such reasons as lack of funds or a need for further review.

2. *Notification of disposition.* The Assistant Secretary will notify the applicants of the disposition of their application. A signed notification of grant award will be issued to the contract person listed in block 4 of the application to notify the applicant of the approved application.

IX. Application Instructions and Forms

Copies of applications should be requested from and submitted to: Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue SW., Room 426F, Hubert H. Humphrey Building, Washington, DC 20201, Phone (202) 245–1794. Questions concerning the preceding information should be submitted to the Grants Officer at the same address. Neither questions nor requests for applications should be submitted after April 15, 1988.

X. Federal Domestic Assistance Catalog

This announcement is not listed in the Federal Domestic Assistance Catalog.

XI. Intergovernmental Review of Federal Programs

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs" or its implementing regulations 45 CFR Part 100.

Date: March 22, 1988.

Robert B. Helms,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 88-6641 Filed 3-25-88; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 81P-0361 et al.]

Approved Variances For Laser Light Shows; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for laser products have been approved by FDA's Center for Devices and Radiological Health (CDRH) for 17 organizations that manufacture and produce laser light shows, light show projectors, or both. The projectors provide a laser light display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table below under "Supplementary Information."

ADDRESS: The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: Under 21 CFR 1010.4 of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted each of the 17 organizations listed in the table below a variance from the requirements of 21 CFR 1040.11(c) of the performance standard for laser products.

Each variance permits the listed maufacturer to introduce into commerce a demonstration laser product assembled and produced by the manufacturer, which is its particular variety of laser light show, laser light show projector, or both. Each laser product involves levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product.

CDRH has determined that suitable means of radiation safety and protection are provided by constraints on the physical and optical designs and by warnings in the user manuals and on the products. Therefore, on the effective dates specified in the table below, FDA approved the requested variances by a letter to each manufacturer from the Deputy Director of CDRH.

So that each product may show evidence of the variance approved for the manufacturer of the product, each product shall bear on the certification label required by 21 CFR 1010.2(a) a variance number, which is the FDA docket number, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Demonstration laser product	Effective date termination data
81P-0361 (renewal).	Siegfried and Roy Entertainment, Incorporated d.b.a. Beyond Belief, Frontier Hotel, 3120 Las Vegas Boulevard, South Las Vegas, Nevada 89109.	Siegfried and Roy Entertainment, Incorporated "Beyond Belief" laser light show incorporating the Laser Media LMS projector.	January 22, 1988—February 1, 1990.
83P-0085 (renewal).	Hill Development Services Company, 18160 Old Monte Rio Road, Guernewood Park, California 95446.	Laser light shows assembled and produced by Hill Development Services, Company incorporating the Class IV Laserscape II Krypton, the ABP-1 argon, and the CP-1 argon/krypton laser projectors.	Jan. 22, 1988—March 17, 1990.
83V-0412 (renewal).	Western Michigan University, Dalton Center, Kalamazoo, Michigan 49008-5188.	INNOVA 90K Laser Light Shows and the Class IV ion laser projection systems and display devices assembled and produced by Western Michigan University.	Jan. 12, 1988—Jan. 26, 1990.
84V-0335 (renewal).	La Mama Experimental Theatre Club, Incorporated, 74A East 4th Street, New York, New York 10003.	Importation of the Campagnia Teatrale Krypton laser projector and laser light show for a two-week presentation in the La Mama Theatre. The projector is a Class IV argon projector.	Dec. 31, 1987—Sept. 28, 1989.
85V-0239 (amendment).	Laser Dreams, 7345 Healdsburg Avenue, Suite 11, Sebastopol, California 95472.	Laser Dreams laser light shows incorporating the Laser Dream Machine Model 1 laser projector with argon, helium-neon, and/or helium-cadmium lasers.	Jan. 20, 1988—May 30, 1988.
85V-0298 (renewal).	Laser Light Systems, Incorporated, 1414 Tilia, San Mateo, California 94402.	Laser Light Systems' laser light shows and the incorporated laser projection system consisting of Laser Systems Development Corporation Model R3, C3, or C6 optics modules and Class IV argon or krypton lasers such as Spectra-Physics' Models 164 or 171 or Laser Light System's Model LLI.	Jan. 5, 1988—Jan. 9, 1990.
85V-0305 (renewal).	Sea World, 1720 South Shores Road, San Diego, California 92109.	Class IV Sea World Model SW-1 ion laser projector and the Sea World laser light shows, such as "Summer Nights" or "Starlight Spectacular" incorporating Laser Media LMS Series and Sea World Model SW-1 laser projectors.	Jan. 5, 1988—Jan. 5, 1989.
86V-0194 (amendment).	Lasertainment, 428 B West County Road D, New Brighton, Minnesota 55112.	Lasertainment laser light show using the Laser Fantasy Class IIIb or IV Rainbow Model Series Ar/HeNe laser projection systems.	Jan. 5, 1988—Oct. 16, 1988.
87V-0308	Laser Entertainment and Display Incorporated, 2939 Arden Way, Sacramento, California 95825.	Class IV argon/krypton Model LED 1 laser projection system and laser light shows produced and assembled by Laser Entertainment and Display, Incorporated incorporating this projection system.	Dec. 6, 1987—Dec. 6, 1989.
87V-0342	Allen County Memorial Coliseum, 4000 Parnell Avenue, Fort Wayne, Indiana 96805.	Allen County Memorial Coliseum laser fiber optic scoreboard	Dec. 1, 1987—Dec. 1, 1989.
87V-0359	Diego's Incorporated, 860 Garnet Avenue, San Diego, California 92109.	Club Diego's laser light show using the Entertainment Technology Industries Class IV Beam Master Model Three argon laser projection system.	Nov. 25, 1987—Nov. 25, 1989.

Docket No.	Organization granted the variance	Demonstration laser product	Effective date termination data
87V-0377	NASA Ames Research Center, MS 247-2, Moffett Field, California 94035.	NASA Ames Research Center Wind Tunnel laser display using the Class IV argon Model LRVL laser product modified by NASA/ARC for this display.	Dec. 4, 1987—Dec. 4, 1988.
87V-0385	The Bailey Controls Company, 29801 Euclid Avenue, Wickliffe, Ohio 44092.	Bailey Controls Company laser light displays using the Centrak Laser Corporation Model CK-2 laser projector.	Dec. 24, 1987—Dec. 24, 1989.
87V-0388	Benedum Natural Science Theater, Ogle Bay Park, Wheeling, West Virginia 26003.	Benedum Natural Science Theater Laser Light Show incorporating the Laser Fantasy Rainbow 2000 laser projector.	Jan. 21, 1988—Jan. 21, 1990.
87V-0394	Spectra Laser Systems, 10292 Lurline Drive, Huntington Beach, California 92646.	Laser light shows assembled and produced by Spectra Laser Systems and for the firm's Model Series 6000 Computer Controlled Laser Projectors which are incorporated into these shows.	Dec. 16, 1987—Dec. 16, 1989.
87V-0400	Hyperion, 2810 Hyperion Avenue, Los Angeles, California 90027.	Hyperion laser light shows, incorporating an Entertainment Technology Industries Beam Master laser projector.	Dec. 29, 1987—Dec. 29, 1989.
87V-0401	Chameleon Productions, 500 E. Concord Street, Orlando, Florida 32803.	Chameleon Productions laser light shows, such as "Out of the Darkness," incorporating the Model TL24D laser projection system manufactured by Precision Projection Systems, Incorporated.	Jan. 21, 1988—Jan. 21, 1990.

In accordance with § 1010.4, the applications and all correspondence on the applications have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: March 17, 1988.

John C. Villforth,

Director, Center for Devices and Radiological Health.

FR Doc. 88-6638 Filed 3-25-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88N-0066]

IOPTEX, Inc.; Premarket Approval of the Model 304-01 Ultra C-Loop Posterior Chamber Intraocular Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by IOPTEX, Inc., Azusa, CA, for premarket approval, under the Medical Device Amendments of 1976, of the Model 304-01 Ultra C-Loop Posterior Chamber Intraocular Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by April 27, 1988.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy C. Brogdon, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8258.

SUPPLEMENTARY INFORMATION: On April 6, 1987, IOPTEX, Inc., Azusa, CA 91702, submitted to CDRH an application for premarket approval of the Model 304-01 Ultra C-Loop Posterior Chamber Intraocular Lens. The device is indicated for primary implantations in patients 60 years of age and over where a cataractous lens has been removed by extracapsular cataract extraction methods. The device is available in a range of powers from 5 diopters (D) to 33 D in 0.5 D increments.

On July 23, 1987, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On February 12, 1988, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nancy C. Brogdon (HFZ-460), (address above).

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 27, 1988, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 18, 1988.

John C. Villforth, Director,

Center for Devices and Radiological Health.

[FR Doc. 88–6639 Filed 3–25–88; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of a Pennsylvania State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA, HHS.

ACTION: Notice of Hearing.

SUMMARY: This notice announces an administrative hearing on May 11, 1988 in Philadelphia, Pennsylvania to reconsider our decision to disapprove Pennsylvania State Plan Amendment 87–11.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk (within 15 days after publication).

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 300 East High Rise, 6325 Security Boulevard, Baltimore, MD 21207, Telephone: (301) 966–4470.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Pennsylvania State Plan Amendment 87–11.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether Pennsylvania SPA 87–11 violates section 1902(a)(10) (A) and (C) and 1902(a)(17) of the Social Security Act, and Federal regulations at 42 CFR 435.725(c)(4) and 42 CFR 435.726(c)(4).

Pennsylvania SPA 87–11 includes 13 policies the State believes to be more liberal than permitted under the Medicaid statue and the State believes to be protected under the moratorium provision contained in section 237(c) of the Deficit Reduction Act (DRA) of 1984 as clarified by section 9 of the Medicare and Medicaid Protection Act (Pub. L. 100–93) of 1987.

Section 2373(c) of the DRA imposes a moratorium which prohibits the Secretary from taking certain adverse actions against States because they are applying more liberal financial eligibility standards and methods other than those required by certain portions of section 1902(a)(10) of the Social Security Act (the Act). Therefore, during the moratorium period (October 1, 1981–February 17, 1989) no disallowance, compliance, penalty or other regulatory action will be taken against States because a plan (or its operation) employs eligibility standards and methods the Secretary finds to be more liberal than required under sections 1902(a)(10)(A)(ii) (IV), (V) or (VI) or 1902(a)(10)(C)(III) of the Act. The Congress made clear, however, that application of more liberal policies that result in income exceeding FFP limits is not within the scope of the moratorium. For purposes of this provision, we do not interpret "other regulatory action" to encompass disapproval of moratorium plan amendments as part of the official State plan. The moratorium was not intended to confer on States an unlimited right to use more liberal criteria (which would result if the moratorium approval of State plan amendments) but to permit States, without fiscal penalties, to use more liberal eligibility criteria during the moratorium period.

HCFA disapproved the 13 policies included in SPA 87–11 because it concluded that they violate the Medicaid statute as specifically described below. HCFA also determined that certain of these policies are not protected by the moratorium for a variety of reasons: (a) certain policies are not within the scope of the moratorium because they are more restrictive than permitted under section 1902(a)(10); (b) certain policies apply to eligibility groups which are not within the scope of the moratorium; (c) certain policies are not within the scope of the moratorium because they are not eligibility policies under section 1902(a)(10); (d) application of such policies would result in income exceeding FFP limits; or (e) the proposed policy is not sufficiently descriptive to make a finding of whether the policy is protected by the moratorium or not.

The following sets forth the reasons for HCFA's disapproval and specifies the extent of protection HCFA concluded is afforded under the moratorium contained in section 2373(c) of the DRA. HCFA has determined the following proposed policies for AFDC-related individuals violate section 1902(a)(10) (A) and (C) of the Act.

A. The State proposes to count, in determinations of eligibility for both categorically needy and medically needy, lump-sum nonrecurring income in 1 month (or budget period) rather than in the manner such income is applied under the AFDC program; thus, HCFA determined it violates sections 1902(a)(10)(A)(C) of the Act. Because this policy can result in a more liberal *or more restrictive policy* than would result in application of AFDC policy for counting lump-sum nonrecurring income, HCFA found that it was not protected by the moratorium. Additionally, the policy would be applied to AFDC-related categorically needy eligibility groups not included within the scope of the moratorium.

Under AFDC, when the family's income exceeds the need standard because of receipt of nonrecurring lump-sum income, the family will be ineligible for aid for the full number of months derived by dividing the sum of the lump-sum income and any other income by the applicable monthly need standard. (See 45 CFR 233.20(a)(3)(ii)(F.)

Applying this rule under the "same methodology requirement" without undercutting the requirement of a "spenddown" under section 1902(a)(17) results in a methodology which does not make an individual ineligible during the months in which the prorated lump sum amounts are considered to be his income. The State may use the medically needy income level to determine the amount of months over which the lump sum is to be prorated. During those months, the individual's monthly income would be added to the prorated amount in order to determine the spenddown amount.

Pennsylvania's proposal to not apply AFDC lump-sum rules is more liberal than AFDC policy because the lump-sum payment is counted as income only in the month received which results in potentially no more than one month of ineligibility rather than up to several months as may be the case under the AFDC rule. Additionally, the Pennsylvania proposal to not apply the AFDC lump-sum income policy can have the result of treating families in a more restrictive manner, depending on the individual family circumstances. For example, application of the AFDC lump-sum policy in a manner consistent with Medicaid may still permit families with low recurring monthly income to establish medically needy eligibility through spenddown.

However, as Pennsylvania proposes to count the entire lump-sum amount in 1 month (or budget period), the entire lump-sum amount could raise the family's income (and thus the family's spenddown liability) so far above the monthly need standard that the family would be unable to spenddown enough to attain medically needy eligibility.

B. The State proposes to deduct actual amounts incurred for work and personal expenses for both AFDC-related categorically needy and medically needy instead of deducting the $75 standard work expense used under the AFDC program (See 45 CFR 233.20(a)(11)(i)(B)). The proposed policy can result in a more liberal or more restrictive policy than application of the AFDC rule. Because the proposed policy differs from AFDC, HCFA determined that it violates sections 1920(a)(10) (A) and (C) of the Act. Because the policy can result in a more liberal *or more restrictive* policy than that used under the AFDC program. HCFA also concluded that it is not protected under the moratorium. Additionally, the policy would be applied to AFDC-related categorically needy groups not included under the scope of the moratorium.

The Pennsylvania proposal is more liberal than AFDC policy because it permits the disregard of actual amounts for work and personal expenses rather than limiting the disregarded to $75 as required under AFDC. The Pennsylvania proposal is also more restrictive than AFDC policy. In cases where the individual's actual work expenses are less than $75, Pennsylvania would disregard the actual amount rather than apply the required $75 disregard.

C. The State proposes not to apply (in determinations of eligibility for AFDC-related categorically needy) the AFDC gross income test which is based on 185 percent of the State's AFDC need standard (see 45 CFR 233 20(a)(3)(xiii)). Because the proposed policy is more liberal than AFDC program policy, HCFA determined that it violates section 1902(a)(10)(A) of the Act. HCFA also concluded that the proposed policy is not protected by the moratorium as these categorically needy eligibility groups are not within the scope of the moratorium. Since the 185 percent test is a necessary component of determining eligibility for an AFDC payment, that test must also apply to categorically needy individuals who are eligible for Medicaid by virtue of being individuals "who would be eligible for an AFDC payment." Pennsylvania's proposal to not apply the 185 percent gross income test to categorically needy individuals is more liberal than AFDC policy because under Pennsylvania's proposal eligibility could be established even though the family's income exceeds the 185 percent amount.

D. The state proposes to deduct, from self-employment income, depreciation, personal business and entertainment expenses, personal transportation expenses, purchase of capital equipment, and payment on principal of loans for capital assets or durable goods. The proposed policy is more liberal than AFDC program policy and on that basis, HCFA determined it violates section 1902(a)(10)(C)(i)(III) of the Act. HCFA concluded that the proposed policy is protected under the moratorium, but only to the extent application of the more liberal disregards of income (after statutory deductions described in 42 CFR 435.831) is below the FFP limit for the medically needy established in section 1903(f) of the Act. For example, if your FFP limit were $400 and your MNIL were $375, you could disregard an additional $25 when an individual's or family's income (after the AFDC deductions) is below $400. (The State proposes an effective date under the moratorium of October 1, 1986. In order to approve a retroactive effective date HCFA concluded that the State must provide documentation that the policy was included in its Medicaid operations or program manual from October 1, 1986 to present.)

• HCFA determined the following proposed policies for SSI related individuals violate sections 1902(a)(10)(A) and (C) of the Act—

A. The State proposes not to count support and maintenance in-kind. HCFA determined the proposed policy is more liberal than SSI program policy and concluded that it violates sections 1902(a)(10) (A) and (C) of the Act. HCFA found the proposed policy protected under the moratorium, but only to the extent it is used to determine eligibility for individuals described under sections 1902(a)(10)(A)(ii) (IV), (V) or (VI) or 1902(a)(10)(C) of the Act and to the extend that application of the disregards does not result in exceeding the FFP limits set forth in section 1903(f).

Under SSI one type of unearned income which is counted in determining eligibility for an SSI payment is in-kind support and maintenance (food, clothing, and shelter). The way SSI values (i.e., the amount it counts) in-kind support depends on the individual's living arrangement (see 20 CFR 416.1120 through 416.1124). HCFA found that the Pennsylvania proposal which does not count support and maintenance in-kind as income is more liberal than SSI criteria which require that in-kind support and maintenance count as income in determining eligibility.

B. The State proposes not to apply SSI life insurance provisions. HCFA believes this policy is more liberal than SSI program policies, and determined that it violates sections 1902(a)(10) (A) and (C) of the Act.

HCFA found the proposed policy protected by the moratorium, but only to the extent it is used to determine eligibility for individuals described under section 1902(a)(10)(A)(ii)(IV)(V) or (VI) or 1902(a)(10)(C) of the Act.

The State's proposed plan indicates that the SSI life insurance provision are not being applied to categorically and medically needy individuals. Based on information from the regional office, it appears that Pennsylvania disregards the cash value of life insurance if the face value of all policies on the individual does not exceed $1,500. Additionally, where the face value of all policies on the individual exceeds $1,500, Pennsylvania counts the cash value over $1,000. (Effectively, where the face value exceeds $1,500 Pennsylvania disregards the first $1,000 of cash value of the policies.) This policy is more liberal than SSI policy which requires that if the face value of all life insurance policies on the individual exceeds $1,500, all cash value of the policies will be counted in determining eligibility (see 20 CFR 416.1230).

HCFA concluded that this policy would be protected under the moratorium, but the language of the amendment itself does not make clear that the policy described is indeed the policy envisioned under the amendment. Moreover, HCFA concluded it could not approve the proposed effective date of October 1, 1986 in the absence of documentation that the policy was included in its Medicaid operations or program manual or a previously submitted plan amendment from October 1, 1986 to present.

C. The State proposes to exclude property used in a trade or business essential to self-support which produces an annual net return of at least 6 percent of the excludable equity value. The State proposes to exclude a person's equity up to an amount not to exceed $15,000. HCFA concluded that the proposed policy is more liberal than SSI program policy and thus determined that it violates sections 1902(a)(10)(A) and (C). HCFA found that, effective January 1, 1987, to the extent the proposed policy is used to determine eligibility for individuals described under sections 1902(a)(10)(A)(ii)(IV),(V) or (VI) or 1902(a)(10)(C) of the Act, it is protected by the moratorium. Under SSI policy, the value of property used in a trade or business essential for self-support is excluded provided that the equity value of the property is less than $6,000 and the property produces at least a 6 percent return on the equity value. If the equity value of the property is greater than $6,000, the excess over $6,000 is counted as a resource.

D. The State proposes not to apply joint bank account provisions. This policy is not described in enough detail to be able to determine how it differs from SSI program policy. HCFA found that it violates section 1902(a)(10)(A) and (C) of the Act because it does differ from SSI policy and is thus disapprovable, but we cannot conclude that it is protected under the moratorium without evidence that the policy is more liberal than SSI program policy and cannot result in a more restrictive policy.

Under SSI policy, when an eligible spouse enters a medical institution and an ineligible spouse remains at home, the income and resources of the ineligible spouse are not considered to be available to the eligible spouse in the institution because they are not living together. However, where a resource such as a bank account is held jointly by both parties, the full value of the resource is considered to be available to either the spouse at home or the spouse in the institution. This is because when an account is held jointly, either party has the legal right to all of the funds in the acount. Thus, the full value of the account is considered to be a resource of the institutionalized spouse in determining eligibility.

E. The State proposes to exclude one automobile regardless of value. HCFA found that this policy is more liberal than SSI program policy and concluded that it violates sections 1902(a)(10)(A) and (C) of the Act. HCFA advised Pennsylvania that effective January 1, 1987 the proposed policy is protected by the moratorium, but only to the extent it is used to determine eligibility for individuals described under sections 1902(a)(10)(A)(ii)(IV),(V) or (VI) or 1901(a)(10)(C) of the Act. Under SSI policy (20 CFR 415.1218), the value of one automobile is totally excluded as a resource in determining eligibility if the automobile is used for employment, is necessary for medical treatment of a specific or regular medical problem, is modified for operation by, or transportation of, a handicapped person, or is necessary because of the climate, terrain, distance, or similar factors to provide needed transportation to perform essential daily activities. If no exclusion can be made under these rules, the value of one automobile is excluded up to a limit of $4,500. Any value in excess of $4,500 is counted as a resource in determining eligibility. The value of any other automobile is counted as a resource against the individual's resource limit.

In medically needy determinations, the State proposes to deduct from income expenses for medical and remedial care regardless of whether such expenses are ultimately incurred by an individual or family. (The State explicitly refers to this as projection of incurred expenses.) HCFA concluded that the proposed policy violates section 1902(a)(17) of the Act and thus is not approvable. It also found that the proposed policy is not protected by the moratorium as it violates section 1902(a)(17) of the Act not section 1902(a)(10) of the Act.

Income eligibility determinations for the medically needy must provide for the deduction from income the amounts required under the most closely related cash assistance programs (AFDC or SSI). (See section 1902(a)(10)(C)(i)(III) of the Act.) After these cash program deductions are applied, deductions are made for incurred medical and remedial care expenses. (See section 1902(a)(17) of the Act.) Except for certain institutional care expenses, States may not project medical and remedial care expenses for purposes of determining eligibility under spenddown.

The State proposes to deduct, in the post-eligibility treatment of income, Veteran's Aid and Attendance and Housebound Allowances. HCFA believes the proposed policy violates section 1902(a)(17) and thus disapproved it. HCFA concluded that the proposed policy is not protected by the moratorium because it is not an eligibility requirement under section 1902(a)(10), but a post-eligibility policy.

The Medicaid post-eligibility process is distinct and separate from the eligibility process. The authority flows from section 1902(a)(17) of the Act. The purpose of the post-eligibility process is to count income which is clearly available to the individual to offset the costs of institutional care and alternative care provided under a home and community based waiver program (including concomitant attendant care). Therefore, unless the post-eligibility provisions specify a particular payment to be unavailable to the individual or to be unavailable for a specific and protected other purpose, the payment must be considered and applied to the costs of institutional care or home and community-based services, thus reducing the Medicaid payment. In this context, HCFA concluded that Veteran's Aid and Attendance and Housebound Allowance is considered to be income and available for application in the post-eligibility process. Under regulations at 42 CFR 435.725(c)(4) and 435.726(c)(4) amounts of individuals' income which are used for incurred medical or remedical care which are not subject to payment by a third party are protected (i.e., not counted as income available to be contributed towards the cost of care) in the post-eligibility process. Thus, if a VA A&A or homebound payment is used for such expenses, it would be protected and not applied to the cost of care. Otherwise, the VA A&A payment is available for use by the individual and must be applied to the cost of institutional or alternative care.

March 22, 1988.

Mr. John F. White, Jr.,
Secretary of Public Welfare, P.O. Box 2675, Harrisburg, PA 17105.

Dear Mr. White: This is to advise you that your request for reconsideration of the decision to disapprove Pennsylvania State Plan Amendment 87–11 was received on February 23, 1988.

Pennsylvania SPA 87–11 contains 13 policies you believe to be more liberal than allowed under the Medicaid statute and you seek protection of these proposed policies under section 2373(c) of the Deficit Reduction Act (DRA) of 1984 as clarified by section 9 of the Medicare and Medicaid Patient and Program Protection Act of 1987 (P.L. 100–93).

You have requested a reconsideration of whether this plan amendment conforms to the requirements for approval under the Social Security Act and pertinent Federal regulations.

There are three issues in this matter. The first issue concerns the need to determine whether section 1902(a)(10) (A) and (C) and 1902(a)(17) of the Social Security Act permit the use of financial eligibility rules like those proposed by Pennyslvania which differ from the rules applied under the appropriate cash assistance programs. The second issue is whether section 1902(a)(17) of the Social Security Act and Federal regulations at 42

CFR 435.725(c)(4) and 435.726(c)(4) allow deduction of Veterans Aid and Attendance and Housebound Allowances in the post-eligibility treatment of income. The third issue is Whether Pennsylvania's proposed rules are proteected by the moratorium provisions of the Deficit Reduction Act of 1984 and as amended by the recently enacted Medicare and Medicaid Patient and Program Protection Act of 1987.

I am scheduling a hearing on your request to be held on May 11, 1988 at 10:00 a.m. in Room 4030, 4th floor Gateway Building, 36th and Market Streets, Philadelphia, Pennsylvania. If this date is not acceptable, we would be glad to set another date that is mutually agareeable to the parties.

I am designating Mr. Stanley Krostar as the presiding officer. If these arrangements present any problems, plese contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 966-4470.

Sincerely,

William L. Roper, M.D.,

Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: March 22, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 88-6691 Filed 3-25-88; 8:45 am]

BILLING CODE 4120-03-M

[BDM-043-N]

Medicare and Medicaid Programs; ICD-9-CM Coordination and Maintenance Committee; Meeting

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

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD-9-CM) Coordination and Maintenance Committee. The public is invited to participate in the discussion of the topic areas.

DATE: The meeting will be held on Thursday, April 14, 1988, beginnng at 9:00 a.m. to 5:00 p.m. Eastern Daylight Saving Time.

ADDRESS: The meeting will be held in Room 503A Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jan Niessing, (301) 594-8954.

SUPPLEMENTARY INFORMATION: The ICD-9-CM is the clinical modification of the World Health Organization's International Classification of Diseases, Ninth Revision. It is the coding system required for use by hospitals and other health care facilities in reporting both diagnoses and surgical procedures for Medicare, Medicaid, and all other health-related DHHS programs. The work of the ICD-9-CM Coordination and Maintenance Committee will allow this coding system to continue to be an appropriate reporting tool for use in Federal programs.

The Committee is cmposed entirely of representatives from various Federal agencies interested in the International Classification of Disease (ICD) and its modification, updating, and use for Federal programs. It is co-chaired by the National Center for Health Statistics and the Health Care Financing Administration.

At this meeting, the Committee will discuss: endoscopic procedures of the gastrointestinal system; transtracheal intubation; dilation of the large intestine; occlusion of the vena cava; gastrointestinal procedures; destruction of lesions of stomach and intestine; insertion/removal of voice box; and other topics.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; No. 13.773, Medicare—Hospital Insurance Program; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated March 11, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 88-6645 Filed 3-25-88; 8:45 am]

BILLING CODE 4120-01-M

National Institutes of Health

National Cancer Institute; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the Board of Scientific Counselors, Division of Cancer Prevention and Control, and its Subcommittees.

These meetings will be open to the public to discuss administrative details or other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892-3100 (301-496-5708) will provide summaries of the meeting and rosters of members upon request.

Other information pertaining to the meetings can be obtained from the Executive Secretary, Linda M. Bremerman, National Cancer Institute, Blair Building, Room 1A07, National Institutes of Health, Bethesda, Maryland 20892-4200 (301-427-8630).

Name of Committee: Cancer Prevention Research Program Subcommittee

Date of Meeting: April 20, 1988, 8:30 a.m.—adjournment

Place of Meeting: Building 41, Conference Room, First Floor, 9000 Rockville Pike, Bethesda, Maryland 20892-3100

Agenda: Discuss current and future programs of the Prevention Program

Name of Committee: Cancer Control Science Program Subcommittee

Date of Meeting: April 27, 1988, 9 a.m.-3 p.m.

Place of Meeting: Building 31, Conference Room 8, C Wing, 9000 Rockville Pike, Bethesda, Maryland 20892-3100

Agenda: Discuss current and future programs of the Cancer Control Science Program

Name of Committee: Centers and Community Oncology Program Subcommittee

Date of Meeting: May 4, 1988, 7 p.m.—adjournment

Place of Meeting: Building 31, Conference Room 2, A Wing, 9000 Rockville Pike, Bethesda, Maryland 20892-3100

Agenda: Discuss current and future programs of the Centers and Community Oncology Program

Name of Committee: Board of Scientific Counselors, Division of Cancer Prevention and Control

Date of Meeting: May 5-6, 1988, 8:30 a.m.—adjournment

Place of Meeting: Building 31, Conference Room 10, C Wing, 9000 Rockville Pike, Bethesda, Maryland 20892-3100

Agenda: Review progress of programs within the Division and review of concepts being considered for funding.

Dated: March 22, 1988.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 88-6681 Filed 3-25-88; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; President's Cancer Panel; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, May 17, 1988, at The

Clinical Science Center, University of Wisconsin Hospital and Clinics, Room G5/119, 600 Highland Avenue, Madison, WI 53792.

This meeting will be open to the public on May 17 from 8:30 a.m. to 1 p.m. Attendance will be limited to space available. Agenda items will include reports by the Chairman, President's Cancer Panel; the Director, NCI; and a number of Wisconsin area researchers dealing with Innovations in Cancer Treatment.

Dr. Elliott Stonehill, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, Room 11A29, National Institutes of Health, Bethesda, Maryland 20892 (301/496-1148) will provide a roster of the Panel members, and substantive program information upon request.

Dated: March 22, 1988.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 88-6682 Filed 3-25-88; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-88-1791]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: March 22, 1988.

John T. Murphy,

Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 312 Loan Program
Office: Community Planning and Development
Description of the Need for the Information and its Proposed Use: The section 312 Rehabilitation Loan Program, created by Pub. L. 88-56, makes loans to property owners for the rehabilitation of their property. Loans are made in targeted areas in need of rehabilitation as part of an overall community development strategy. The information collected is used as reporting and recordkeeping requirements to help operate the program
Form Number: HUD-6230, 6230C, 6237, 6243, 40023, 40024, 40025, 40026, and 40027
Respondents: Individuals or Households, State or Local Governments, Federal Agencies or Employees, and Non-Profit Institutions
Frequency of Respondents: Other
Estimated Burden Hours: 5,858
Status: Revision
Contact: William D. Hanson, Jr., HUD, (202) 755-0367 John Allison, OMB, (202) 395-6880

Date: March 22, 1988.

Proposal: Mortgagee's Certification and Application for Interest Reduction Payments
Office: Administration
Description of the Need for the Information and its Proposed Use: The information is needed and used by HUD to verify and disburse interest reduction payments to HUD approved mortgagees servicing non-insured multifamily mortgages.
Form Number: HUD-3111
Respondents: State or Local Governments and Businesses or Other For-Profit
Frequency of Respondents: Monthly
Estimated Burden Hours: 115
Status: Reinstatement
Contact: William J. Schnick, HUD, (202) 755-6706; John Allison, OMB, (202) 395-6880

Date: March 11, 1988.

Proposal: Request for Payment for Labels, Mobile Home Monthly Production Report, Refunds Due Manufacturer, and Adjustment Report
Office: Housing
Description of the Need for the Information and its Proposed Use: The National Manufactured Home Construction and Safety Standards Act, 42 U.S.C. 5400 *et seq.*, authorizes HUD to promulgate and enforce reporting standards for the production of manufactured housing. HUD uses these forms to calculate and collect monitoring inspection fees for manufacturing housing units.
Form Number: NCSBCS Forms 301 and 302
Respondents: Businesses or Other For-Profit
Frequency of Respondents: Monthly and On Occasion
Estimated Burden Hours: 8,868
Status: Extension
Contact: Stuart I. Margulies, HUD, (202) 755-6584; John Allison, OMB, (202) 395-6880

Date: March 15, 1988.

Proposal: Owner Certification Concerning Low-Income Housing Tax Credit
Office: Housing
Description of the Need for the Information and its Proposed Use: The Tax Reform Act of 1986 amended the Internal Revenue Code to create a new federal income tax credit for owners of low-income residential rental housing. This certification will be required by all owners seeking mortgage insurance under HUD's sections 207, 221, 223(f), and 231 multifamily rental housing programs. It will enable HUD and coinsuring

lenders to determine which insured or coinsured rental projects will be subject to low-income housing tax credit restrictions warranting special underwriting treatment.
Form Number: None
Respondents: Businesses or Other For-Profit, Non-Profit Institutions, and Small Businesses or Organizations
Frequency of Respondents: On Occasion
Estimated Burden Hours: 580
Status: New
Contact: Robert W. Shean, HUD, (202) 755–6223; John Allison, OMB, (202) 395–6880

Date: March 15, 1988.

Proposal: Section 106(b) Nonprofit Sponsor Assistance "Seed Money" Loan Application
Office: Housing
Description of the Need for the Information and its Proposed Use: This form is needed and used as an application for a section 106(b) "seed money" loan by nonprofit corporations participating in HUD's section 202 program for housing the elderly and handicapped. The loan is used to help the borrower's preconstruction costs of developing housing projects under section 202.
Form Number: HUD–92290
Respondents: Non-Profit Institutions
Frequency of Respondents: Recordkeeping and On Occasion
Estimated Burden Hours: 150
Status: Extension
Contact: Evelyn F. Berry, HUD, (202) 755–5866; John Allison, OMB, (202) 395–6880

Date: March 14, 1988.

[FR Doc. 88–6713 Filed 3–25–88; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

Section 810 Analysis; Bering Land Bridge National Preserve, AK; Public Hearings and Public Meetings

ACTION: In the **Federal Register** of Monday, March 7, 1988, Vol. 53, No. 44, page 7246, a Notice of Availability of the Draft Environmental Impact Statement (DEIS); Wilderness Recommendation Bering Land Bridge, AK was published along with dates for Public Hearings and Public Meetings on the DEIS. The section 810 analysis is included in the DEIS.

The Notice should have indicated that the public is invited to review and comment on the section 810 analysis separately at the public hearings and public meetings to be held on the dates and at locations noted in the March 7, 1988, notice.

FOR FURTHER INFORMATION CONTACT: Division of Planning, Alaska Region, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503; (907) 257–2654.

Date: March 23, 1988.

Gerald D. Patten,

Associate Director, Planning and Development.

[FR Doc. 88–6717 Filed 3–25–88; 8:45 am]
BILLING CODE 4310–70–M

Section 810 Analysis; Kenai Fjords National Park, AK; Public Hearings and Public Meeting

ACTION: In the **Federal Register** of Tuesday, March 8, 1988, Vol. 53, No. 45, page 7406, a Notice of Availability of the Draft Environmental Impact Statement (DEIS); Wilderness Recommendation Kenai Fjords, AK was published along with dates for Public Hearings and a Public Meeting on the DEIS. The Section 810 analysis is included in the DEIS.

The Notice should have indicated that the public is invited to review and comment on the section 810 analysis separately at the public hearings and public meeting to be held on the dates and at locations noted in the March 8, 1988, notice.

FOR FURTHER INFORMATION CONTACT: Division of Planning, Alaska Region, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503; (907) 257–2654.

Date: March 23, 1988.

Gerald D. Patten,

Associate Director, Planning and Development.

[FR Doc. 88–6719 Filed 3–25–88; 8:45 am]
BILLING CODE 4310–70–M

Section 810 Analysis; Yukon-Charley Rivers National Preserve, AK; Public Hearings and Public Meetings

ACTION: In the **Federal Register** of Tuesday, March 8, 1988, Vol. 53, No. 45, pages 7406–7407, a Notice of Availability of the Draft Environmental Impact Statement (DEIS); Wilderness Recommendation Yukon-Charley Rivers, AK was published along with dates for Public Hearings and Public Meetings on the DEIS. The section 810 analysis is included in the DEIS.

The Notice should have indicated that the public is invited to review and comment on the section 810 analysis separately at the public hearings and public meetings to be held on the dates and at locations noted in the March 8, 1988, notice.

FOR FURTHER INFORMATION CONTACT: Division of Planning, Alaska Region, National Park Service, 2525 Gambell Street, Anchorage, Alaska 99503; (907) 257–2654.

Date: March 23, 1988.

Gerald D. Patten,

Associate Director, Planning and Development.

[FR Doc. 88–6718 Filed 3–25–88; 8:45 am]
BILLING CODE 4310–70–M

Golden Gate National Recreation Area; Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Commission will be held at 7:30 p.m. (PDT) on Thursday, April 28, 1988, at Building 201, Fort Mason, San Francisco, California.

The Advisory Commision was established by Pub. L. 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Dr. Howard Cogswell
Brig. Gen. John Crowley, USA (ret)
Mr. Margot Patterson Doss
Mr. Neil D. Eisenberg
Mr. Jerry Friedman
Mr. Steve Jeong
Ms. Daphne Greene
Ms. Gimmy Park Li
Mr. Gary Pinkston
Mr. Merritt Robinson
Mr. R. H. Sciaroni
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The main agenda item is a San Francisco Committee Report on the proposal to convert the existing Post Cafeteria at Building 211 at the Presidio of San Francisco into a franchised food facility to include drive-up windows and additional parking. Plans for preservation and improvement of landscaping and for traffic circulation are to be presented. This agenda item will be followed by a Superintendent's Report.

Interested individuals, representatives of organizations, and public officials are

invited to express their views in person at the aforementioned public meeting. Those not wishing to appear in person may submit written statements to the General Superintendent of the Golden Gate National Recreation Area on these items. Statements will be accepted until May 17, 1988.

The meeting is open to the public. Persons wishing to receive further information on this meeting or who wish to submit written statements may contract the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123, telephone (415) 556–4484.

This meeting will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Advisory Commission. A transcript is available after June 14, 1988. For copies of the minutes contact the Office of the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

Date: March 16, 1988.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 88–6716 Filed 3–25–88; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 45 (Amdt. No. 10) and Section 5a Application No. 60 (Amdt. No. 7)]

Niagara Frontier Tariff Bureau, Inc. and Rocky Mountain Carriers; Agreements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of joint application for approval of amendments to rate bureau agreements, and request for comments.

SUMMARY: Niagara Frontier Tariff Bureau, Inc. (Niagara) and Rocky Mountain Motor Tariff Bureau, Inc. (RMB) have filed a joint application seeking approval of an amendment to their respective rate bureau agreements. The application proposes an Interterritorial Agreement and Interterritorial Rules of Procedure (Agreement and Rules). The Agreement and Rules are related to a single-factor joint agency tariff proposed to be issued by Niagara and RMB. The tariff would be applicable to joint-line traffic moving between points in Canada, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The proposed Agreement and Rules are virtually identical (except as to territorial scope) to the Agreement and Rules between Niagara and Southern Motor Carriers Rate Conference, Inc. that were provisionally approved by the Commission in Section 5a Application No. 45 (Amendment No. 9), *Niagara Frontier Tariff Bureau, Inc.—Agreement* (not printed), served October 5, 1987, and Section 5a Application No. 46 (Amendment No. 15), *Southern Motor Carriers Rate Conference, Inc., Agreement* (not printed), served February 12, 1985, May 27, 1987, and December 15, 1987. The proposed Agreement and Rules would permit joint collective ratemaking activity wholly within the previously authorized territorial scope of Niagara's and RMB's collective ratemaking authority.

No Commission decision accompanies this notice. Copies of the proposed amendment are available for public inspection and copying at the Office of the Secretary, Rm. 1221, Interstate Commerce Commission, Washington, DC 20423, and from the applicants' representatives: Robert G. Gawley (for Niagara), P.O. Box 184, Buffalo, NY 14221, and Don R. Devine (for RMB), 4045 Pecos St., P.O. Box 5746, Denver, CO 80217.

DATES: Comments from interested persons are due by April 27, 1988. Replies are due by May 12, 1988.

ADDRESS: An original and 10 copies, if possible, of comments referring to Section 5a Application No. 45 (Amendment No. 10)/Section 5a Application No. 60 (Amendment No. 7) should be sent to: Office of the Secretary, Case Control Branch, Rm. 1324, Interstate Commerce Commission, Washington, DC 20423. A copy of any comments filed with the Commission must also be served on applicants' representatives.

FOR FURTHER INFORMATION CONTACT: Paul Grossman, (202) 275–7976, or Richard B. Felder, (202) 275–7691. (TDD for hearing impaired: (202) 275–1721.)

This action will not significantly affect either the quality of the human environment or energy conservation.

Authority: 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: March 18, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 88–6742 Filed 3–25–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–19 (Sub–No. 112)]

The Baltimore and Ohio Railroad Co., Metropolitan Southern Railroad Co. and Washington and Western Maryland Railway Co.; Abandonment and Discontinuance of Service in Montgomery County, MD, and the District of Columbia; Findings

The Commission has found that the environmental effects resulting from abandonment will not be significant and that the public convenience and necessity permit CSX to abandon its 10.75-mile line of railroad between Georgetown Junction, MD (milepost 0.23) and Georgetown, District of Columbia (milepost 10.98) in Montgomery County, MD and the District of Columbia, subject to certain conditions.

The Commission has also found that the National Trails System Act, 16 U.S.C. 1247(d) which provides for interim trail use and rail banking is applicable here for the entire line. If, within 10 days from publication of this Notice, CSX agrees to negotiate an interim trail use/rail banking agreement, a Certificate of Interim Trail Use or Abandonment will be issued for the portion of the right-of-way covered by the agreement, authorizing CSX to discontinue service (if an Interim Trail Use Agreement is reached) or abandon (if an Interim Trail Use Agreement is not reached). If CSX refuses to negotiate an Interim Trail Use Agreement, a regular abandonment certificate will be issued.

The appropriate certificate will be issued unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: February 25, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Commissioner Sterrett has recused himself in this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 88-6739 Filed 3-25-88; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31229]

Cape Cod and Hyannis Railroad, Inc.; Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts Cape Cod and Hyannis Railroad, Inc. from 49 U.S.C. Subtitle IV.

DATES: This exemption is effective April 27, 1988. Petitions to stay must be filed by April 7, 1988, and petitions for reconsideration must be filed by April 18,1988.

ADDRESSES: Send pleadings addressed Finance Docket No. 31229 to:

(1) Office of Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Mary E. O'Neal, Cargill, Masterman & Culbert, One Lewis Wharf, Boston, MA 02110

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245). (TDD for hearing impaired (202) 275-1721.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commissioner's decision. To purchase a copy of the full decision, write to Dynamics Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: March 21, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 88-6740 Filed 3-25-88; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31167]

Wisconsin Central Ltd.; Control Exemption; Sault Ste. Marie Bridge Co.

AGENCY: The Interstate Commerce Commission.

ACTION: Modification and substitution of proper party.

SUMMARY: The Commission grants a petition to modify its December 23, 1987, decision to designate Wisconsin Corporation as the proper recipient of the exemption authority to acquire control of Sault St. Marie Bridge Company.

DATES: This exemption is effective *nunc pro tunc* to December 31, 1987. Petitions for reconsideration must be filed by April 18, 1988.

ADDRESSES: Send pleadings referring to Finance Docket No. 31167 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: William C. Sippel, Oppenheimer, Wolff & Donnelly, Two Illinois Center, 233 North Michigan Avenue, Chicago, IL 60601

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. (TDD for hearing impaired: (202) 275-1721.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area) (assistance for the hearing impaired is available through TDD services, (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: March 21, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 88-6741 Filed 3-25-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Carefree Homes, Inc.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on March 8, 1988, a proposed consent decree in *United States* v. *Carefree Homes, Inc.,* Civil Action No. IP-84-397-C was lodged with the United States District Court for the Southern District of Indiana. The proposed consent decree resolves a judicial enforcement action brought by the United States against the Carefree Homes, Inc., for violation of the Safe Drinking Water Act, 42 U.S.C. 300f. *et seq.*

The proposed consent decree requires the defendant to make certain improvements to its water system that it operates at its mobil home park in Pendleton, Indiana, and to pay the sum of seven thousand, five hundred dollars ($7,500.00) over a twelve month period.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Carefree Homes, Inc.,* D.J. Ref. 90-5-1-1-2104.

The proposed consent decree may be examined at the office of the United States Attorney, 274 Federal Building, 46 East Ohio Street, Indianapolis 46204, and at the Office of Regional Counsel, U.S. Environmental Protection Agency Region V, Third Floor, 111 W. Jackson Street, Chicago, IL 60604.

Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General Land and Natural Resources Division.

[FR Doc. 88-6628 Filed 3-25-88; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Du-Wel Hartford, Inc.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on March 12, 1988, a proposed consent decree in *United States* v. *Du-Wel Hartford, Inc.,* Civil Action No. K86-453 CA8 was lodged with the United States District Court for the Western District of Michigan. The proposed consent decree resolves a judicial enforcement action brought by the United States against Du-Wel Hartford, Inc. for violations of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 9601 *et seq.*

The proposed consent decree requires the defendant to pay over the period of one year the sum of twenty-one thousand, four hundred and two dollars

($21,402.00) to the United States government as a civil penalty. The decree further requires the defendant not to treat, store or dispose of hazardous wastes in the surface impoundments located on its property.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Du-Wel Hartford, Inc.*, D.J. Ref. 90–7–1–364.

The proposed consent decree may be examined at the office of the United States Attorney, 399 Federal Building, Grand Rapids, Michigan 49503.

Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.90 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Thomas E. Hookano,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–6629 Filed 3–25–88; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act in United States v. Edward Hines Lumber Co. and Mid-South Wood Products of Mena, Inc.

In accordance with Department policy, 28 CFR 50.7 and section 122(i) of the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99–499, 100 Stat 1613 (1986), notice is hereby given that on March 18, 1988, a proposed Consent Decree in *United States* v. *Edward Hines Lumber Co. and Mid-South Wood Products of Mena, Inc.*, Civil Action No. *88–2049* was lodged with the United States District Court for the Western District of Arkansas (Fort Smith Division).

The complaint in this enforcement action was filed on March 17, 1988, against Edward Hines Lumber Co. and Mid-South Wood Products of Mena, Inc. under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act as amended by the Superfund Amendments and Reauthorization Act, Pub. L. 99–499, 100 Stat. 1613 (1986) ("CERCLA"), 42 US.C. 106 and 107, for injunctive and other equitable relief to remedy a condition that presents, or may present an imminent and substantial endangerment to the human health, welfare or the environment at a site located in Mena, Arkansas ("the site") and for the recovery of monies expended by the United States for investigation, response, and enforcement at the site.

The proposed Consent Decree ("Decree") requires the defendants to implement the remedial action approved by the Environmental Protection Agency; to design an Operation, Maintenance and Monitoring Plan designed to detect any failures in the implemented remedy; to remedy any failures detected while monitoring the remedy; to establish a trust fund sufficient to reimburse the United States for its oversight costs and for necessary operation and maintenance of the remedy; and to pay the United States the sum of $780,332.00 for its past response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Edward Hines Lumber Company, Inc. and Mid-South Wood Products of Mena, Inc.*, D.J. No. 90–11–3–151.

The proposed Consent Decree may be examined at the office of the United States Attorney, 6th & Rogers, U.S. Post Office & Courthouse Bldg., Fort Smith, Arkansas and at the United States Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202–2733. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, U.S. Department of Justice, 9th and Pennsylvania Avenue NW., Washington, DC 20530. In requesting a copy please enclose a check in the amount of $11.40 payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–6627 Filed 3–25–88; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Air Act; Weiss, et al

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that a proposed partial consent decree in *United States* v. *Weiss, et al.*, was lodged with the United States District Court for the Northern District of Illinois. The proposed partial consent decree partially resolves a judicial enforcement action brought by the United States to compel compliance with regulations promulgated by the United States Environmental Protection Agency requiring advance notice of any building renovation operation where asbestos may be emitted and certain work practices governing the removal and disposal of asbestos. The decree also requires defendant Weiss to pay a civil penalty for past violations of the regulations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Weiss, et al.*, D.J. Ref. 90–5–2–1–1054.

The proposed consent decree may be examined at the office of the United States Attorney, Room 1500, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, IL 60604, and at the office of Regional Counsel, U.S. Environmental Protection Agency Region V, Third Floor, 111 W. Jackson Street, Chicago, IL 60604.

Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.70 (10 cents per page reproduction cost) payable to the Treasurer of the United States. In requesting a copy, please refer to the referenced case name and Department of Justice reference number.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88–6630 Filed 3–25–88; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Competitive Impact Statement; United States v. BNS Inc.; and Gifford-Hill & Co., Inc.

Notice is hereby given pursuant to the Antitrust Procedures and Penalities Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment and Competitive Impact Statement have been filed with the United States District Court for the Central District of California in *United States of America v. BNS Ins.; and Gifford-Hill & Company, Inc.*, Civil Action No. 88-1452 MRP (Bx).

The Compliant in this case alleges that the proposed acquisition by BNS Inc. of Koppers Company, Inc. is a violation of section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges that the effect of the merger may be substantially to lessen competition in the market for the extraction, processing and sale of aggregate in portions of Los Angeles County and Orange County.

The proposed Final Judgment requires BNS and Gifford-Hill & Company, Inc., an affiliate of BNS, to divest, by January 1, 1989, certain assets of the Irwindale, California Blue Diamond Materials aggregate facility it proposes to acquire from Koppers. If the defendants cannot accomplish the divestiture during this time, then a trustee will be appointed to do so.

Public comment on the proposed Final Judgment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Gary R. Spratling, Chief, San Francisco Office, Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, Box 367046, San Francisco, California 94102 (telephone: 415-556-6300).

Joseph H. Widmar,

Director of Operations Antitrust Division.

Howard J. Parker,

Phillip R. Malone,

James E. Figenshaw,

Attorneys for the United States, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, 16th Floor, San Francisco, California 94102, Telephone: (415) 556-6300.

United States District Court for the Central District of California

United States of America, Plaintiff, v. *BNS Inc.; and Gifford-Hill & Company, Inc.*, Defendants.

[Civil No. 88-1452 MRP(Bx)]

Filed: March 18, 1988.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) The parties consent that a Final Judgment in the form attached hereto may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court;

(2) The parties shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the final Judgment; and

(3) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Date: ———

For the Plainfiff United States of America.

Charles F. Rule,

Assistant Attorney General.

Judy Whalley,

John W. Clark,

Gary R. Spratling,

Howard J. Parker,

Phillip R. Malone,

James E. Figenshaw,

Attorneys, Department of Justice, Antitrust Divison, 450 Golden Gate Avenue, San Francisco, Ca 94102, Telephone: (415) 556-6300.

for the Defendants BNS Inc. and Gifford-Hill & Company, Inc.:

Cleary, Gottlieb, Steen & Hamilton, (By) Mark Leddy, 1752 N. Street, NW., Washington, DC, 20036-2806, Telephone: (202) 728-2700.

Stipulation Approved for Filing.

Dated: ———

United States District Judge.

Final Judgment

Whereas, plaintiff, United States of America, having filed its Complaint herein on March 18, 1988, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any issue of law or fact herein:

And Whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the Court:

And Whereas, prompt and certain divestiture is the essence of this agreement and defendants have represented to plaintiff that the divestiture required below can and will be made and that defendants will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below:

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby *Ordered, Adjudged, and Decreed* as follows:

I Jurisdiction

This Court has jurisdiction over the subject matter of this action and over each of the parties hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II Definitions

As used in this Final Judgment:

A. "Aggregate" means rock, sand and gravel suitable for mixture in asphalt concrete, Portland cement concrete, or other paving compounds or mixtures, or for other civil construction purposes.

B. "Assets to be Divested" means all the assets identified in Section IV.A below.

C. "Blue Diamond" means Blue Diamond Materials, a division of Sully-Miller Contracting Co., a California corporation and a wholly-owned subsidiary of Koppers Company, Inc., with its principal place of business in Long Beach, California.

D. The "Irwindale Aggregate District" means that area of Los Angeles County and Orange County with the following boundaries: on the west and southwest, the Pacific Ocean; on the northwest, a line connecting the city centers of the City of Topanga Beach and the City of Altadena; on the north, the crest of the San Gabriel Mountain Range; and on the east and southeast, a line connecting the city centers of the City of San Dimas, the City of Santa Ana, and the City of Newport Beach.

E. "Koppers" means Koppers Company, Inc., a Delaware corporation, with its principal place of business in Pittsburgh, Pennsylvania.

III Applicability

A. The provisions of this Final Judgment apply to the defendants, to their successors and assigns, to their subsidiaries, affiliates, directors, officers, managers, agents, and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. Nothing contained in this Final Judgment shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party, and nothing herein shall be construed to provide any rights to any third party.

C. Defendants shall require, as a condition of the sale or other disposition of all or substantially all of their assets in the Irwindale Aggregate District involved in the extraction, processing and sale of aggregate, that the acquiring party or parties agree to be bound by the provisions of this Final Judgment.

IV Divestiture of Assets

A. Defendants are hereby ordered and directed to divest, to an eligible purchaser or eligible purchasers, any and all interest that they have or shall acquire in all of the real and personal property used in the extraction, processing and sale of aggregate at Blue Diamond's aggregate property located at Irwindale, California.

B. Unless plaintiff otherwise consents, divestiture under section IV.A, or by the trustee appointed pursuant to Section V, shall be accomplished in such a way as to satisfy plaintiff, in its sole determination, that the Assets to be Divested can and will be operated by the purchaser or purchasers as a viable ongoing business, engaged in the extraction, processing and sale of aggregate. Divestiture under Section IV.A, or by the trustee, shall be made to a purchaser or purchasers for whom it is demonstrated to plaintiff's satisfaction that (1) the purchase is for the purpose of competing effectively in the extraction, processing and sale of aggregate and (2) the purchaser or purchasers has or have the managerial, operational, and financial capability to compete effectively in the extraction, processing and sale of aggregate.

C. Nothing in this Final Judgment shall preclude defendants from entering into one or more contracts with the purchaser or purchasers for the purpose of supplying aggregate from the Assets to be Divested to defendants for the production of asphalt conrete, Portland cement concrete, or other aggregate-based products, provided, however, that defendants shall not enter into any such supply contracts, or into any discussion or negotiations, preliminary or otherwise, relating to such supply contracts, with the purchaser or purchasers, until after the divestiture required by this Final Judgment has been completed, unless the plaintiff otherwise consents.

D. Defendants shall take all reasonable steps to accomplish quickly the divestiture contemplated by this Final Judgment.

V Appointment of Trustee

A. In the event that defendants have not divested all of their interest required by Section IV.A by January 1, 1989, the Court shall, on application of the plaintiff, appoint a trustee to effect the remainder of the divestiture required by Section IV.A. After the appointment of a trustee becomes effective, only the trustee shall have the right to sell the assets required to be divested pursuant to Section IV.A. The trustee shall have the power and authority to accomplish the divestiture at the best price then obtainable upon a reasonable effort by the trustee subject to the provisions of Section VI of this Final Judgment, and shall have such other powers as the Court shall deem appropriate. Defendants shall not object to a sale by the trustee on any grounds other than the trustee's malfeasance. Any such objections by defendants must be conveyed in writing to plaintiff and the trustee within fifteen (15) days after the trustee has provided the notice required under section VI.

B. If defendants have not divested all of their interest required by Section IV.A by December 1, 1988, plaintiff and defendants shall immediately notify each other in writing of the names and qualifications of not more than two (2) nominees for the position of the trustee who shall effect the required divestiture. The parties shall attempt to agree upon one of the nominees to serve as the trustee. If the parties are able to agree on a trustee within thirty (30) days of the exchange of names, plaintiff shall notify the Court of the person upon whom the parties agreed, and the Court shall appoint such person as the trustee. If the parties are unable to agree within that time period, plaintiff shall furnish the Court the names of each party's nominees. The Court may hear the parties as to the qualifications of the nominees and shall appoint one of the nominees as the trustee.

C. The trustee shall serve at the cost and expense of defendants, on such terms and conditions as the Court may prescribe, and shall account for all monies derived from the sale of the assets sold by the trustee and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services, all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of such trustee shall be based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished.

D. Defendants shall use their best efforts to assist the trustee in accomplishing the required divestiture. The trustee and any consultants, accountants, attorneys, and other persons retained by the trustee shall have full and complete access to the personnel, books, records, and facilities of the Assets to be Divested, and defendants shall develop financial or other information relevant to such assets as the trustee may request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information. Defendants shall take no action to interfere with or impede the trustee's accomplishment of the divestiture.

E. After its appointment, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish the divestiture ordered under this Final Judgment. If the trustee has not accomplished such divestiture within six (6) months after its appointment, the trustee shall thereupon promptly file with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations. The trustee shall at the same time furnish such report to the parties, who shall each have the right to be heard and to make additional recommendations consistent with the purpose of the trust. The Court shall thereafter enter such orders as it shall deem appropriate in order to carry out the purpose of the trust, which may, if necessary, include extending the trust and the term of the trustee's appointment.

VI Notification

A. Defendants or the trustee, whichever is then responsible for

effecting the divestiture required herein, shall notify the plaintiff of any proposed divestiture required by Section IV or V of this Final Judgment. If the trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed transaction and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest or desire to acquire any ownership interest in any of the Assets to be Divested, together with full details of the same. Within fifteen (15) days after receipt of the notice, the plaintiff may request additional information concerning the proposed divestiture, the proposed purchaser, and any other potential purchaser. Defendants or the trustee shall furnish the additional information within fifteen (15) days of the receipt of the request. Within thirty (30) days after receipt of the notice or within fifteen (15) days after receipt of the additional information, whichever is later, plaintiff shall notify in writing defendants and the trustee, if there is one, if it objects to the proposed divestiture. If the plaintiff fails to object within the period specified, or if the plaintiff notifies in writing defendants and the trustee, if there is one, that it does not object, then the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Section V.A. Upon objection by the plaintiff or by defendants under Section V.A. the proposed divestiture shall not be accomplished unless approved by the Court.

B. Thirty (30) days from the date of entry of this Final Judgment and every thirty (30) days thereafter until the divestiture has been completed, defendants shall deliver to plaintiff a written report as to the fact and manner of compliance with Section IV of this Final Judgment. Each such report shall include, for each person who during the preceding thirty (30) days made an offer, expressed an interest or desire to acquire, entered into negotiations to acquire, or made an inquiry about acquiring any ownership interest in any of the Assets to be Divested, the name, address, and telephone number of that person and a detailed description of each contact with that person during that period. Defendants shall maintain full records of all efforts made to divest the Assets to be Divested.

VII Financing

Defendants shall not finance all or any part of any purchase made pursuant to Sections IV or V of this Final Judgment without the prior consent of the plaintiff.

VIII Preservation of Assets

A. Defendants shall preserve, hold, and continue to operate as a going business the Assets to be Divested, with its assets, management, and operations separate, distinct, and apart from those of defendants, unless plaintiff otherwise consents. Defendants shall use all reasonable efforts to maintain the Assets to be Divested as a viable and active competitor in the market for aggregate in the Irwindale Aggregate District.

B. Defendants shall not sell, lease, assign, transfer or otherwise dispose of, or pledge as collateral for loans (except such loans as are currently outstanding or replacements or substitutes therefor), the Assets to be Divested, except that such component as is replaced in the ordinary course of business with a newly purchased component may be sold or otherwise disposed of, provided the newly purchased component is so identified as a replacement component for an Asset to be Divested.

C. The provisions of Section VIII.A and VIII.B include but are not limited to: preserving all plants and equipment used for the extraction and processing of aggregate and their right and ability to operate at the site(s) where they are located; preserving all air pollution and operating permits (including proceeding with such application or operation as is necessary to renew such permits or make permanent any temporary permits); and preserving all administrative and support facilities. These provisions do not preclude the sale in the ordinary course of business of the aggregate as may be produced by the Assets to be Divested.

D. Defendants shall provide and maintain sufficient working capital to maintain the Assets to be Divested as a viable, ongoing business.

E. Defendants shall provide and maintain sufficient lines and sources of credit to maintain the Assets to be Divested as a viable, ongoing business.

F. Defendants shall preseve the Assets to be Divested, except those replaced with newly acquired assets in the ordinary course of business, in a state of repair equal to their state of repair as of the date of defendants' acquisition of control of Koppers.

G. Defendants shall identify separately all assets or replacements for or proceeds therefrom that were used in the extraction, processing and sale of aggregate at the Assets to be Divested prior to defendants' acquisition of control of Koppers.

H. Defendants shall maintain on behalf of the Assets to be Divested, in accordance with sound accounting practice, separate, true, and complete financial ledgers, books, and records reporting the profit and loss and liabilities of the Assets to be Divested on a monthly and quarterly basis.

I. Defendants shall refrain from terminating or reducing one or more current employment, salary, or benefit agreements for one or more management, engineering, or other technical personnel employed in connection with the Assets to be Divested, except in the ordinary course of business, without the prior approval of plaintiff.

J. Defendants shall refrain from taking any action that would have the effect of reducing the scope or level of competition between the Assets to be Divested and other producers of aggregate in the Irwindale Aggregate District, without the prior approval of plaintiff.

K. Defendants shall refrain from taking any action that would jeopardize the sale of the Assets to be Divested as a viable going concern.

IX Compliance Inspection

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice, including consultants and other persons retained by the Department, shall, upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to their principal offices, be permitted:

1. Access during office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants, which may have counsel present, relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview their officers, employees, and agents, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendants at their principal offices, defendants

shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to plaintiff, defendants represent and identify in writing the material in any such information or documents for which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, "subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give ten (10) days notice to defendants prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendants are not a party.

X Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction, implementation, or modification of any of the provisions of this Final Judgment, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XI Termination

This Final Judgment will expire on the second anniversary of the completion of the divestiture required herein.

XII Public Interest

Entry of this Final Judgment is in the public interest.

Dated: ——

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

United States District Judge.

Howard J. Parker,

Phillip R. Malone,

James E. Figenshaw,

Attorneys for the United States, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, 16th Floor, San Francisco, California 94102, Telephone: (415) 556-6300.

Competitive Impact Statement

The United States, pursuant to section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I Nature and Purpose of the Proceeding

On March 18, 1988, the United States filed a civil antitrust complaint under section 15 of the Clayton Act, 15 U.S.C. 25, alleging that the propose acquisition of Koppers Company, Inc. ("Koppers") by BNS Inc. would violate section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint names as defendants BNS Inc. and Gifford-Hill & Company, Inc.

The Complaint alleges that the effect of the acquisition may be substantially to lessen competition in portions of Los Angeles and Orange Counties in the market for the extraction, processing and sale of aggregate. Both Koppers and affiliates of BNS extract, process and sell aggregate in the relevant area. The Complaint seeks, among other relief, the preservation and divestiture of assets sufficient to prevent the anticompetitive effects of the unlawful acts alleged in the Complaint and to maintain competitive conditions in the relevant market.

On March 18, 1988, the United States and defendants filed a stipulation by which they consented to the entry of a proposed Final Judgment designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, as explained more fully below, defendants would be required to sell, by January 1, 1989, the aggregate facility in the relevant area acquired from Koppers. If they do not do so, a trustee appointed by the Circuit would be empowered to sell this operation. The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA, unless the government withdraws its consent. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, and enforce the proposed Final Judgment and to punish violations of the Judgment.

II Events Giving Rise to the Alleged Violation

On March 3, 1988, BNS announced a cash tender offer for all of the outstanding stock of Koppers. The stated purpose of BNS in commencing the offer was to acquire control of, and the entire equity interest in, Koppers. BNS also announced that it intended, as soon as practicable after consummation of the tender offer, to merge or similarly combine Koppers with BNS or an affilate. The acquisition would, in effect, give BNS control over Koppers.

BNS is controlled by Bright Aggregates, Inc., which is itself an indirect, wholly-owned subsidiary of Beazer PLC. Beazer currently engages in the extraction, processing and sale of aggregate in Southern California through its indirect, wholly-owned subsidiary Gifford-Hill & Company, Inc., which in turn wholly owns Livingston-Graham, Inc. Livingston-Graham owns and operates an aggregate facility in Irwindale, California. Koppers also currently engages in the extraction, processing and sale of aggregate in Southern California through its wholly-owned subsidiary Blue Diamond Materials, which owns and operates an aggregate facility in Irwindale (hereinafter "Blue Diamond facility") as well as facilities at other locations.

Aggregate is an essential material for building and construction. It is used principally as an ingredient in asphalt, concrete and Portland cement concrete, and for road base. Aggregate is a natural resource often found in stream channel, floodplain, and alluvial fan deposits, such as the San Gabriel River alluvial fan deposit in the Irwindale area. Aggregate is extracted from the ground and processed, which may include crushing, sizing and washing, prior to sale.

The Complaint alleges that the extraction, processing and sale of aggregate is a relevant product market for antitrust purposes. There is no reasonable substitute to which a significant number of customers would turn in response to a small but significant and nontransitory price increase in aggregate. The Complaint also alleges that certain specifically-identified portions of Los Angeles County and Orange County, defined as the Irwindale Aggregate District, constitute a relevant geographic market for antitrust purposes.

Entry into the extraction, processing and sale of aggregate in the relevant geographic market is difficult and, under any circumstances, time-consuming. To enter the aggregate market, a firm must, among other things, locate a site with available aggregate deposits, develop the site and an aggregate extraction and processing operation on it, and obtain a variety of state and local regulatory approvals and permits. Currently, however, there are virtually no undeveloped aggregate deposits within the Irwindale Aggregate District that are economically available for aggregate extraction.

Gifford-Hill and Koppers are direct competitors in the Irwindale aggregate market and are two of the four largest firms that extract, process and sell aggregate in that market. The Complaint alleges that the market is highly concentrated and would become substantially more concentrated, and that the Herfindahl-Hirschman Index,[1] a measure of market concentration, would increase by over 500 to over 3400, as a result of the proposed acquisition of Koppers by BNS.

III Explanation of the Proposed Final Judgment

The United States brought this action because the effect of the acquisition may be substantially to lessen competition in the market for the extraction, processing and sale of aggregate in the Irwindale Aggregate District in violation of section 7 of the Clayton Act. The risk to competition posed by this acquisition substantially would be eliminated by the sale by BNS of the Blue Diamond aggregate facility to a purchaser that would continue to operate the facility as an active and independent competitor in the aggregate business.

To this end, the proposed Final Judgment requires defendants to divest any and all interest that they own or acquire in the Blue Diamond aggregate facility by January 1, 1989. If defendants cannot accomplish the required divestiture within that period, the proposed Final Judgment provides that, upon application by the plaintiff, the Court shall appoint a trustee to sell the facility.

The proposed Final Judgment expressly permits the defendants to enter into supply contracts with the purchaser of the Blue Diamond aggregate facility for the supply of aggregate to defendants' concrete plants or other operations. The Judgment prohibits the negotiation of such contracts by defendants, however, until after the divestiture ordered by the Judgment has been completed, unless the United States otherwise consents. This provision ensures that any such contract will be the result of arms-length bargaining. The Judgment's mandate of separate negotiations returns the purchaser and the defendants to the positions they would have occupied absent the acquisition: an independent customer that retains no control over the aggregate facility from which some of its supply will come who is negotiating with an independent aggregate producer that owns the facility.

The Blue Diamond aggregate facility must be divested to a purchaser or purchasers who can and will operate it as a viable, ongoing business that can compete effectively in the relevant market for aggregate. The defendants shall take all reasonable steps necessary to accomplish divestiture quickly and, if a trustee is appointed, shall use their best efforts to assist the trustee.

If a trustee is appointed, the proposed Final Judgment provides that the defendants will pay all costs and expenses of the trustee. The trustee's commission will be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which divestiture is accomplished. After its appointment becomes effective, the trustee will file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish divestiture. Within six (6) months after the trustee's appointment become effective, if the trustee has not accomplished the divestiture required by the proposed Final Judgment, the trustee and the parties shall make recommendations to the Court, and the Court shall thereafter enter such orders as it shall deem appropriate in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

The proposed Final Judgment provides the United States an opportunity to review any proposed divestiture before it occurs. If the United States were to request information from defendants to assess a proposed sale, the sale could not be consummated until at least 15 days after defendants supplied the information. If the United States were to object to a proposed divestiture, the sale could not be completed.

Until the required divestiture has been accomplished, the defendants must preserve and maintain as an active and viable competitor the Blue Diamond aggregate facility, including both the physical facilities and all permits and rights to operate. The proposed Final Judgment provides that defendants must hold the Blue Diamond facility separate and apart from their other assets and businesses. Defendants must keep separate bookkeeping records for the facility. Defendants also are required to maintain the Blue Diamond aggregate facility as a saleable and economically viable, ongoing business.

The proposed Final Judgment will expire on the second anniversary of the divestiture of the Blue Diamond facility.

IV Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the Final Judgment will neither impair nor assist the bringing of any private antitrust damage actions. Under the provisions of section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the Final Judgment has no *prima facie* effect in any private lawsuit that may be brought against the defendants.

V Procedures Available for Modification of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The Act provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment

[1] The Herfindahl-Hirschman Index ("HHI") is a measure of market concentration calculated by squaring the market share of each firm competing in the market and then summing the resulting numbers. For example, for a market consisting of four firms with shares of 30, 30, 20, and 20 percent, the HHI is 2600 ($30^2 + 30^2 + 20^2 + 20^2 = 2600$). The HHI, which takes into account the relative size and distribution of the firms in a market, ranges from virtually zero to 10,000. The index approaches zero when a market is occupied by a large number of firms of relatively equal size and reaches its maximum of 10,000 when a market is controlled by a single firm. The HHI increases both as the number of firms in the market decreases and as the disparity in size between the leading firms and the remaining firms increases.

should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**.

Written comments should be submitted to: Gary R. Spratling, Chief, San Francisco Office, Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102.

The proposed Final Judgment provides that the Court retains jurisdiction over this matter for the purpose of enabling any party to apply to the Court for such further orders or directions as may be necessary or appropriate for the implementation, modification, interpretation, or enforcement of the Judgment, or for the punishment of any violations of the Judgment.

VI Alternatives to the Proposed Final Judgment

The United States considered including in the Judgment a provision enjoining defendants from acquiring or merging with any other aggregate producer in the Irwindale Aggregate District for ten (10) years, without the approval of the government or the Court. The United States rejected this alternative because it was satisfied that the reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Act, 15 U.S.C. 18a, would ensure that the United States would have an opportunity to evaluate carefully any such proposed acquisition or merger before consummation to determine whether it was a violation of section 7 of the Clayton Act.

An alternative to settling this action pursuant to the proposed Final Judgment would be for the United States to seek a preliminary injunction to enjoin the acquisition of Koppers by BNS. The United States rejected this alternative because the sale required under the Final Judgment should establish a viable, independent competitor in the Irwindale Aggregate District market and prevent the acquisition from having a significant anticompetitive effect in that market. The government is satisfied that the proposed Final Judgment provides substantially all the relief it could expect to obtain if it were to litigate the case in a full trial on the merits.

Under the circumstances, the government determined that the public interest in preserving competition in the Irwindale Aggregate District market would be served best by obtaining an enforceable consent decree requiring the sale of the Blue Diamond facility and by filing the decree with the Court prior to the consummation of any part of the proposed acquisition. Although the proposed Final Judgment may not be entered until the criteria established by the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(h)) have been satisfied, the public will benefit immediately from the safeguards in the proposed Final Judgment because the defendants have stipulated to comply with the terms of the Judgment pending its entry by the Court.

VIII Determinative Materials and Documents

There are no materials or documents that the United States considered to be determinative in formulating this proposed Final Judgment. Accordingly, none are being filed with this Competitive Impact Statement.

Dated: March 18, 1988.

Respectfully submitted,

Howard J. Parker,

Phillip R. Malone,

James E. Figenshaw,

Attorneys, U.S. Department of Justice, Antitrust Division, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102, Telephone: (415) 556–6300.

[FR Doc. 88–6706 Filed 3–28–88; 8:45 am]

BILLING CODE 4410–01–M

National Cooperative Research Act of 1984, Portland Cement Association

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S. C. 4301 *et seq.* ("The Act"), the Portland Cement Association ("PCA") has filed additional written notification simultaneously with the Attorney General and the Federal Trade Commission on February 18, 1988 disclosing changes in its membership; March 9, 1988 disclosing a company name change and March 11, 1988 disclosing a change in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the February 18, 1988 notice lists the following additional members in the United States and Mexico, affiliate members and a new member identified as Participating Associate, Manufacturing Process Subcommittee, General Technical Committee:

United States

Alamo Cement Company

Mexico

Instituto Mexicano del Cemento y del Concreto (IMCYC)
Cementos Acapulco, S.A.
Cementos Apasco, S.A.
Cementos de Chihuahua, S.A.
Cementos Mexicanos, S.A.
Cementos Moctezuma, S.A.
Cooperative de Cementos Cruz Azul
Cooperativa de Cementos Hidalgo

Affiliate Members

Cement and Concrete Promotion Council of Texas Florida Concrete and Products Association
Mississippi Concrete Industries Association
North Central Cement Promotion Association
Northern California Cement Promotion Group
South Central Cement Promotion Association

Participating Associates, Manufacturing Process Subcommittee, General Technical Committee

W.R. Grace & Company

The March 9, 1988, notice reflects the following company name change: Canada Cement Lafarge is now known as Lafarge Canada.

The March 11, 1988, notice reflects two additional members in the United Staes:

RMC Lonestar
Lone Star Northwest

Accordingly, at present the members of the PCA are those companies listed below:

United States

Aetna Cement Corporation
Alamo Cement Company
Alaska Basic Industries
Ash Gove Cement Company
Ash Grove Cement West, Inc.
Blue Circle Atlantic, Inc.
Blue Circle, Inc.
Blue Circle West Inc.
Calaveras Cement Company
CalMat Co.
Capitol Aggregates, Inc.
Capitol Cement Corporation
Continental Cement Company
Davenport Cement Company
Dragon Products Company
Dundee Cement Company
Hawaiian Cement
Ideal Basic Industries, Inc.
Independent Cement Corporation
Lafarge Corporation

Lehigh Portland Cement Company
LoneStar-Falcon
Lone Star Industries, Inc.
Lone Star Northwest
Medusa Cement Corportion
Missouri Portland Cement Company
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwestern States Portland Cement Co.
Phoenix Cement Company
Rinker Materials Corporation
RMC Lonestar
Rochester Portland Cement Corporation
St. Marys Peerless Cement Company
St. Marys Wisconsin Inc.
The South Dakota Cement Plant
Southwestern Portland Cement Company
Tarmac-LoneStar, Inc.
Tilbury Cement Company

Canada

Federal White Cement Ltd.
Ideal Cement Company Ltd.
Inland Cement Limited
Lafarge Canada Inc.
Lake Ontario Cement Limited
North Star Cement Limited
St. Lawrence Cement Inc.
St. Marys Cement Corporation
Tilbury Cement Limited

Mexico

Instituto Mexicano del Cemento y del Concreto (IMCYC)
Cementos Acapulco, S.A.
Cementos Apasco, S.A.
Cementos de Chihuahua, S.A.
Cementos Mexicanos, S.A.
Cementos Moctezuma, S.A.
Cooperativa de Cementos Cruz Azul
Cooperativa de Cementos Hidalgo

Affiliate Members

Cement and Concrete Promotion Council of Texas
Florida Concrete and Products Association
Mississippi Concrete Industries Association
North Central Cement Promotion Association
Northern California Cement Promotion Group
South Central Cement Promotion Association

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee:

Baker-Dolomite (DBCA)
C-E Raymond
Holderbank Consulting Ltd.
Humboldt Wedag Company
F.L. Smidth and Company
Claudius Peters, Inc.
Polysius Corp.
The Fuller Company
W.R. Grace & Company.

On January 7, 1985, PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (The "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985, 50 FR 5015. On March 14, 1985, August 13, 1985, January 3, 1986, February 14, 1986, May 30, 1986, July 10, 1986, December 31, 1986, February 3, 1987, April 17, 1987, June 3, 1987, July 29, 1987, August 6, 1987 and October 9, 1987, PCA filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on April 10, 1985 (50 FR 14175), September 16, 1985 (50 FR 37594), February 4, 1986 (51 FR 4440), March 12, 1986 (51 FR 8573), June 27, 1986 (51 FR 23479), August 14, 1986 (51 FR 29173), February 3, 1987 (52 FR 3356), March 4, 1987 (52 FR 6635), May 14, 1987 (52 FR 18295), July 10, 1987 (52 FR 28183), August 26, 1987 (52 FR 32185), November 17, 1987 (52 FR 43953), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Co. 88-6668 Filed 3-25-88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

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 clases 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 impractice 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:
NY88-7 (Jan. 8, 1988)—pp. 741-742
NY88-13 (Jan. 8, 1988)—pp. 802-804

Volume II

MISSOURI:
MO88-2 (Jan. 8, 1988)—p. 601
OHIO:
OH88-29 (Jan. 8, 1988)—p. 820

Volume III

MONTANA:
MT88-1 (Jan. 8, 1988)—p. 168
South Dakota:
SD88-2 (Jan. 8, 1988)—pp. 326-327
Utah:
UT88-3 (Jan. 8, 1988)—pp. 348-349

General Wage Determination Publication

General wage determination 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 18th day of March 1988.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-6335 Filed 3-25-88; 8:45 am]

BILLING CODE 4510-27-M

MERIT SYSTEMS PROTECTION BOARD

Information Collection To Obtain Information From Users of MSPB Decisions

AGENCY: Merit Systems Protection Board.

ACTION: Solicitation of comments from users of MSPB decisions.

SUMMARY: Under the provisions of 5 U.S.C. 552(a)(2)(A), each agency, in accordance with published rules, shall make available for public inspection and copying "final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;". The Merit Systems Protection Board (MSPB) wishes to determine if it is reasonably satisfying this requirement. The MSPB is therefore inviting any interested party to respond to the following questions concerning accessibility of MSPB decisions.

DATE: Responses to these questions should be submitted on or before April 27, 1988.

ADDRESS: Responses to these questions should be addressed to Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, Attn: Assistant to the Executive Director for Management, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: C.P. Handly, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419; (202) 653-8900.

March 23, 1988.

Robert E. Taylor,

Clerk of the Board.

Accessibility of Merit Systems Protection Board Decisions and Orders, March 1988

1. Please check the block below that best describes you:
   - ☐ Current or former appellant.
   - ☐ Attorney in private practice.
   - ☐ Representative of union, association, or special interest group.
   - ☐ Agency representative.
   - ☐ Other (arbitrator, judge, academician, co-worker, friend). Please specify.
2. Over a year's time, how frequently do you require access to MSPB decisions and orders?
   - ☐ Weekly
   - ☐ Monthly
   - ☐ Quarterly
   - ☐ Once or twice each year
   - ☐ Never
3. If you need to refer to MSPB decisions, please indicate your preferred sources for obtaining this information. Please use "1" to indicate the source you would most prefer to use, if available, a "2" for the second most preferred source and so forth. If you have no opinion concerning a given source, leave the space corresponding to that source blank.

Rating and Sources

——Labor Relations Press-Federal Merit Systems Reporter (Potomac Systems)
——West's Merit Systems Protection Board Reporter (WESTLAW)
——Information Handling Services
——LEXIS
——Copying Originals at MSPB library
——Copying Originals at MSPB Regional Offices
——Other (Please Specify)

4. Based on your experience with MSPB decisions, do you think that the Board's current method for citing past cases is sufficient for your needs?
   YES ☐
   NO ☐
5. If your answer to 4 is "no" what additional or alternate method of citation would you prefer?

[FR Doc. 88-6688 Filed 3-25-88; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 88-29]

Intent To Grant an Exclusive Patent License; Planar Systems, Inc.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to Planar Systems, Inc., of Beaverton, Oregon, an exclusive license to practice the invention protected by U.S. Patent No. 4,689,522, entitled "Flat Panel, Full Color, Electroluminescent Display," which issued on August 25, 1987, to the Untied States of America as represented by the Administrator of the

National Aeronautics and Space Adminstration. The exclusive license will contain appropriate terms and conditions to be negotiated in accordance with NASA Patent Licensing Regulations (14 CFR Part 1245). NASA will negotiate the final terms and conditions and grant the license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentation. The Director of Patent Licensing will review all written reponses to the Notice and then recommend to the Associate General Counsel for Intellectual Property whether to grant the license.

DATE: Comments to the Notice must be received by May 27, 1988.

ADDRESS: National Aeronautics and Space Administration, Code GP, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Harry Lupuloff, NASA Director of Patent Licensing, (202) 453–2430.

Dated: March 22, 1988.

John E. O'Brien,

General Counsel.

[FR Doc. 88–6649 Filed 3–25–88; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by April 27, 1988.

ADDRESSES: Send comments to Miss Elaina Norden, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3002, Washington, DC 20503; (202–395–7316). In addition, copies of such comments may be sent to Mr. Murray Welsh, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202 682–5401).

FOR FURTHER INFORMATION CONTACT: Mr. Murray Welsh, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202–682–5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the reinstatement of a previously approved collection for which approval has expired. Each entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Basic State Grant Application Narrative Format.

Frequency of Collection: Average of one response per 1.87 years.

Respondents: State or local governments.

Use: Requested information is needed to enable the Endowment to determine whether applicants meet eligibility requirements and criteria and to provide the Endowment with information on past performance of applicant agencies.

Estimated Number of Respondents: 25

Estimated Hours for Respondents to Provide Information: 342.

Vera K. Yancey,

Assistant Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 88–6680 Filed 3–25–88; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339]

Virginia Electric & Power Co. et al., North Anna Power Station, Units Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.47 and Appendix E to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), for the North Anna Power Station, Units 1 and 2 (NA–1&2), located in Louisa County, Virginia.

Environmental Assessment

Identification of Proposed Action

By letter dated October 9, 1987, the licensee requested an exemption from the requirements of 10 CFR 50.47 and Appendix E to conduct an annual exercise of the North Anna Emergency Plan in 1987. The licensee had planned to conduct an exercise of its emergency plan on August 4, 1987 with the partial participation of State and local emergency response organizations. The scheduled exercise was an annual licensee off-year exercise and the Federal Emergency Management Agency (FEMA) was not scheduled to observe the exercise. The previous emergency preparedness exercise at the North Anna Power Station, conducted on June 18, 1986, was a full participation biennial exercise. The licensee requests that an exemption be granted because the requirement to perform an exercise of the North Anna Emergency Plan in 1987 is not necessary to achieve the underlying purpose of the emergency planning rule in that the emergency plan was adequately exercised and demonstrated in 1987 in the licensee's response to the Unit 1 steam generator tube rupture (SGTR) event that occurred on July 15, 1987. The schedule for future exercises will not be affected by this one-time exemption.

The Need for the Proposed Action

The proposed exemption is needed to avoid the duplication of conducting another exercise, and to avoid the unnecessary use of Company, State and local resources, that would only confirm the adequacy of the plan, as well as the Company's capability to implement the plan. These capabilities were demonstrated during the July 15, 1987 SGTR event.

Environmental Impacts of the Proposed Action

A 1987 annual emergency plan exercise would not be conducted for the North Anna Power Station if the requested exemption is granted by the NRC. Whether or not an exercise is conducted, the environment is not impacted since neither case involves the release of radioactive or nonradioactive effluents. Furthermore, the NRC had determined that an environmental impact statement for 10 CFR 50.47, "Emergency Plans," and 10 CFR Part 50 Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," in which the requirement for an annual emergency plan exercise is contained, was not required (45 FR 55402, August 19, 1980). Specifically, the NRC's "Draft Negative Declaration; Finding of No Significant Impact" (45 FR 3913, January 21, 1980), states that "* * * the impacts on the human environment of the proposed rule

will be insignificant * * *." Similarly, not conducting an annual emergency plan exercise as required by the rule will have no impact on the human environment.

Alternatives to the Proposed Action

Since we have concluded that the environmental impacts of the proposed action are not significant, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. Since the staff has determined that granting this exemption would not result in any environmental impacts, denial of this request would only result in requiring the licensee to demonstrate certain capabilities under "drill" conditions that were already successfully demonstrated under "actual" conditions. Also, denial of this request would result in the additional expenditure of State and local emergency response agencies' and Company resources over that which has already been expended in responding to the SGTR event.

Alternative Use of Resources

The proposed action does not involve the use of environmental resources not previously considered in the Final Environmental Statement (as amended) for the North Anna Power Station, Unit Nos. 1 and 2.

Agencies and Persons Contacted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption from the requirement of 10 CFR 50.47 and Appendix E dated October 9, 1987, as well as previous submittals dated August 3, 1987 and September 11, 1987, which are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, DC, and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Rockville, Maryland, this 22nd day of March, 1988.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II-2, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-6676 Filed 3-25-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Ohio Edison Co. and Pennsylvania Power Co.; Beaver Valley Power Station, Unit No. 1; Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied, in part, a request by Duquesne Light Company, an amendment to Facility Operating License No. DPR-60, issued to the licensee for operation of the Beaver Valley Power Station, Unit No. 1, located in Beaver County, Pennsylvania. Notice of consideration of issuance of this amendment was published in the **Federal Register** on August 12, 1987 (52 FR 29915).

The purpose of the licensee's amendment request was to incorporate revised Technical Specification (TS) requirements for operability and surveillance for the station batteries. The revisions were requested due to replacement of two of the four station batteries by two batteries of a different design. Included in this request was a proposed change to lower individual cell electrolyte specific gravity from 1.20 to 1.195.

The staff has denied that proposal to change the specific gravity limit to 1.195. The current specific gravity value of 1.20 for each cell is based on the Standard Technical Specifications value of 1.20, which in turn was derived from a consensus of utilities and battery vendors. This value is considered necessary to assure adequate capacity and has been uniformly applied to all plant batteries for years without incurring much operational problem. In the absence of technical information regarding specific characteristics of the licensee's new lead-calcium batteries, the value of 1.20 should be retained to assure an adequate reserve capacity to power essential equipment.

The other provision of the amendment relating to Section 4.8.2.3.2.a.2 request has been approved by Amendment No. 122 dated March 21, 1988. Notice of Issuance of that amendment will be published in the Commission's biweekly **Federal Register** notice.

The licensee was notified of the Commission's denial of the proposed TS change by the letter transmitting Amendment No. 122.

By April 27, 1988, the licensee may demand a hearing with respect to the denial described above and any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for 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 the General Counsel-Rockville, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff of Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20027, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated July 1, 1987, (2) the Commission's letter to the licensee dated September 10, 1987, and (3) the Commission's Safety Evaluation dated March 21, 1988, issued with Amendment No. 122 to DPR-66.

These documents are available for public inspection at the Commission's Public Document Room 1717 H Street, Washington, DC 20555 and at B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001. A copy of item (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 21st day of March, 1988.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Project Manager, Project Directorate I-4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-6677 Filed 3-25-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric and Power Company (the licensee), for

operation of the Surry Power Station, Units No. 1 and No. 2 located in Surry County, Virginia.

The amendments would revise the Surry 1 and 2 Technical Specifications (TS), Section 6 as follows: (1) Delete the organization charts and replace them with a more general description of organizational requirements, (2) replace certain corporate-level position titles with more general position descriptions, and (3) revise certain administrative requirements in order to bring them into closer conformance with the corresponding requirements currently specified in the NRC-approved TS for Westinghouse plants (NUREG–0452, Revision, 4, 1981).

On March 8, 1988, the licensee announced Company-wide organizational changes which will become effective in April 1988. Specifically, nuclear operations will be strengthened by bringing the Engineering and Power Operations Departments within a single organization headed by a Senior Vice President. Nuclear Site Services and Nuclear Training will be included in the Nuclear Operations Department. A single group responsible for nuclear transient and fuel analysis will be created within the Engineering Department. Also within the Engineering Department, Inservice Inspector and Non-Destructive Examination services will be combined under a single manager. In addition, the number of system engineers assigned to Surry 1 and 2 will be increased.

The licensee has concluded that organization charts and/or titles by themselves play little or no role in assessing the safety significance of changes for Surry 1 and 2. Conversely, specific operational requirements that bear more directly on safety matters of concern than the organization charts and titles are explicitly provided elsewhere in the Surry 1 and 2 TS. For example, the organizational element responsible for control room command function is identified separately in the TS, as are the requirements for minimum staffing under various operating modes. The organizational management functions for independent reviews and audits, onsite safety review committee, and independent safety engineering group, while revised by this change request to conform more closely with the current acceptable TS for Westinghouse plants, are also specified in other parts of the Surry 1 and 2 TS. Therefore, the organization charts and certain position titles themselves are not needed to support any future finding that the licensee's organization will operate Surry 1 and 2 in a safe manner.

In addition to being required by the Surry 1 and 2 TS, the important organizational features illustrated by organization charts and certain position titles are also required or controlled by other mechanisms subject to NRC control. Specifically, the chapter entitled "Conduct of Operations" of the Surry 1 and 2 Updated Final Safety Analysis Reports (UFSAR) contains a detailed organizational structure and a description of the conduct of operations. The information in this chapter is required by 10 CFR 50.71(e) to be maintained and updated annually. In addition, the licensee's Topical Report, "Quality Assurance Program Operation Phase," is required by 10 CFR Part 50, Appendix R, to include similar information relating to the organizational structure, and is required by 10 CFR 50.54 to be maintained in a current status.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has stated that the proposed changes to the Surry 1 and 2 TS involve no significant hazards considerations because operation of Surry 1 and 2 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The changes merely reflect administrative considerations and do not change the plant design or operations. As in the past, the Commission will continue to be informed of organizational changes through other required controls. The Code of Federal Regulations, Title 10, § 50.34(b)(6)(i) requires that the licensee's organizational structure be included in the UFSAR. Accordingly, the "Conduct of Operations" chapter of the UFSAR provides a descriptioin of the organization and detailed organization charts. As required by 10 CFR 50.71(e), the Company submits annual updates to the UFSAR. Finally, Appendix B to 10 CFR Part 50 and 10 CFR 50.54(a)(3) govern changes to organizations described in the Quality Assurance Topical Report.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated, because as noted above, neither the plant design nor operation is affected by these changes.

(3) Involve a significant reduction in a margin of safety. These changes do not alter the functions, responsbilities, or minimum shift crew composition of the staff as defined by the Administrative Controls of the Surry 1 and 2 TS. Through strong quality assurance programs and commitment to maintain only qualified personnel in positions of responsibility, it is assured that safety functions performed by the on-site and the corporate organizations will continue to be performed at a high level of competence.

The NRC staff agrees that the proposed changes to the Technical Specifications meet the criteria specified in 10 CFR 50.92(c) and, hence, proposes to determine that they involve no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene are discussed below.

By April 27, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who

wishes to participate as a party in the proceeding must file a request for hearing and a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards considerations, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of one or both of the facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow: (Petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number) of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael W. Maupin, Esq., Hutton and Williams, P.O. Box 1535, Richmond, Virginia 23212, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 17, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 23rd day of March, 1988.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Project Manager, Project Directorate II–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–6678 Filed 3–25–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–4 and NPF–7, issued to Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Units No. 1 and No. 2 (NA–1&2) located in Louisa County, Virginia.

The amendments would revise the NA–1&2 Technical Specifications (TS), Section 6 as follows: (1) Delete the organization charts and replace them with a more general description of

organizational requirements, (2) replace certain corporate-level position titles with more general position descriptions, and (3) revise certain administrative requirements in order to bring them into closer conformance with the corresponding requirements currently specified in the NRC-approved TS for Westinghouse Plants (NUREG–0452, Revision 4, 1981).

On March 8, 1988, the licensee announced Company-wide organizational changes which will become effective in April 1988. Specifically, nuclear operations will be strengthened by bringing the Engineering and Power Operations Departments within a single organization headed by a Senior Vice President. Nuclear Site Services and Nuclear Training will be included in the Nuclear Operations Department. A single group responsible for nuclear transient and fuel analysis will be created within the Engineering Department. Also within the Engineering Department, Inservice Inspection and Non-Destructive Examination services will be combined under a single manager. In addition, the number of system engineers assigned to NA–1&2 will be increased.

The licensee has concluded that organization charts and/or titles by themselves play little or no role in assessing the safety significance of changes for NA–1&2. Conversely, specific operational requirements that bear more directly on safety matters of concern than the organization charts and titles are explicitly provided elsewhere in the NA–1&2 TS. For example, the organizational element responsible for control room command function is identified separately in the TS, as are the requirements for minimum staffing under various operating modes. The organizational management functions for independent reviews and audits, onsite safety review committee, and independent safety engineering group, while revised by this change request to conform more closely with the current acceptable TS for Westinghouse plants, are also specified in other parts of the NA–1&2 TS. Therefore, the organization charts and certain position titles themselves are not needed to support any future finding that the licensee's organization will operate NA–1&2 in a safe manner.

In addition to being required by the NA–1&2 TS, the important organizational features illustrated by organization charts and certain position titles are also required or controlled by other mechanisms subject to NRC control. Specifically, the chapter entitled "Conduct of Operations" of the NA–1&2 Udated Final Safety Analysis Reports (UFSAR) contains a detailed organizational structure and a description of the conduct of operations. The information in this chapter is required by 10 CFR 50.71(e) to be maintained and updated annually. In addition, the licensee's Topical Report, "Quality Assurance Program Operations Phase," is required by 10 CFR Part 50, Appendix B, to include similar information relating to the organizational structure, and is required by 10 CFR 50.54 to be maintained in a current status.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has stated that the proposed changes changes to the NA–1&2 TS involve no significant hazards considerations because operation of NA–1&2 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The changes merely reflect administrative considerations and do not change the plant design or operations. As in the past, the Commission will continue to be informed of organizational changes through other required controls. The Code of Federal Regulations, Title 10, 50.34(b)(6)(i) requires that the licensee's organizational structure be included in the UFSAR. Accordingly, the "Conduct of Operations" chapter of the UFSAR provides a description of the organization and detailed organization charts. As required by 10 CFR 50.71(e), the Company submit annual updates to the UFSAR. Finally, Appendix B to 10 CFR Part 50 and 10 CFR 50.54(a)(3) govern changes to organization described in the Quality Assurance Topical Report.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated, because as noted above, neither the plant design nor operation is affected by these changes.

(3) Involve a significant reduction in a margin of safety. These changes do not alter the functions, responsibilities, or minimum shift crew composition of the staff as defined by the Administrative Controls of the NA–1&2 TS. Through strong quality assurance programs and commitment to maintain only qualified personnel in positions of responsibility, it is assured that safety functions performed by the on-site and the corporate organizations will continue to be performed at a high level of competence.

The NRC staff agrees that the proposed changes to the Technical Specifications meet the criteria specified in 120 CFR 50.92(c) and, hence, proposes to determine that they involve no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene are discussed below.

By April 27, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a request for hearing and a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestice Licensing Proceedings" in 10

CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards considerations, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of one or both of the facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take action will occur very infrequently.

A request for hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addresed to Herbert N. Berkow: (Petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael W. Maupin, Esq., Hutton and Williams, P.O. Box 1535, Richmond, Virginia 23212, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearings will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 17, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. 20555, and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Rockville, Maryland, this 22nd day of March, 1988.

For the Nuclear Regulatory Commission.

Leon B. Engle,

Project Manager, Project Directorate II–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–6679 Filed 3–25–88; 8:45 am]

BILLING CODE 7590–01–M

POSTAL SERVICE

International Rates and Fees; Modification and Implementation of Increases on an Interim Basis

AGENCY: Postal Service.

ACTION: Notice of implementation of amended rates and fees for international mail on an interim basis.

SUMMARY: The Postal Service announces that new international rates and fees are being implemented on an interim basis at 12:01 a.m. on April 3, 1988, the same time that domestic rate changes are implemented. The Postal Service also announces an amended rate for post and postal cards to Mexico and amended fees for international special services.

EFFECTIVE DATE: 12:01 a.m., April 3, 1988.

FOR FURTHER INFORMATION CONTACT: John F. Alepa, (202) 268–2664.

SUPPLEMENTARY INFORMATION: Proposed international rates and fees were published in the March 3, 1988, issue of the **Federal Register** (53 FR 6892). In that issue, it was announced that the proposed effective date for new international postal rates and fees would be the same as that for new domestic rates and fees. The implementation date for domestic rates and fees has now been established by the Board of Governors of the Postal Service as April 3, 1988. The March 3 notice, however, set April 1, 1988, as the last date for interested parties to submit comments on the proposed changes in international rates and fees. Accordingly, it will not be possible to evaluate all comments and publish a final document in time for final international rates and fees to become effective on April 3. Therefore, international rates and fees, as amended herein, are adopted on an interim basis pending full consideration of all comments received. A final document providing notice of final international rates and fees will be published as soon as practicable thereafter.

It was also proposed in the March 3 notice that the fees for certain international services, listed in Part B, New Special Mail Services, and marked with asterisks, would be the same as the fees for comparable domestic services, since the Rate Commission's recommended decision, approved now by the Governors, changed some of these domestic fees, the international fees are being changed here to be consistent with the corresponding domestic fees.

In the special mail services fees published on March 3 there was reflected a proposed fee for money orders for payment in Canada that was larger than the fee for other international money orders issued on the domestic form. The Postal Service has decided not to make this change at this time. Accordingly, in the revised schedule, money orders for payment in Canada will continue to be issued for the same fee as other international money orders issued on the domestic form.

In addition, the Rate Commission recommended, and the Governors approved, a domestic rate for post and postal cards of 15 cents. The Postal Service had proposed a rate of 16 cents and in the March 3 notice had proposed a 16 cent rate for Mexico. In order to maintain the post and postal card rate comparability between domestic rates and rates to Mexico, the post and postal card rate for Mexico is changed to 15 cents.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

I. International Postal Rates and Fees

A. New Rates

1. Letters and letter packages.

Weight steps not over		Canada [1]	Mexico
Lbs.	Ozs.		
0	1	$0.30	$0.25
0	2	.52	.45
0	3	.74	.65
0	4	.96	.85
0	5	1.18	1.05
0	6	1.40	1.25
0	7	1.62	1.45
0	8	1.84	1.65
0	9	2.06	1.85
0	10	2.28	2.05
0	11	2.50	2.25
0	12	2.72	2.45
1	0	3.08	3.25
1	8	3.70	4.05
2	0	4.32	4.85
2	8	4.94	5.65
3	0	5.56	6.45
3	8	6.18	7.25
4	0	6.80	8.05

[1] Registered letters to Canada may weigh up to 66 pounds. For these items, the rate for each additional pound or fraction over 4 pounds is $1.24.

2. Letters and letter packages (surface).

Weight steps not over		All countries (other than Canada/ Mexico)
Lbs.	Ozs.	
0	1	$0.40
0	2	.63
0	3	.86
0	4	1.09
0	5	1.32
0	6	1.55
0	7	1.78
0	8	2.01
1	0	3.80
1	8	5.20
2	0	6.60
2	8	7.60
3	0	8.60
3	8	9.60
4	0	10.60

3. Letters and letter packages (air).

a. Canada and Mexico: refer to rates listed under A.1. Mail paid at this rate receives First-Class service in the United States and air service in Canada and Mexico.

b. All other Countries: 45 cents per half ounce up to and including 2 ounces; 42 cents each additional half ounce up to and including 32 ounces; 42 cents per additional ounce over 32 ounces.

4. Post and Postal Cards.

a. Surface.

(1) Canada: 21 cents each.

(2) Mexico: 15 cents each.

(3) All other countries: 28 cents each.

b. Air.

(1) Canada: 21 cents each.

(2) Mexico: 15 cents each.

(3) All countries (except Canada and Mexico): 36 cents each.

5. Aerogrammes: 39 cents each.

6. Other Articles (AO).

a. Surface.

(1) Regular Printed Matter.

Weight steps, not over	Canada	Mexico	All other countries
1 oz	$0.30	$0.25	$0.40
2	.52	.45	.60
3	.74	.65	.80
4	.96	.85	1.00
6	1.21	1.05	1.28
8	1.46	1.25	1.56
10	1.71	1.45	1.84
12	1.96	1.65	2.12
14	2.21	1.85	2.40
16	2.39	2.05	2.68
18	2.57	2.25	2.92
20	2.75	2.45	3.16
22	2.93	2.65	3.40
24	3.11	2.85	3.64
26	3.29	3.05	3.88
28	3.47	3.25	4.12
30	3.65	3.45	4.36
32	3.83	3.65	4.60
3 lbs	5.03	5.15	6.10
4 lbs	6.23	6.65	7.60
Each additional 1 lb	1.20	1.50	1.50
Direct sacks to one addressee (M-Bag): Minimum 15 lbs. Maximum 66 lbs. Per pound or fraction	.96	1.20	1.20

(2) Publishers Periodicals.

Weight steps, not over	All countries
1 oz	$0.20
2	.30
3	.40
4	.50
6	.64
8	.78
10	.92
12	1.06
14	1.20
16	1.34
18	1.46
20	1.58
22	1.70
24	1.82
26	1.94
28	2.06
30	2.18
32	2.30
3 lbs	3.20
4 lbs	4.10
Each additional 1 lb	.90
Direct sacks to one addressee (M-Bag): Minimum 15 lbs. Maximum 66 lbs. Per pound or fraction	.72

(3) Books and Sheet Music

Weight steps, not over	All countries
1 lb	$1.34
2	2.30
3	3.20
4	4.10
5	5.00
6	5.90
7	6.80
8	7.70
9	8.60
10	9.50
11	10.40
Each additional 1 lb	.90

Weight steps, not over	All countries
Direct sacks to one addressee (M-Bag): Minimum 15 lbs. Maximum 66 lbs. Per pound or fraction	.72

(4) Small Packets.

Weight steps, not over	Canada	Mexico	All other countries
1 oz	$0.30	$0.25	$0.40
2	.52	.45	.60
3	.74	.65	.80
4	.96	.85	1.00
6	1.21	1.05	1.28
8	1.46	1.25	1.56
10	1.71	1.45	1.84
12	1.96	1.65	2.12
14	2.21	1.85	2.40
16	2.39	2.05	2.68
18	2.57	2.25	2.92
20	2.75	2.45	3.16
22	2.93	2.65	3.40
24	3.11	2.85	3.64
26	3.29	3.05	3.88
28	3.47	3.25	4.12
30	3.65	3.45	4.36
32	3.83	3.65	4.60
3 pounds			6.10
4			7.60

b. Air (Encompasses All Printed Matter, Matter for the Blind and Small Packets)

Weight steps, not over (ounces)	Canada and Mexico	Colombia, Venezuela, Central America, Caribbean Islands, Bahamas, Bermuda, & St. Pierre & Miquelon (Also, from American Samoa to Western Samoa, & from Guam to the Philippines	South America (except Colombia & Venezuela), Europe (except Estonia, Latvia, Lithuania, & U.S.S.R.), & North Africa	Estonia, Latvia, Lithuania, U.S.S.R., Asia, Pacific Ocean Islands, Africa (other than North Africa) the Indian Ocean Islands & the Middle East
1	(1)	$0.69	$0.83	$0.90
2		1.06	1.32	1.54
3		1.43	1.81	2.18
4		1.80	2.30	2.82
6		2.17	2.94	3.73
8		2.54	3.58	4.64
10		2.91	4.22	5.55
12		3.28	4.86	6.46
14		3.65	5.50	7.37
16		4.02	6.14	8.28
18		4.39	6.78	9.19
20		4.76	7.42	10.10
22		5.13	8.06	11.01
24		5.50	8.70	11.92
26		5.87	9.34	12.83
28		6.24	9.98	13.74
30		6.61	10.62	14.65
32		6.98	11.26	15.56
2.5 pounds	8.38	13.76	19.11	
3.0 pounds	9.78	16.26	22.66	
3.5 pounds	11.18	18.76	26.21	
4.0 pounds	12.58	21.26	29.76	
Each additional ½ pound		1.40	2.50	3.55
Direct sack to one addressee (M-Bag), Minimum 15 lbs., Maximum 66 lbs., Per Pound or Fraction		2.24	4.00	5.68

[1] See Section C.

c. Air AO—Canada/Mexico (Encompasses All Printed Matter, Matter for the Blind and Small Packets)

Weight steps, not over	Canada	Mexico
1 oz	$0.30	$0.25
2	.52	.45
3	.74	.65
4	.96	.85
5	1.18	1.05
6	1.40	1.25
7	1.62	1.45
8	1.84	1.65
9	2.06	1.85
10	2.28	2.05
11	2.50	2.25
12	2.72	2.45
16	3.08	3.25
24	3.70	4.05
32	4.32	4.85
2.5 pounds	4.94	5.65
3.0 pounds	5.56	6.45
3.5 pounds	6.18	7.25
4.0 pounds	6.80	8.05
Each additional ½ pound over 4 pounds	.62	.80
Direct sack to one addressee (M-Bag): Minimum 15 pounds, Maximum 66 pounds or fraction	.99	1.28

7. Parcel Post.

a. Surface.

(1) Canada: $3.95 for over 1 pound and up to 2 pounds, and $1.20 for each additional pound or fraction.

(2) Mexico, Central America, the Caribbean Islands, Bahamas, Bermuda, St. Pierre and Miquelon: $4.40 for the first 2 pounds and $1.40 for each additional pound or fraction.

(3) All other countries: $4.60 for the first 2 pounds and $1.50 for each additional pound or fraction.

b. Air—Air Parcel Post Rates:

(1) CANADA

Weight steps, not over (pounds)	Rates
1–2	$4.32
3	5.56
4	6.80
5	8.04
6	9.28
7	10.52
8	11.76
9	13.00
10	14.24
11	15.48
12	16.72
13	17.96
14	19.20
15	20.44
16	21.68
17	22.92
18	24.16
19	25.40
20	26.64
21	27.88
22	29.12
23	30.36
24	31.60
25	32.84
26	34.08
27	35.32
28	36.56
29	37.80
30	39.04
31	40.28
32	41.52
33	42.76
34	44.00
35	45.24
36	46.48
37	47.72
38	48.96
39	50.20
40	51.44
41	52.68
42	53.92
43	55.16
44	56.40
45	57.64
46	58.88
47	60.12
48	61.36
49	62.60
50	63.84
51	65.08
52	66.32
53	67.56
54	68.80
55	70.04
56	71.28
57	72.52
58	73.76
59	75.00
60	76.24
61	77.48
62	78.72
63	79.96
64	81.20
65	82.44

(1) CANADA—Continued

Weight steps, not over (pounds)	Rates
66	83.68

(2) ALL OTHER COUNTRIES

Weight steps	Country groups				
	A	B	C	D	E
First pound	$5.50	$7.15	$8.70	$10.30	$11.95
Each additional pound or fraction up to 5 pounds	2.80	4.00	4.80	5.80	6.80
Each additional pound or fraction over 5 pounds	2.00	3.00	4.00	5.00	6.00

Note.—All Parcel Post Rate Groups: See list.

AIR PARCEL POST RATE GROUPS

Country	Rate group	Maximum weight limits for air parcel post
Afghanistan	D	44
Albania	C	44
Algeria	D	44
Andorra	B	44
Angola	E	22
Anguilla	A	22
Antigua and Barbuda	A	22
Argentina	D	44
Aruba	A	44
Ascension	(1)	(1)
Australia	D	44
Austria	B	44
Azores	C	22
Bahamas	A	22
Bahrain	D	22
Bangladesh	E	22
Barbados	B	22
Belgium	D	44
Belize	A	44
Benin	C	44
Bermuda	A	44
Bhutan	E	22
Bolivia	B	44
Botswana	E	22
Brazil	E	44
British Virgin Islands	A	44
Brunei	D	22
Bulgaria	D	44
Burkina Faso	D	22
Burma	D	22
Burundi	E	44
Cameroon	D	44
Canada	(2)	66
Cape Verde	D	22
Cayman Islands	A	44
Central African Republic	E	44
Chad	D	44
Chile	D	22
China (Peoples Republic of)	D	44
Colombia	B	44
Camoros	E	44
Congo	D	44
Corsica	E	44
Costa Rica	A	$$
Cote d'Ivoire (Ivory Coast)	D	44
Cuba	(3)	(3)
Cyprus	C	44
Czechoslovakia	C	33
Denmark	C	44
Djibouti	D	44
Dominica	A	22
Dominican Republic	A	44
East Timor	(3)	(3)
Ecuador	C	44

AIR PARCEL POST RATE GROUPS—Continued

Country	Rate group	Maximum weight limits for air parcel post
Egypt	D	44
El Salvador	B	44
Equatorial Guinea	D	44
Estonia	E	22
Ethiopia	D	44
Falkland Islands	D	44
Faroe Islands	C	44
Fiji	B	44
Finland	D	44
France (including Monaco)	E	44
French Guiana	C	44
French Polynesia	D	44
Gabon	D	44
Gambia	B	22
German Democratic Republic (East Germany).	C	44
Germany, Federal Rep. of (West Germany).	C	44
Ghana	D	22
Gibraltar	C	44
Great Britain and Northern Ireland.	C	50
Greece	C	44
Greenland	D	44
Grenada	A	22
Guadeloupe	A	44
Guatemala	A	44
Guinea	B	44
Guinea-Bissau	B	22
Guyana	B	44
Haiti	A	44
Honduras	B	44
Hong Kong	C	44
Hungary	C	44
Iceland	C	44
India	D	44
Indonesia	E	22
Iran	D	44
Iraq	D	44
Ireland (Eire)	C	22
Israel	C	33
Italy (including San Marino)	C	44
Jamaica	A	22
Japan	E	22
Jordan	C	44
Kampuchea	(3)	(3)
Kenya	D	44
Kirabati	B	44
Korea, Democratic People's Republic.	(3)	(3)
Korea, Republic of	C	44
Kuwait	C	44
Lao	E	44
Latvia	E	22
Lebanon	C	11
Lesotho	E	22
Liberia	C	22
Libya	D	44
Lithuania	E	22
Luxembourg	B	44
Macao	C	22
Madagascar	E	44
Madeira Islands	B	22
Malawi	D	22
Malaysia	D	22
Maldives	D	22
Mali	C	44
Malta	C	44
Martinique	A	44
Mauritania	D	44
Mauritius	E	22
Mexico	A	4
Mongolia	(3)	(3)
Montserrat	A	44
Morocco	C	44

AIR PARCEL POST RATE GROUPS—Continued

Country	Rate group	Maximum weight limits for air parcel post
Mozambique	E	22
Nauru	C	44
Nepal	D	44
Netherlands	C	44
Netherlands Antilles	A	44
New Caledonia	D	44
New Zealand	D	22
Nicaragua	B	44
Niger	D	44
Nigeria	C	22
Norway	D	44
Oman	D	22
Pakistan	D	22
Panama	A	44
Papua New Guinea	D	44
Paraguay	D	44
Peru	B	44
Philippines	D	44
Pitcairn Islands	B	22
Poland	B	44
Portugal	C	22
Qatar	C	44
Reunion	E	44
Romania	C	44
Rwanda	D	44
Saint Christopher & Nevis	A	44
Saint Helena	C	44
Saint Lucia	A	44
Saint Pierre & Miquelon	A	44
Saint Vincent & the Grenadines.	A	22
Sao Tome & Principe	D	44
Saudia Arabia	D	22
Senegal	D	44
Seychelles	D	22
Sierre Leone	D	44
Singapore	D	22
Solomon Islands	C	44
Somalia	D	44
South Africa (including South West Africa & Namibia).	D	22
Spain	C	44
Sri Lanka	D	44
Sudan	D	44
Suriname	B	44
Swaziland	D	44
Sweden	D	44
Switzerland (including Leichtenstein).	B	44
Syria	C	44
Taiwan	C	44
Tanzania	E	22
Thailand	D	44
Togo	D	44
Tonga	B	22
Trinidad & Tobago	B	22
Tristan da Cunha	E	22
Tunisia	C	44
Turkey	C	44
Turks & Caicos Islands	A	22
Tuvalu	B	44
Uganda	D	22
Union of Soviet Socialist Republics.	E	22
United Arab Emirates	D	44
Uruguay	B	44
Vanuatu	B	44
Vatican City State	C	44
Venezuela	B	44
Vietnam	[3]	[3]
Wallis & Futuna Islands	D	44
Western Samoa	B	22
Yemen Arab Republic	D	22
Yemen, Peoples Democratic Rep. of.	E	44

AIR PARCEL POST RATE GROUPS—Continued

Country	Rate group	Maximum weight limits for air parcel post
Yugoslavia	C	22
Zaire	E	44
Zambia	E	44
Zimbabwe	E	44

[1] No Air Service.
[2] Separate Rate Group.
[3] No Parcel Post Service.

8. Express Mail International Service for Countries by Rate Group, See List.

Pounds (up to and including)	Rates
a. Custom Designed Service [1 2 3]	
(1) Group 1:	
1-2	$31.20
3	33.40
4	35.60
5	37.80
6	40.00
7	42.20
8	44.40
9	46.60
10	48.80
11	51.00
12	53.20
13	55.40
14	57.60
15	59.80
16	62.00
17	64.20
18	66.40
19	68.60
20	70.80
21	73.00
22	75.20
23	77.40
24	79.60
25	81.80
26	84.00
27	86.20
28	88.40
29	90.60
30	92.80
31	95.00
32	97.20
33	99.40
34	101.60
35	103.80
36	106.00
37	108.20
38	110.40
39	112.60
40	114.80
41	117.00
42	119.20
43	121.40
44	123.60
45	125.80
46	128.00
47	130.20
48	132.40
49	134.60
50	136.80
51	139.00
52	141.20
53	143.40
54	145.60
55	147.80
56	150.00
57	152.20
58	154.40
59	156.60
60	158.80
61	161.00
62	163.20
63	165.40
64	167.60
65	169.80
66	172.00
(2) Group 2:	
1-2	33.50
3	38.00
4	42.50
5	47.00
6	51.50
7	56.00
8	60.50
9	65.00
10	69.50
11	74.00
12	78.50
13	83.00
14	87.50
15	92.00
16	96.50
17	101.00
18	105.50
19	110.00
20	114.50
21	119.00
22	123.50
23	128.00
24	132.50
25	137.00
26	141.50
27	146.00
28	150.50
29	155.00
30	159.50
31	164.00
32	168.50
33	173.00
34	177.50
35	182.00
36	186.50
37	191.00
38	195.50
39	200.00
40	204.50
41	209.00
42	213.50
43	218.00
44	222.50
(3) Group 3:	
1-2	34.70
3	40.40
4	46.10
5	51.80
6	57.50
7	63.20
8	68.90
9	74.60
10	80.30
11	86.00
12	91.70
13	97.40
14	103.10
15	108.80
16	114.50
17	120.20
18	125.90
19	131.60
20	137.30
21	143.00
22	148.70
23	154.40
24	160.10
25	165.80
26	171.50
27	177.20
28	182.90
29	188.60
30	194.30

Pounds (up to and including)	Rates
31	200.00
32	205.70
33	211.40
34	217.10
35	222.80
36	228.50
37	234.20
38	239.90
39	245.60
40	251.30
41	257.00
42	262.70
43	268.40
44	274.10
(4) Group 4:	
1-2	36.00
3	43.00
4	50.00
5	57.00
6	64.00
7	71.00
8	78.00
9	85.00
10	92.00
11	99.00
12	106.00
13	113.00
14	120.00
15	127.00
16	134.00
17	141.00
18	148.00
19	155.00
20	162.00
21	169.00
22	176.00
23	183.00
24	190.00
25	197.00
26	204.00
27	211.00
28	218.00
29	225.00
30	232.00
31	239.00
32	246.00
33	253.00
34	260.00
25	267.00
36	274.00
37	281.00
38	288.00
39	295.00
40	302.00
41	309.00
42	316.00
43	323.00
44	330.00
45	337.00
46	344.00
47	351.00
48	358.00
49	365.00
50	372.00
b. On Demand Service [1 3]	
(1) Group 1:	
1-2	23.20
3	25.40
4	27.60
5	29.80
6	32.00
7	34.20
8	36.40
9	38.60
10	40.80
11	43.00
12	45.20
13	47.40
14	49.60
15	51.80
16	54.00
17	56.20
18	58.40
19	60.60
20	62.80
21	65.00
22	67.20
23	69.40
24	71.60
25	73.80
26	76.00
27	78.20
28	80.40
29	82.60
30	84.80
31	87.00
32	89.20
33	91.40
34	93.60
35	95.80
36	98.00
37	100.20
38	102.40
39	104.60
40	106.80
41	109.00
42	111.20
43	113.40
44	115.60
45	117.80
46	120.00
47	122.20
48	124.40
49	126.60
50	128.80
51	131.00
52	133.20
53	135.40
54	137.60
55	139.80
56	142.00
57	144.20
58	146.40
59	148.60
60	150.80
61	153.00
62	155.20
63	157.40
64	159.60
65	161.80
66	164.00
(2) Group 2:	
1-2	25.50
3	30.00
4	34.50
5	39.00
6	43.50
7	48.00
8	52.50
9	57.00
10	61.50
11	66.00
12	70.50
13	75.00
14	79.50
15	84.00
16	88.50
17	93.00
18	97.50
19	102.00
20	106.50
21	111.00
22	115.50
23	120.00
24	124.50
25	129.00
26	133.50
27	138.00
28	142.50
29	147.00
30	151.50
31	156.00
32	160.50
33	165.00
34	169.50
35	174.00
36	178.50
37	183.00
38	187.50
39	192.00
40	196.50
41	201.00
42	205.50
43	210.00
44	214.50
(3) Group 3:	
1-2	26.70
3	32.40
4	38.10
5	43.80
6	49.50
7	55.20
8	60.90
9	66.60
10	72.30
11	78.00
12	83.70
13	89.40
14	95.10
15	100.80
16	106.50
17	112.20
18	117.90
19	123.60
20	129.30
21	135.00
22	140.70
23	146.40
24	152.10
25	157.80
26	163.50
27	169.20
28	174.90
29	180.60
30	186.30
31	192.00
32	197.70
33	203.40
34	209.10
35	214.80
36	220.50
37	226.20
38	231.90
39	237.60
40	243.30
41	249.00
42	254.70
43	260.40
44	266.10
(4) Group 4:	
1-2	28.00
3	35.00
4	42.00
5	49.00
6	56.00
7	63.00
8	70.00
9	77.00
10	84.00
11	91.00
12	98.00
13	105.00
14	112.00
15	119.00
16	126.00
17	133.00
18	140.00
19	147.00
20	154.00
21	161.00
22	168.00
23	175.00
24	182.00
25	189.00
26	196.00

Pounds (up to and including)	Rates
27	203.00
28	210.00
29	217.00
30	224.00
31	231.00
32	238.00
33	245.00
34	252.00
35	259.00
36	266.00
37	273.00
38	280.00
39	287.00
40	294.00
41	301.00
42	308.00
43	315.00
44	322.00
45	329.00
46	336.00
47	343.00
48	350.00
49	357.00
50	364.00

[1] Rates for pieces 1 pound and under published in November 12, 1987, **Federal Register** Notice.

[2] Rates in these tables are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[3] Pickup is available under a Service Agreement for an added charge of $4.00 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

INTERNATIONAL EXPRESS MAIL

[Rate groups and maximum weight limits]

Country	Rate group	Maximum weight (lbs.)
Argentina	3	44
Australia	4	44
Austria	2	44
Bahamas	2	44
Bahrain	3	44
Bangladesh	4	44
Barbados	2	44
Belgium	3	44
Bermuda	1	44
Brazil	4	50
Burkina Faso	3	44
Canada	1	66
Cayman Islands	2	44
Chad	3	44
Chile	3	33
China, Peoples Republic of	4	33
Colombia	2	44
Cote d'Ivoire (Ivory Coast)	3	44
Cyprus	3	44
Denmark (incl. Faroe Islands)	3	44
Djibouti	4	44
Egypt	3	44
Finland	3	44
France (incl. Corsica & Monaco)	3	44
Germany, Federal Republic of	2	44
Great Britain/Northern Ireland	2	44
Greece	3	44
Guinea	3	44
Guyana	2	44
Hong Kong	3	44
Hungary	2	44
Iceland	3	44
India	4	44
Indonesia	4	22

INTERNATIONAL EXPRESS MAIL—Continued

[Rate groups and maximum weight limits]

Country	Rate group	Maximum weight (lbs.)
Ireland	2	44
Israel	3	33
Italy	3	44
Japan	4	44
Jordan	3	44
Korea, Republic of	3	44
Kuwait	3	44
Luxembourg	2	44
Macao	3	44
Malaysia	4	33
Mali	3	44
Mexico	1	44
Netherlands	3	44
Netherlands Antilles	2	44
New Zealand	4	44
Niger	3	44
Nigeria	3	44
Norway	3	44
Oman	3	44
Pakistan	3	22
Panama	2	44
Portugal (incl. Madeira Islands & Azores)	2	44
Qatar	3	44
Rwanda	4	44
Saudi Arabia	3	22
Senegal	3	44
Singapore	4	44
South Africa	4	44
Spain	2	44
Sweden	3	44
Switzerland (incl. Liechtenstein)	3	33
Taiwan	3	33
Tanzania	4	22
Thailand	4	44
Tunisia	3	44
Turkey	3	44
United Arab Emirates	3	44
Uruguay	3	44
Venezuela	2	44

B. New Special Mail Services Fees

1. Nonstandard Surcharge:
   a. Letters (weighing one ounce or less): 10 cents
   b. Regular Printed Matter (weighing one ounce or less): 10 cents
2. Customs Clearance and Delivery Fee: $3.25
3. Inquiry Fee: $5.00
4. Return receipt requested at time of mailing: 90 cents
5. Registered Mail

Limit of indemnity	Fee
1. Canada:	
$000.00 to $100	$4.50
$100.01 to $500	4.85
$500.01 to $1,000	5.25
2. All other countries: $24.60	4.40

6. Insured Mail

Limit of indemnity [1] not over—	Fees	
	Canada	All other countries
50	$0.70	$1.50
100	1.50	1.90
150	1.90	3.15
200	2.20	3.15
300	3.15	4.30
400	4.30	5.00
500	5.00	5.70
600		6.40
700		7.10
800		7.80
900		8.50
1,000		9.20
1,100		9.90
1,200		10.60

[1] Limits vary by country.

7. Money Orders

a. Orders Issued on Domestic Form:

Amount of Money Order	Fee
$0.01 to $35	$0.75
$35.01 to $700	1.00

Note: Service is not available to all countries. See IMM for service availability. When service is available each order is limited to $700, except $200 to Great Britain and $400 to Norway.

b. Orders Issued on International Form (including Japan): $3.00 per money order.

c. Charge for a photostat of a paid money order issued on a domestic form or pursuant to an international authorization form: $2.00.

Weight	Fee
8. Special Handling:	
Not More than 10 pounds	$1.55
More than 10 pounds	2.25

Class of Mail	Not over 2 pounds	Over 2 pounds
9. Special Delivery:		
Letters, letter packages, post and postal cards	$5.35	$5.75
Other articles	5.65	6.50
10. Restricted Delivery	2.00	

	Fee
11. Certificates of Mailing:	
Individual listed pieces: Original or Copy of original Certificate of mailing or receipt for registered or insured mail (per piece) (Form 3817)	$0.45
Firm mailing books (per piece) (Form 3877)	0.15
Identical pieces: Up to 1,000 pieces	2.00
For each additional 1,000 pieces, or fraction	0.25
Duplicate copy	0.45

12. Return charges for returned publishers' periodicals mailed to Canada by publishers or registered news agents (781.5a, International Mail Manual).

Weight not over:	Charge
1 oz	$0.25
2	.45
3	.65
4	.85
6	1.00
8	1.10
10	1.20
12	1.30
14	1.40
16	1.50

For weights over 1 pound, use the domestic 8th zone fourth-class rate.

13. International Reply Coupons
Selling price for U.S. issued coupons: 95 cents

[FR Doc. 88-6617 Filed 3-25-88; 8:45 am]
BILLING CODE 7710-12-M

Changes in Certain Postal Rates, Fees and Mail Classifications

AGENCY: Postal Service.

ACTION: Changes in domestic rates, fees and mail classifications.

SUMMARY: Pursuant to its authority under 39 U.S.C. 3625, the Postal Service is implementing the changes in domestic postage rates, fees, and mail classification indicated below.

EFFECTIVE DATES: April 3, 1988, except that the changes to sections 200.0107, 200.0201b, 200.0216, and 200.093 of the Domestic Mail Classification Schedule, concerning the change in the basis for determining the 10 percent sample copy allowance for second-class publications, shall become effective at 12:01 a.m. on January 1, 1989.

FOR FURTHER INFORMATION CONTACT: John Alepa, (202) 268-2650.

SUPPLEMENTARY INFORMATION: On May 7, 1987, the Postal Service filed, pursuant to Chapter 36, Title 39, United States Code, a request with the Postal Rate Commission for recommended decisions on changes in rates of postage and fees for postal services, and changes in the Domestic Mail Classification Schedule. An explanation of the Postal Service proposals and an invitation to participate in Commission Docket No. R87-1 was published in the **Federal Register** by the Postal Rate Commission on May 15, 1987 (52 FR 18498-533).

On March 4, 1988, the Postal Rate Commission issued an Opinion and Recommended Decision in Docket No. R87-1. In its Recommended Decision, the Commission recommended changes in permanent rates of postage and fees for domestic postal services, and changes in mail classification.

In a decision adopted on March 22, 1988, the Governors of the Postal Service approved the Commission's recommended changes in rates and fees and certain of the Commission's recommended classification changes. The Governors ordered these approved changes into effect on a permanent basis, pursuant to 39 U.S.C. 3625. Also on March 22, 1988, the Board of Governors determined that these approved changes would become effective at 12:01 a.m. on April 3, 1988. (The Governors' decision, the record of the Commission's hearings, and the Commission's Opinion and Recommended Decision may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The Governors' decision and the Commission's Opinion and Recommended Decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, DC 20260-1641).

In accordance with these actions by the Governors and the Board of Governors, the Postal Service hereby gives notice that the rates, fees, and classification changes listed below become effective at 12:01 a.m. on April 3, 1988, except as noted above. (39 U.S.C. 101(d), 401, 403, 404, 3621, 3625, 3626)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

RATE SCHEDULE 100.—FIRST-CLASS MAIL

Mail type	Postage rate unit	Rate		
		Regular (cents)	Presorted [1] (cents)	
			5-digit	Carrier route
Letters	First ounce	25	21	19.5
	Each add'l. ounce [2]	20	[5] 20	[5] 20
Cards	Piece	15	13	11.5
ZIP + 4 mail: [3]				
Letters	First ounce	24.1	20.5	
	Pre-barcoded		20	
	Each add'l ounce [2]	20	20	
Cards	Piece	14.1	12.5	
	Pre-barcoded		12	
Nonstandard surcharge [4]		10	5	5

[1] Presorted First-Class Mail must be presented in a single mailing of at least 500 pieces properly prepared and presorted. The 5-digit presort rate applies only to each piece of a group of ten or more pieces destined for the same 5-digit ZIP code or each piece of a group of 50 or more pieces destined for the same 3-digit ZIP code. The lower carrier route rate applies only to mail presorted to carrier route, with a minimum of 10 pieces per route. A mailing fee of $60 must be paid once each year at each office of mailing by any person who mails presorted First-Class Mail. The fee for mailers allows usage of either or both of these rates.

[2] Rate applies through 11 ounces. Heavier pieces are subject to priority mail rates.

[3] ZIP + 4 mail must be properly prepared and submitted in a single mailing of at least 250 pieces, except where the presort minimum of 500 applies. ZIP + 4 rates are not available for carrier route presort mail.

[4] Applies to the first ounce only. Not applicable to ZIP + 4 mail.

[5] For presorted weighing more than 2 ounces, subtract 4¢ per piece.

RATE SCHEDULE 103.

Weight not exceeding (pounds)	Priority mail [1]					
	L.1.2.3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1	2.40	2.40	2.40	2.40	2.40	2.40
2	2.40	2.40	2.40	2.40	2.40	2.40
3	2.74	3.16	3.45	3.74	3.96	4.32
4	3.18	3.75	4.13	4.53	4.92	5.33
5	3.61	4.32	4.86	5.27	5.81	6.37
6	4.15	5.08	5.71	6.31	6.91	7.66
7	4.58	5.66	6.39	7.09	7.80	8.67
8	5.00	6.23	7.07	7.87	8.68	9.68
9	5.43	6.81	7.76	8.66	9.57	10.69
10	5.85	7.39	8.44	9.44	10.45	11.70
11	6.27	7.97	9.12	10.22	11.33	12.71
12	6.70	8.55	9.81	11.01	12.22	13.72
13	7.12	9.12	10.49	11.79	13.10	14.73
14	7.55	9.70	11.17	12.57	13.99	15.74
15	7.97	10.28	11.86	13.36	14.87	16.75
16	8.39	10.86	12.54	14.14	15.75	17.75
17	8.82	11.44	13.22	14.92	16.64	18.76
18	9.24	12.01	13.90	15.70	17.52	19.77
19	9.67	12.59	14.59	16.49	18.41	20.78
20	10.09	13.17	15.27	17.27	19.29	21.79
21	10.51	13.75	15.95	18.05	20.17	22.80
22	10.94	14.33	16.64	18.84	21.06	23.81
23	11.36	14.90	17.32	19.62	21.94	24.82
24	11.79	15.48	18.00	20.40	22.83	25.83
25	12.21	16.06	18.69	21.19	23.71	26.84
26	12.63	16.64	19.37	21.97	24.59	27.84
27	13.06	17.22	20.05	22.75	25.48	28.85
28	13.48	17.79	20.73	23.53	26.36	29.86
29	13.91	18.37	21.42	24.32	27.25	30.87
30	14.33	18.95	22.10	25.10	28.13	31.88
31	14.75	19.53	22.78	25.88	29.01	32.89
32	15.18	20.11	23.47	26.67	29.90	33.90
33	15.60	20.68	24.15	27.45	30.78	34.91
34	16.03	21.26	24.83	28.23	31.67	35.92
35	16.45	21.84	25.52	29.02	32.55	36.93
36	16.87	22.42	26.20	29.80	33.43	37.93
37	17.30	23.00	26.88	30.58	34.32	38.94
38	17.72	23.57	27.56	31.36	35.20	39.95
39	18.15	24.15	28.25	32.15	36.09	40.96
40	18.57	24.73	28.93	32.93	36.97	41.97
41	18.99	25.31	29.61	33.71	37.85	42.98
42	19.42	25.89	30.30	34.50	38.74	43.99
43	19.84	26.46	30.98	35.28	39.62	45.00
44	20.27	27.04	31.66	36.06	40.51	46.01
45	20.69	27.62	32.35	36.85	41.39	47.02
46	21.11	28.20	33.03	37.63	42.27	48.02
47	21.54	28.78	33.71	38.41	43.16	49.03
48	21.96	29.35	34.39	39.19	44.04	50.04
49	22.39	29.93	35.08	39.98	44.93	51.05
50	22.81	30.51	35.76	40.76	45.81	52.06
51	23.23	31.09	36.44	41.54	46.69	53.07
52	23.66	31.67	37.13	42.33	47.58	54.08
53	24.08	32.24	37.81	43.11	48.46	55.09
54	24.51	32.82	38.49	43.89	49.35	56.10
55	24.93	33.40	39.18	44.68	50.23	57.11
56	25.35	33.98	39.86	45.46	51.11	58.11
57	25.78	34.56	40.54	46.24	52.00	59.12
58	26.20	35.13	41.22	47.02	52.88	60.13
59	26.63	35.71	41.91	47.81	53.77	61.14
60	27.05	36.29	42.59	48.59	54.65	62.15
61	27.47	36.87	43.27	49.37	55.53	63.16
62	27.90	37.45	43.96	50.16	56.42	64.17
63	28.32	38.02	44.64	50.94	57.30	65.18
64	28.75	38.60	45.32	51.72	58.19	66.19
65	29.17	39.18	46.01	52.51	59.07	67.20
66	29.59	39.76	46.69	53.29	59.95	68.20
67	30.02	40.34	47.37	54.07	60.84	69.21
68	30.44	40.91	48.05	54.85	61.72	70.22
69	30.87	41.49	48.74	55.64	62.61	71.23
70	31.29	42.07	49.42	56.42	63.49	72.24

[1] Exception: Parcels weighing less than 15 pounds, measuring over 84 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

RATE SCHEDULE 200—SECOND-CLASS MAIL: REGULAR RATE PUBLICATIONS, OUTSIDE COUNTY

	Postage rate unit	Rates [1] (cents)
Per Pound:		
Non-advertising portion:	Pound	12.4
Advertising portion:		
Zone:		
1 & 2	Pound	16.5
3	Pound	17.4
4	Pound	19.1
5	Pound	21.6
6	Pound	24.3
7	Pound	27.5
8	Pound	30.2
Science of Agriculture:		
Zone: 1 & 2	Pound	11.4
Per Piece: Less Editorial Factor of 0.04¢ per each 1% Editorial Content [2]		
A—Prepared [3]	Piece	16.0
B—Presorted to 3-digit city/5-digit	Piece	12.4
C—Carrier route Presort	Piece	9.9
SCF Discount [4]		(1.0)

[1] Charges for second-class regular rate mail are computed by adding the appropriate per-piece charge, including editorial factor, to the sum of the non-advertising portion and the advertising portion charge, as applicable.
[2] For postage calculation, multiply the editorial percent content by 0.04 and subtract from the applicable piece rate.
[3] Presorted to 3-digit (other than 3-digit city), States, Mixed States.
[4] Applies to mail destinating in the originating SCF area. The discount is subtracted from the applicable piece rate.

RATE SCHEDULE 201—FULL RATE—SECOND-CLASS MAIL: IN-COUNTY

	Rate (cents)
Pound-rate matter:	
Per-pound	9.4
Per-piece:	
Presorted to carrier route	3.2
Not presorted to carrier route	5.7

RATE SCHEDULE 202—FULL RATES—SECOND-CLASS MAIL: PUBLICATIONS OF AUTHORIZED NONPROFIT ORGANIZATIONS, OUTSIDE COUNTY

	Postage rate unit	Rate (cents)
Per Pound:		
Non-advertising portion	Pound	8.6
Advertising portion:		
Zone:		
1 & 2	Pound	11.4
3	Pound	12.0
4	Pound	13.3
5	Pound	15.3
6	Pound	17.4
7	Pound	19.9
8	Pound	22.1
Per Piece: Less Editorial Factor of 0.02 per each 1% Editorial Content		
Category A: Prepared i.e. Presorted to 3-digits (except 3-digit city), States, mixed States		12.5
Category B: Presorted to 3-digit city/5-digit		8.9
Category C: Carrier Route Presort		6.8
SCF Discount		(1.0)

RATE SCHEDULE 202—FULL RATES—SECOND-CLASS MAIL: PUBLICATIONS OF AUTHORIZED NONPROFIT ORGANIZATIONS, OUTSIDE COUNTY—Continued

RATE SCHEDULE 203—FULL RATES—SECOND-CLASS MAIL: CLASSROOM PUBLICATIONS, OUTSIDE COUNTY

	Postage rate unit	Rate (cents)
Per Pound:		
Non-advertising portion	Pound	6.7
Advertising portion:		
Zone:		
1 & 2	Pound	8.9
3	Pound	9.4
4	Pound	10.2
5	Pound	11.4
6	Pound	12.6
7	Pound	14.1
8	Pound	15.4
Per Piece: Less Editorial Factor of 0.04 per each 1% Editorial Content	Piece	12.3
SCF Discount	Piece	(1.0)

RATE SCHEDULE 300—THIRD-CLASS MAIL: SINGLE PIECE

	Full rates [1] (cents)
Single Piece:	
One ounce	25
Two ounces	45
Three ounces	65
Four ounces	85
Five and six ounces	100
Each additional 2 ounces	10

RATE SCHEDULE 300—THIRD-CLASS MAIL: SINGLE PIECE—Continued

	Full rates [1] (cents)
Nonstandard Surcharge [2]	10
Keys and Identification Devices:	
First 2 ounces	85
Each additional 2 ounces	47

[1] When the postage rate computed at the single piece third-class rate is higher than the rate prescribed in the corresponding fourth-class category for which the piece qualifies, the applicable lower fourth-class rate is charged. (*See* DMM § 611.12).
[2] Applies only to pieces weighing one ounce or less.

RATE SCHEDULE 301—THIRD-CLASS MAIL: REGULAR BULK

	Full rate (cents)
Regular Bulk [1]:	
Minimum per piece:	
Required presortation	16.7
Presorted to five-digits	13.2
Presorted to carrier route	10.1
Pound rate:	
Carrier route pieces	[2] 48.0
Required presortation 48¢ per pound plus	[3] 6.6
Presorted to five-digits 48¢ per pound plus	[3] 3.1
ZIP+4 Mail:	
Minimum per piece:	
Required presortation	16.2
Presorrted to five-digits	12.7
Prebarcoded and presorted to five-digits	12.2

[1] A fee of $60.00 must be paid once each year for each bulk mailing permit.
[2] Per pound.
[3] Per piece.

RATE SCHEDULE 302—FULL RATES—THIRD-CLASS: NONPROFIT-BULK MAIL

	Full rates (cents)
Nonprofit Bulk [1]:	
Minimum per piece:	
Required presortation	8.4
Presorted to five-digits	7.6
Presorted to carrier route	5.3
Pound rate:	
Carrier route pieces	[2] 25.0
Required presortation 25¢ per pound plus	[3] 3.1
Presorted to five-digits 25¢ per pound plus	[3] 2.3
ZIP+4 Mail:	
Minimum per piece:	
Required presortation	7.9
Presorted to five-digits	7.1
Prebarcoded and presorted to five-digits	6.6

[1] A fee of $60.00 must be paid once each year for each bulk mailing permit.
[2] Per pound.
[3] Per piece.

RATE SCHEDULE 400 PARCEL POST RATES

Weight up to (lbs.)	Local	1 & 2	3	4	5	6	7	8
2	1.63	1.69	1.81	1.97	2.24	2.35	2.35	2.35
3	1.68	1.78	1.95	2.20	2.59	2.98	3.42	4.25
4	1.74	1.86	2.10	2.42	2.94	3.46	4.05	5.25
5	1.79	1.95	2.24	2.65	3.29	3.94	4.67	6.25
6	1.85	2.04	2.39	2.87	3.64	4.43	5.30	7.34
7	1.91	2.12	2.53	3.10	4.00	4.91	5.92	8.30
8	1.96	2.21	2.68	3.32	4.35	5.39	6.55	9.26
9	2.02	2.30	2.82	3.55	4.70	5.87	7.17	10.22
10	2.07	2.38	2.97	3.78	5.05	6.35	7.79	11.18
11	2.13	2.47	3.11	4.00	5.40	6.83	8.42	12.14
12	2.19	2.56	3.25	4.22	5.75	7.30	9.03	13.09
13	2.24	2.64	3.40	4.44	6.10	7.78	9.65	14.03
14	2.28	2.69	3.48	4.56	6.27	8.02	9.96	14.50
15	2.32	2.75	3.55	4.67	6.44	8.24	10.24	14.94
16	2.35	2.79	3.63	4.78	6.60	8.45	10.52	15.35
17	2.39	2.84	3.70	4.88	6.75	8.66	10.77	15.74
18	2.42	2.89	3.76	4.98	6.90	8.85	11.02	16.11
19	2.46	2.93	3.83	5.07	7.03	9.03	11.25	16.45
20	2.49	2.98	3.89	5.16	7.16	9.20	11.47	16.79
21	2.52	3.02	3.95	5.25	7.29	9.37	11.68	17.10
22	2.56	3.06	4.01	5.33	7.41	9.53	11.88	17.41
23	2.59	3.10	4.07	5.41	7.53	9.68	12.08	17.70
24	2.62	3.14	4.12	5.49	7.64	9.83	12.26	17.97
25	2.65	3.18	4.18	5.56	7.75	9.97	12.44	18.24
26	2.68	3.22	4.23	5.64	7.85	10.11	12.62	18.50
27	2.71	3.26	4.28	5.71	7.96	10.24	12.79	18.75
28	2.74	3.29	4.33	5.78	8.05	10.37	12.95	18.99
29	2.77	3.33	4.38	5.85	8.15	10.50	13.11	19.23
30	2.80	3.37	4.43	5.91	8.25	10.62	13.26	19.45
31	2.83	3.40	4.48	5.98	8.34	10.74	13.41	19.67
32	2.86	3.44	4.53	6.04	8.43	10.85	13.56	19.89
33	2.89	3.47	4.58	6.10	8.51	10.97	13.70	20.10
34	2.92	3.51	4.62	6.16	8.60	11.08	13.83	20.30
35	2.95	3.54	4.67	6.22	8.68	11.18	13.97	20.50
36	2.98	3.58	4.71	6.28	8.77	11.29	14.10	20.69
37	3.00	3.61	4.76	6.34	8.85	11.39	14.23	20.88
38	3.03	3.64	4.80	6.40	8.92	11.49	14.35	21.06
39	3.06	3.68	4.84	6.46	9.00	11.59	14.48	21.24
40	3.09	3.71	4.88	6.51	9.08	11.69	14.60	21.41
41	3.12	3.74	4.93	6.57	9.15	11.79	14.72	21.58
42	3.14	3.78	4.97	6.62	9.23	11.88	14.83	21.75
43	3.17	3.81	5.01	6.67	9.30	11.97	14.94	21.92
44	3.20	3.84	5.05	6.72	9.37	12.06	15.06	22.08
45	3.23	3.87	5.09	6.78	9.44	12.15	15.16	22.24
46	3.25	3.90	5.13	6.83	9.51	12.24	15.27	22.39
47	3.28	3.93	5.17	6.88	9.58	12.32	15.38	22.54
48	3.31	3.96	5.21	6.93	9.64	12.41	15.48	22.69
49	3.33	4.00	5.24	6.98	9.71	12.49	15.58	22.84
50	3.36	4.03	5.28	7.03	9.77	12.57	15.68	22.98
51	3.39	4.06	5.32	7.07	9.84	12.65	15.78	23.12
52	3.41	4.09	5.36	7.12	9.90	12.73	15.88	23.26
53	3.44	4.12	5.40	7.17	9.97	12.81	15.98	23.40
54	3.47	4.15	5.43	7.21	10.03	12.89	16.07	23.54
55	3.49	4.18	5.47	7.26	10.09	12.96	16.16	23.67
56	3.52	4.21	5.51	7.31	10.15	13.04	16.26	23.80
57	3.55	4.24	5.54	7.35	10.21	13.11	16.35	23.93
58	3.57	4.27	5.58	7.40	10.27	13.19	16.44	24.06
59	3.60	4.30	5.61	7.44	10.33	13.26	16.53	24.18
60	3.62	4.33	5.65	7.49	10.38	13.33	16.61	24.31
61	3.65	4.36	5.69	7.53	10.44	13.40	16.70	24.43
62	3.68	4.38	5.72	7.57	10.50	13.47	16.78	24.55
63	3.70	4.41	5.76	7.62	10.55	13.54	16.87	24.67
64	3.73	4.44	5.79	7.66	10.61	13.61	16.95	24.78
65	3.75	4.47	5.83	7.70	10.67	13.68	17.03	24.90
66	3.78	4.50	5.86	7.74	10.72	13.75	17.12	25.02
67	3.81	4.53	5.89	7.79	10.77	13.81	17.20	25.13
68	3.83	4.56	5.93	7.83	10.83	13.88	17.28	25.24
69	3.86	4.59	5.96	7.87	10.88	13.95	17.36	25.35
70	3.88	4.61	6.00	7.91	10.93	14.01	17.43	25.46

NOTES: For intra-BMC parcels, deduct 20¢. For nonmachinable inter-BMC parcels, add $1.15.

RATE SCHEDULE 402.—SPECIAL AND LIBRARY RATES

	Rates (cents)
Special:	
First Pound	
Not presorted	90
Presorted to 5-digits [1] [2]	65
Presorted to BMC [1] [3]	83
Each additional pound through 7 pounds	35
Each additional pound over 7 pounds	20
Library:	
First pound	[4] 64
Each additional pound through 7 pounds	[4] 23
Each additional pound over 7 pounds	[4] 12

[1] A fee of $60.00 must be paid once each year for each permit.
[2] For mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes.
[3] For mailings of 500 or more pieces properly prepared and presorted to Bulk Mail Centers.
[4] Full rates (cents).

RATE SCHEDULE 405.—FOURTH-CLASS MAIL: SINGLE PIECE BOUND PRINTED MATTER [1]

[Dollars]

Rates for pieces weighing up to (Pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5	0.67	0.92	0.96	1.04	1.16	1.28	1.43	1.56
2	0.69	0.96	1.02	1.12	1.28	1.44	1.64	1.81
2.5	0.71	0.99	1.07	1.20	1.39	1.60	1.85	2.06
3	0.73	1.03	1.12	1.27	1.51	1.76	2.06	2.31
3.5	0.75	1.07	1.17	1.35	1.63	1.91	2.26	2.56
4	0.77	1.10	1.22	1.43	1.74	2.07	2.47	2.81
4.5	0.79	1.14	1.27	1.50	1.86	2.23	2.68	3.06
5	0.81	1.18	1.33	1.58	1.98	2.39	2.89	3.31
6	0.85	1.25	1.43	1.73	2.21	2.70	3.30	3.80
7	0.89	1.32	1.53	1.89	2.44	3.02	3.72	4.30
8	0.93	1.39	1.63	2.04	2.67	3.33	4.13	4.80
9	0.97	1.47	1.74	2.20	2.91	3.65	4.55	5.30
10	1.01	1.54	1.84	2.35	3.14	3.96	4.96	5.80
Per Piece (Dollars)	0.61	0.81	0.81	0.81	0.81	0.81	0.81	0.81
Per Pound (Dollars)	.040	.073	.103	.154	.233	.315	.415	.499

[1] Includes both catalogs and similar bound printed matter.

RATE SCHEDULE 406.—FOURTH-CLASS MAIL: BULK BOUND PRINTED MATTER [1]

[Dollars]

Zones	Per-piece	Carrier route [2]	Per-pound
Local	0.32	0.27	0.028
1 & 2	0.43	0.38	0.058
3	0.43	0.38	0.087
4	0.43	0.38	0.139
5	0.43	0.38	0.217
6	0.43	0.38	0.300
7	0.43	0.38	0.399
8	0.43	0.38	0.484

[1] Includes both catalogs and similar bound printed matter.
[2] Applies to mailings of at least 300 pieces presorted to carrier route as prescribed by the Postal Service.

RATE SCHEDULES 500, 501, 502, and 503.—EXPRESS MAIL RATES

(Dollars)

Postage rate unit (pounds)	Schedule 500.—Same day airport service	Schedule 501.—Custom designed	Schedule 503.—Next day and second day PO to addressee	Schedule 502.—Next day and second day PO to PO
½	8.35	7.75	8.75	8.50
1	9.70	11.00	12.00	9.85
2	9.70	11.00	12.00	9.85
3	12.40	14.25	15.25	13.10
4	12.40	14.25	15.25	13.10
5	12.40	14.25	15.25	13.10

RATE SCHEDULES 500, 501, 502, and 503.—EXPRESS MAIL RATES—Continued

(Dollars)

Postage rate unit (pounds)	Schedule 500.—Same day airport service	Schedule 501.—Custom designed	Schedule 503.—Next day and second day PO to addressee	Schedule 502.—Next day and second day PO to PO
6	13.60	16.75	17.75	15.60
7	14.25	17.45	18.45	16.30
8	14.95	18.15	19.15	17.00
9	15.60	18.85	19.85	17.70
10	16.25	19.55	20.55	18.40
11	16.95	20.25	21.25	19.10
12	17.60	20.95	21.95	19.80
13	18.25	21.65	22.65	20.50
14	18.95	22.35	23.35	21.20
15	19.60	23.05	24.05	21.90
16	20.25	24.10	25.10	22.95
17	20.95	25.45	26.45	24.30
18	21.60	26.80	27.80	25.65
19	22.25	28.20	29.20	27.05
20	22.95	29.55	30.55	28.40
21	23.60	30.90	31.90	29.75
22	24.25	32.30	33.30	31.15
23	24.95	33.65	34.65	32.50
24	25.60	35.00	36.00	33.85
25	26.25	36.40	37.40	35.25
26	26.95	37.75	38.75	36.60
27	27.60	39.10	40.10	37.95
28	28.25	40.45	41.45	39.30
29	28.95	41.85	42.85	40.70
30	29.60	43.20	44.20	42.05
31	30.25	44.55	45.55	43.40
32	30.95	45.95	46.95	44.80
33	31.60	47.30	48.30	46.15
34	32.25	48.65	49.65	47.50
35	32.95	49.90	50.90	48.75
36	33.60	51.00	52.00	49.85
37	34.25	52.10	53.10	50.95
38	34.95	53.15	54.15	52.00
39	35.60	54.25	55.25	53.10
40	36.25	55.35	56.35	54.20
41	36.95	56.45	57.45	55.30
42	37.60	57.50	58.50	56.35
43	38.25	58.60	59.60	57.45
44	38.95	59.70	60.70	58.55
45	39.60	60.80	61.80	59.65
46	40.25	61.85	62.85	60.70
47	40.95	62.95	63.95	61.80
48	41.60	64.05	65.05	62.90
49	42.25	65.15	66.15	64.00
50	42.95	66.20	67.20	65.05
51	43.60	67.30	68.30	66.15
52	44.25	68.40	69.40	67.25
53	44.95	69.55	70.55	68.40
54	45.60	70.55	71.55	69.40
55	46.30	71.65	72.65	70.50
56	46.95	72.80	73.80	71.65
57	47.60	73.90	74.90	72.75
58	48.30	74.90	75.90	73.75
59	48.95	76.05	77.05	74.90
60	49.60	77.15	78.15	76.00
61	50.30	78.25	79.25	77.10
62	50.95	79.35	80.35	78.20
63	51.60	80.40	81.40	79.25
64	52.30	81.50	82.50	80.35
65	52.95	82.60	83.60	81.45
66	53.60	83.70	84.70	82.55
67	54.30	84.75	85.75	83.60
68	54.95	85.85	86.85	84.70
69	55.60	86.95	87.95	85.80
70	56.30	88.05	89.05	86.90

Add. $4.00 for each pickup stop; $4.00 for each custom designed delivery stop.

SCHEDULE SS-1.—SPECIAL SERVICES: ADDRESS CORRECTIONS

Description	Fee
Per correction	$0.30

SCHEDULE SS-2.—SPECIAL SERVICES: BUSINESS REPLY MAIL

Description	Fee
Active business reply advance deposit account:	
Pre-barcoded, per piece	$.05
Other, per piece	.08
Payment of postage due charges if active business reply mail advance deposit account not used: Per piece	.40
Annual licenses and accounting fees:	
With advance deposit account	260.00
Without advance deposit account	60.00

SCHEDULE SS-4.—SPECIAL SERVICES: CERTIFICATES OF MAILING

Description	Fee (in addition to postage)
Individual pieces:	
Original certificate of mailing for listed pieces of all classes of ordinary mail (per piece)	$0.45
Three or more pieces individually listed in a firm mailing book or an approved customer provided manifest (per piece)	0.15
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and C.O.D. mail (each copy)	0.45

SCHEDULE SS-4.—SPECIAL SERVICES: CERTIFICATES OF MAILING—Continued

Description	Fee (in addition to postage)
Bulk pieces:	
Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:	
Up to 1,000 pieces (one certificate for total number)	2.00
Each additional 1,000 pieces or fraction	0.25
Duplicate copy	0.45

SCHEDULE SS-5—SPECIAL SERVICES: CERTIFIED MAIL

Description	Fee (in addition to postage)
Per piece	$0.85

SCHEDULE SS-6—SPECIAL SERVICES: COLLECT ON DELIVERY

Amount to be collected, or insurance coverage desired	Fee (in addition to postage)
$0.01 to $25	$2.00
$25.01 to $50	$2.50
$50.01 to $100	3.00
$100.01 to $200	3.40
$200.01 to $300	4.25

SCHEDULE SS-6—SPECIAL SERVICES: COLLECT ON DELIVERY—Continued

Amount to be collected, or insurance coverage desired	Fee (in addition to postage)
$300.01 to $400	5.25
$400.01 to $500	6.50
Notice of nondelivery of c.o.d.	1.75
Alteration of c.o.d. charges or designation of new addressee	1.75
Registered c.o.d.	2.00

SCHEDULE SS-8—SPECIAL SERVICES: MONEY ORDERS

Amount	Fee
Domestic:	
$0.01 to $35	$0.75
$35.01 to $700	1.00
APO-FPO: $0.01 to $700	.25
Inquiry fee, which includes the issuance of copy of a paid money order	2.00

SCHEDULE SS-99.—SPECIAL SERVICES: INSURED MAIL

Liability	Fee (in addition to postage)
$0.01 to $50	$0.70
50.01 to 100	1.50
100.01 to 150	1.90
150.01 to 200	2.20
200.01 to 300	3.15
300.01 to 400	4.30
400.01 to 500	5.00

SCHEDULE SS-10.—SPECIAL SERVICES: POST OFFICE BOXES AND CALLER SERVICE

A. Semi-annual rental rates for post office boxes: Capacity of post office box (in cubic inches)	To 296	296 to 499	500 to 999	1,000 to 1,999	Over 2,000
Box size	1	2	3	4	5
Group I	$14.00	$19.50	$36.00	$60.00	$100.00
Group II	3.25	5.00	8.50	14.00	22.00
Gorup III [1]	1.00	1.00	1.00	1.00	1.00

Description	Fee
Caller service:	
For caller service (semi-annual)	$170
For each reserved call number (annual)	20

[1] Payment on annual basis.

SCHEDULE SS-11A.—SPECIAL SERVICES: ZIP CODING OF MAILING LISTS

Description	Fee
Per thousand addresses	$42.00

SCHEDULE SS-11B.—SPECIAL SERVICES: CORRECTION OF MAILING LISTS

Description	Fee
Per submitted address	$0.15
Minimum charge per list corrected	1.00

SCHEDULE SS-11C.—ADDRESS CHANGES FOR ELECTION BOARDS AND REGISTRATION COMMISSIONS

Description	Fee
Per change of address	$0.15

SCHEDULE SS-11D.—SPECIAL SERVICES: SEQUENCING OF ADDRESS CARDS

Description	Fee
Corrections Associated with Arrangement of Address Cards in Sequence of Carrier Delivery:	
Per Correction	$0.15

Note.—When rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

SCHEDULE SS-12.—SPECIAL SERVICES: ON-SITE METER SETTING

Description	Fee
On-site Meter Settings	
First Meter	
By Appointment	$25.00
Unscheduled Request	28.00
Additional Meters	4.00
Checking meter in or out of service:	
Per meter	5.00

SCHEDULE SS-13.—SPECIAL SERVICES: PARCEL AIR LIFT

Description	Fee (in addition to parcel post postage)
Up to 2 pounds	$0.30
Over 2 up to 3 pounds	0.60
Over 3 up to 4 pounds	0.90
Over 4 pounds	1.20

SCHEDULE SS-14.—SPECIAL SERVICES: REGISTERED MAIL

Value	(Fees in addition to postage)	
	For articles covered by insurance fees	For articles not covered by insurance fees
$0.00 to $100	$4.50	$4.40
100.01 to $500	4.85	4.70
500.01 to $1,000	5.25	5.05
1,000.01 to $2,000	5.65	5.35
2,000.01 to $3,000	6.05	5.70
3,000.01 to $4,000	6.45	6.00
4,000.01 to $5,000	6.85	6.35
5,000.01 to $6,000	7.25	6.65
6,000.01 to $7,000	7.65	7.00
7,000.01 to $8,000	8.10	7.30
8,000.01 to $9,000	8.55	7.65
9,000.01 to $10,000	9.00	7.95
10,000.01 to $11,000	9.50	8.30
11,000.01 to $12,000	9.95	8.60
12,000.01 to $13,000	10.45	8.95
13,000.01 to $14,000	10.90	9.25
14,000.01 to $15,000	11.40	9.60
15,000.01 to $16,000	11.85	9.90
16,000.01 to $17,000	12.35	10.25
17,000.01 to $18,000	12.85	10.55
18,000.01 to $19,000	13.25	10.90
19,000.01 to $20,000	13.75	11.20
20,000.01 to $21,000	14.25	11.55
21,000.01 to $22,000	14.75	11.85
22,000.01 to $23,000	15.25	12.20
23,000.01 to $24,000	15.75	12.30
24,000.01 to $25,000	16.25	12.65
25,000.01 to $1,000,000	[1] 16.25	[1] 12.65
1,000,000 to $15,000,000	[2] 357.50	[2] 353.90
Over $15,000,000	[3]	[3]

[1] Plus handling charge of 35 cents per $1,000 or fraction over first $25,000
[2] Plus handling charge of 25 cents per $1,000 or fraction over first $1,000,000.
[3] Additional charges may be based on consideration of weight,space and value.

SCHEDULE SS-15.—SPECIAL SERVICES: RESTRICTED DELIVERY

Description	Fee (in addition to postage)
Per Piece	$2.00

SCHEDULE SS-16.—SPECIAL SERVICES: RETURN RECEIPTS

Description	Fee (in addition to postage)
Requested at time of mailing:	
Showing to whom (signature) and date delivered	$0.90
Without another special service-merchandise only	1.00
Showing to whom (signature) and date and address where delivered	1.20
Without another special service-merchandise only	1.35
Requested after mailing:	
Showing to whom and date delivered	5.00

SCHEDULE SS-17.—SPECIAL SERVICES: SPECIAL DELIVERY

Class/Weight	Fee (in addition to postage)
First-Class and Priority Mail:	
Not more than 2 pounds	$5.35
Over 2 but not over 10 pounds	5.75
Over 10 pounds	7.25
All Other Classes:	
Not more than 2 pounds	5.65
Over 2 but not over 10 pounds	6.50
Over 10 pounds	8.10

SCHEDULE SS-18.—SPECIAL SERVICES: SPECIAL HANDLING

Weight	Fee (in addition to postage)
Not more than 10 pounds	$1.55
Over 10 pounds	2.25

SCHEDULE SS-19.—SPECIAL SERVICES: STAMPED ENVELOPES

Type	Fee
Single sale	$0.05
Bulk (500) No. 6¾ size:	
Regular	6.40
Window	7.00
Bulk (500) No. 10 size [1]:	
Regular	8.40
Window	9.00
Multi-color printing (500):	
No. 6¾ size	8.00
No. 10 size [1]	11.00
Printing charge per 500 envelopes [2]:	
Minimum order (500 envelopes)	3.50
Order for 1,000 or more envelopes	3.50
Double window (500) No. 10 size [1]	12.00
Household (50) No. 6¾ size:	
Regular	2.50
Window	2.60
Household (50) No. 10 size [1]:	
Regular	2.70
Window	2.80

[1] Fee for precancelled envelopes is the same.
[2] Printing charge for each type of printed envelope.

SCHEDULE SS-20.—SPECIAL SERVICES: MERCHANDISE RETURN

Description	Fee
Per transaction	$0.20
Shipper must have an advance deposit account [1]	

[1] *See* DMCS Schedule 1000.

SCHEDULE 1000.—FEES

Description	Dollars
First-class presorted mailing fee	$60.00
Second-class mailing fees:	
A. Original entry	265.00
B. Additional entry (all zones)	70.00
Second-class re-entry fee	40.00
Second-class registration for news agents	40.00
Third-class bulk mailing fee	60.00
Fourth-class special mail presorted mailing fee	60.00
Authorization to use permit imprint	60.00

SCHEDULE 1000.—FEES—Continued

Description	Dollars
Merchandise return (per facility receiving merchandise return labels)	60.00

Changes in the Domestic Mail Classification Schedule

The italicized language denotes additions to the Domestic Mail Classification Schedule. That which is bracketed denotes delections.

100.010 Any matter eligible for mailing may, at the option of the mailer, be mailed as [f]*F*irst-[c]*C*lass [m]*M*ail.

100.020 Regular Mail.

Regular First-Class Mail consists of mailable matter posted at First-Class regular rates, weighing [12]*11* ounces or less, and not mailed or eligible for mailing under sections 100.0201, 100.021, 100.0211, 100.022, 100.0221, or 100.023.

100.0202 Presorted Mail.

Presorted First-Class Mail is First-Class Mail other than [zone rated (priority mail)] *Priority Mail* which is presented in a single mailing of 500 or more pieces, properly prepared and presorted.

100.0203 Pre-barcoded ZIP + 4 Presorted Mail.

Pre-barcoded ZIP + 4 presorted mail is First-Class Mail presented in mailings of 500 or more pieces presorted to five-digit ZIP Codes, which meets the machinability, address readability and barcoding specifications of the Postal Service and which meets the preparation requirements in section 100.047.

100.023 [Zone Rated (Priority) Mail] *Priority Mail.*

[Zone rated (priority) first-class mail] *Priority Mail* consists of (1) [f]*F*irst-[c]*C*lass [m]*M*ail weighing more than the maximum weight established for *regular* [f]*F*irst-[c]*C*lass [regular m] *M*ail and (2) other mail matter *(including First Class)* which, at the option of the mailer, is mailed for expeditious mailing and transportation. Priority [m]*M*ail may weigh up to and including 70 pounds.

100.032 First-[c]*C*lass [m]*M*ail which weighs one ounce or less is nonstandard mail if:

a. its aspect ratio does not fall between 1 to 1.3 and 1 to 2.5 inclusive, or

b. [if] it exceeds any of the following dimensions:

i. 11.5 inches in length,

ii. 6.125 inches in width, or

iii. .25 inch in thickness.

100.041 First-[c]*C*lass [m]*M*ail mailed under section [100.022] *100.0202* must be presorted in accordance with regulations prescribed by the Postal Service.

100.042 First-[c]*C*lass [m]*M*ail mailed under section [100.022] *100.0202* must be prepared as follows:

a. All pieces in a mailing must be presented in a manner specified by the Postal Service that preserves the presort and uniform orientation of the pieces.

b. All pieces in a mailing must bear markings identifying them as presorted [f]*F*irst-[c]*C*lass [m]*M*ail, as required by the Postal Service.

100.047 Pieces mailed under sections 100.0201, *100.0202, 100.0203, and* 100.0211 [and 100.0221] must be prepared as follows:

a. All pieces in a mailing must be presented in a manner specified by the Postal Service.

b. All pieces in a mailing must bear markings as required by the Postal Service.

c. Pieces not within the same postage increment may be mailed [as] *at* ZIP + 4 rate category *or prebarcoded ZIP + 4*

presorted mail *rates* only when specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

d. Pieces mailed at presorted ZIP + 4 rate category *or pre-barcoded ZIP + 4 presorted mail* rates must be properly prepared and presorted as prescribed by the Postal Service.

100.050 *F*irst-[c]*C*lass [m]*M*ail must be deposited at places designated by the Postal Service.

100.060 *F*irst-[c]*C*lass [m]*M*ail receives expeditious handling and transportation, except that when [f]*F*irst-[c]*C*lass [m]*M*ail is attached to or enclosed with mail of another class, the service of that class applies.

100.070 First-[c]*C*lass [m]*M*ail is forwarded without additional charge.

100.071 [Zone rated (priority) mail is forwarded without additional charge.]

First-[c]*C*lass [m]*M*ail that is undeliverable as addressed is returned to the sender, without additional charge.

100.08 ANCILLARY SERVICES.

100.080 First-Class Mail, except as otherwise noted, will receive the following additional services upon payment of appropriate fees:

	Classification schedule
a. Address correction	SS–1
b. Business reply mail (except ZIP + 4 rate category mail).	SS–2
c. Certificates of mailing	SS–4
d. Certified mail	SS–5
e. C.O.D.	SS–6
f. Insured mail	SS–9
g. Registered mail (except ZIP + 4 rate category mail).	SS–14
h. Special delivery	SS–17
i. Return receipt (Priority only).	SS–16
[i] *j.* Merchandise return	[SS–17] *SS–20*

100.090 The rates and fees for [f]*F*irst-[c]*C*lass [m]*M*ail are set forth in the following rate schedules:

	Rate schedule
a. Regular	100
b. Postal and post cards	[101] *100*
c. Presorted	[102] *100*
d. [Zone rated (priority)] *Priority Mail*	103
e. Fees	1000

100.091 Postage on [f] *F*irst-[c]*C*lass [m]*M*ail is computed separately on each piece of mail.

100.100 A presorted mailing fee as set forth in Rate Schedule 1000 must be paid once each [calendar] year at each office of mailing by any person who mails presorted mail, including presorted ZIP + 4 rate category mail *and pre-barcoded ZIP + 4 presorted mail.*

200.0107 Second-class matter published by an institution or society identified in sections 200.0106h through k, may contain advertising of other persons, institutions, or concerns, only under the following conditions:

a. The publication must be originated and published to further the objectives and purposes of the society;

b. Circulation must be limited to:

i. Copies mailed to members who pay either as part of their dues or assessment or otherwise, not less than 50 percent of the regular subscription price;

ii. Other actual subscribers;

iii. Exchange. [; and,]

[iv. 10 percent of the total above as sample copies.]

c. The circulation of nonsubscriber copies, including sample and complimentary copies, is limited to 10 percent of the total number of copies referred to in b.

200.0110 Notwithstanding section 200.0101 through 200.0109, publications which meet all the following criteria are second-class mailable matter.

* * * * *

f. Must have a legitimate list of persons who request the publication; 50 percent or more of the copies of the publication must be distributed to persons making such requests. Subscription copies paid for or promised to be paid for including those at or below a nominal rate may be included in the determination of whether the 50 percent request requirement is met. Persons will not be deemed to have requested the publication if their request is induced by a premium offer or by receipt of material consideration, provided that mere receipt of the publication is not material consideration[. This subsection will not be effective prior to March 20, 1982];

200.0201 Regular.

Regular second-class mail is all second-class mail except that to which section 200.021 applies.

a. Regular second-class may be mailed only by publishers or registered news agents.

b. Nonsubscriber and nonrequester copies, *including sample and complimentary copies,* mailed at any time during the calendar year up to 10 percent of the total [weight] *number* of copies mailed to subscribers and requesters during the calendar year are regular second-class mail provided that the nonsubscriber and nonrequester copies would have been regular second-class mail if mailed to subscribers or requesters. See Section 200.093 for mailings in excess of the 10 percent limitation.

200.0211 Within County

Within-county mail is second-class mail, other than matter mailed under section 200.0110, mailed in, and addressed for, delivery within the county where published and originally entered, from either the office of original entry or additional entry.

200.02111 To qualify as within-county second class, one of the following conditions must be met:

a. The total paid circulation of the issue is less than 10,000 copies; or

b. The number of paid copies of the issue distributed within the county of publication is at least one more than one-half of the total paid circulation of such issue.

[200.02111] *200.02112* For the purpose of the application of section 200.0211, when a publication has original entry at an independent incorporated city which is situated entirely within a county or which is contiguous to one or more counties in the same state, such incorporated city shall be considered to be within the county with which it is principally contiguous. Where more than one county is involved, the publisher will select the principal county.

[200.0215 Limited Circulation.

Limited Circulation mail is second-class mail; other than matter mailed under sections 200.0212, and 200.0213 or 200.0110, consisting of a mailing of fewer than five thousand copies per issue outside the county of publication.]

[200.0216] *200.0215* Second-class preferred mail (200.021) may be mailed only by publishers or registered news agents.

[200.0217] *200.0216* Nonsubscriber copies, *including sample and complimentary copies,* mailed at any time during the calendar year up to 10 percent of the total [weight] *number* of copies mailed to subscribers during the calendar year are preferred mail, provided that the nonsubscriber copies would have been preferred mail if mailed to subscribers. See Section 200.093 for mailings in excess of the 10 percent limitation.

For §§ 200.0211, 200.0212, and 200.0213, [and 200.0215,] expedited second-class mail is available without additional charge, but only to publications that issue weekly, or more frequently, and consist of news of general interest.

200.044 Nonsubscriber and nonrequester copies, *including sample and complimentary copies,* must be identified as required by the Postal Service.

200.090 The rates and fees for second-class mail are set forth as follows:

	Rate Schedule
a. Regular	200
b. Within County	201
c. Nonprofit	202
d. Classroom	203
e. Science of Agriculture	[204] *200*
[f. Limited Circulation	205]
[g. Science of Agriculture Limited Circulation	206]
[h. Commingled non-subscriber and non-requester	207]
[i.] *f.* Fees	1000

200.093 Nonsubscriber and nonrequester copies, *including sample and complimentary copies,* of any second-class mail mailed at any time during the calendar year, in excess of 10 percent of the total [weight] *number* of copies mailed to subscribers or requesters during the calendar year which are presorted and commingled with subscriber or requester copies are charged the full rates for regular second-class shown in Rate Schedule 200. The 10 percent limitation for a publication shall be *based* [determined] on the [combined] total [weight] *number* of all copies of that publication mailed to subscribers and requesters during the calendar year, subject to section [200.0217] *200.0216.*

200.094 Copies of any second-class mail which are destined for delivery within the sectional center area in which they are entered qualify for the applicable SCF discount as set forth in Rate Schedules 200, 202, *and* 203 [, 204, 205, 206 and 207]. The sectional center areas will be prescribed by the Postal Service.

300.0231 Required Sortation, ZIP + 4 Coded Mail.

Required sortation, ZIP + 4 coded mail mailed under section 300.0230 whose address contains the ZIP + 4 code and which meets the machinability, address readability and other preparation requirements prescribed by the Postal Service.

[300.0231 *300.0232* Five-Digit Presort Level.

Five-digit presort level mailings must contain at least 200 pieces or 50 pounds of five-digit presorted mail prepared in accordance with USPS regulations so as to avoid handling of individual pieces prior to incoming secondary distribution.

300.0233 Five-Digit Presort Level, ZIP + 4 Coded Mail.

Five-digit presort level, ZIP + 4 coded mail is mail mailed under section 300.0232 whose address contains the ZIP + 4 code and which meets the machinability, address readability and other preparation requirements prescribed by the Postal Service.

300.0234 Five-Digit Presort Level, ZIP + 4 Pre-barcoded Mail.

Five-digit presort level, ZIP + 4 pre-barcoded mail is mail mailed under section 300.0232 which is ZIP + 4 pre-barcoded and which meets the machinability and other preparation requirements prescribed by the Postal Service.

[300.0232] *300.0235* Carrier Route Presort Level.

300.080 Third-class single-piece mail will receive the following services upon payment of the appropriate fees:

	Classification schedule
a. Address correction	SS–1.
b. Certificates of mailing	SS–4.
c. C.O.D.	SS–6.
d. Insured mail	SS–9.
e. Special delivery	SS–17.
f. Special handling	SS–18.
g. Return receipt (merchandise only).	SS–16.
[g] *h.* Merchandise return	SS–20.

300.100 A mailing fee as set forth in Rate Schedule 1000 must be paid once each [calendar] year by mailers of third-class bulk mail.

400.0203 Intra-BMC Parcel Post Mail.

Parcel post mail is eligible for the intra-BMC rate described in rate schedule[s] 400 [and 401] if it originates and destinates in the same BMC or ASF service area, Alaska, Hawaii or Puerto Rico.

400.021 Special.

Special mail is fourth-class mail consisting of:

* * *

h. Printed educational reference charts, including but not limited to (i) mathematical tables, (ii) botanical tables, (iii) zoological tables, and (iv) maps produced primarily for educational reference purposes. [Matter not entitled to be mailed at special fourth-class rates under section 400.021g, shall not be admitted to the special fourth-class category under section 400.021h, until such time as the expiration of rate phasing as now provided pursuant to § 3626 of title 39 United States Code, for materials enumerated in former § 4554(a) of title 39 United States Code.]

400.0232 Bulk.

Bulk bound printed matter mail is fourth-class bound printed matter mail consisting of properly prepared and presorted mailings of not less than 300 pieces [of identical size and weight, each piece of which is addressed to a different address] *prepared and presented in accordance with Postal Service regulations.*

400.046 Fourth-class pieces which are not identical in size and weight may be mailed in accordance with sections 400.0202, [and] 400.0212 *and 400.0232* only when specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

400.080 Fourth-class mail will receive the following additional services upon payment of the appropriate fees:

	Classification schedule
a. Address correction	SS–1.
b. Certificates of mailing	SS–4.
c. C.O.D.	SS–6.
d. Insured mail	SS–9.
e. Special delivery	SS–17.
f. Special handling	SS–18.
g. Return receipts (parcel post only).	SS–16.
[g.] *h.* Merchandise return	SS–20.

400.09 Rates and fees.

400.090 The rates and fees for fourth-class mail are set forth as follows:

	Rate schedule
a. Single-piece parcel post mail	400
b. Bulk parcel post mail	[400] *400*
c. Single-piece special fourth-class mail	402
d. Special fourth-class presorted mail:	
[i. Level A]	[403] *402*
[ii. Level B]	[403]
e. Library mail	[404] *402*
f. Single-piece bound printed matter	405
g. Bulk bound printed matter	406
h. Fees	1000

400.100 A presort mailing fee as set forth in Rate Schedule 1000 must be paid once each [calendar] year at each office of mailing by or for any person who mails presorted special *fourth-class* mail. Any person who engages a business concern or other individuals to mail presorted special *fourth-class* mail must pay the fee.

500.0212 Pickup at the mailer's premises, and/or delivery at an address other than the destination postal facility is provided [only on a scheduled basis pursuant to the terms of a service agreement] *under terms and conditions as prescribed by the Postal Service.*

500.022 Next Day Service *and Second Day Service.*

500.0221 Next Day [service is] *and Second Day Services are* available at designated retail postal facilities [for overnight service] to designated destination facilities or locations for items tendered by the time or times prescribed by the Postal Service.

500.0222 Next Day Service is available for overnight delivery.

500.0223 Second Day Service is available for second day delivery.

[500.0221] *500.0224* Pickup service is available for Next Day [service] *and Second Day Services* [only on a scheduled basis pursuant to a service agreement between the Postal Service and the mailer] *under terms and conditions as prescribed by the Postal Service.* [The service agreement shall specify the time, place, day, or date, and frequency of such service.] Service [under a service agreement] shall be offered in a manner consistent with 39 U.S.C. § 403(c).

500.047 Unless the item was delayed by strike or work stoppage, the Postal Service will refund postage for Next Day Express Mail not available for claim or not delivered:

a. by *10:00* a.m., *or earlier time(s) prescribed by the Postal Service,* of the next delivery day in the case of Post Office-to-Post Office service;

b. by *3:00* p.m., *or earlier time(s) prescribed by the Postal Service,* of the next delivery day in the case of Post Office-to-Addressee service.

500.048 Unless the item was delayed by strike or work stoppage, the Postal Service will refund postage for Second Day Express Mail not available for claim or not delivered:

a. by 10:00 a.m., or earlier time(s) prescribed by the Postal Service, of the second delivery day in the case of Post Office-to-Post Office service;

b. by 3:00 p.m., or earlier time(s) prescribed by the Postal Service, of the second delivery day in the case of Post Office-to-Addressee service.

500.08 RATES AND FEES

500.080 The rates for Express Mail are set forth in the following rate schedules:

Rate schedule

a. Same Day Airport 500
b. Custom Designed 501
c. Next Day Post Office-to-Post Office 502
d. Second Day Post Office-to-Post Office 502
[d.] e. Next Day Post Office-to-Addressee 503
f. Second Day Post Office-to-Addressee 503

Classification Schedule SS–1.—Address Correction Service

1.020 Address correction service is available to mailers of postage prepaid mail of all classes. Second-class [and controlled circulation] mail will receive address correction service.

1.030 Mail, other than second class [and controlled circulation], sent under this classification schedule[,] must bear a request for address correction service.

Classification Schedule SS–2.—Business Reply Mail

2.042 An accounting fee as set forth in Rate Schedule SS–2 must be paid each [calendar] year [or portion] for each advance deposit business reply account at each facility where the mail is to be returned.

Classification Schedule SS–3.—Caller Service

3.030 Fees for caller service are set forth in Rate Schedule [SS–3] *SS–10.*

Classification Schedule SS–10—*POST OFFICE BOX* [LOCKBOX] SERVICE

10.01 Definition.

10.010 *Post office box* [Lockbox] service is a service which provides the customer with a private, locked receptacle for the receipt of his mail during the hours when the lobby of a postal facility is open.

10.02 Description of Service.

10.020 The Postal Service may limit the number of *post office boxes.* [lockboxes] occupied by any one customer.

10.021 A *post office boxes.* [lockbox] holder may request the Postal Service to deliver all mail properly addressed to him through the *post office box.* [lockbox]. If the *post office box.* [lockbox] is located at the post office indicated on the piece, it will be transferred without additional charge, in accordance with existing regulations.

10.022 *Post office box.* [Lockbox] service cannot be used when the sole purpose is, by subsequently filing change of address orders, to have mail forwarded or transferred to another address by the Postal Service free of charge.

10.03 Fees.

10.030 Fees for *post office box.* [lockbox] service are set forth in Rate Schedule SS–10.

10.031 In postal facilities primarily serving academic institutions or the students of such institutions, periods of rental and fees for *post office boxes* [lockboxes] are:

Period for box rentals	Fee
95 days or less	½ semi-annual fee.
96 to 140 days	¾ semi-annual fee.
141 to 190 days	Full semi-annual fee.
191 to 230 days	1¼ semi-annual fee.
231 to 270 days	1½ semi-annual fee.
272 days to full year	Full annual fee.

Classification Schedule SS–14—REGISTERED MAIL

14.060 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification schedule
a. Collect on delivery	SS–6
b. Restricted delivery	SS–15
c. Return receipt	SS–16
d. Special delivery	SS–17
e. Merchandise return (shippers only)	SS–20

Classification Schedule SS–16—RETURN RECEIPTS

16.020 Return receipt service is available for mail sent under the following classification schedules:

	Classification schedule
a. Certified mail	SS–5
b. C.O.D. mail	SS–6
c. Insured mail if insured for more than [$20] *$50.*	SS–9
d. Registered mail	SS–14
e. Express mail	*500* [SS–16]
f. First Class (Priority Mail only)	*100*
g. Third class (merchandise only)	*300*
h. Fourth class (parcel post only)	*400*

Classification Schedule SS–18—SPECIAL HANDLING

18.060 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification schedule
a. C.O.D. mail	SS–6
b. Insured mail	SS–9
c. Parcel airlift	SS–13
d. Merchandise return (shippers only)	SS–20

Classification Schedule SS–19—STAMPED ENVELOPES

19.01 DEFINITION

19.010 Plain stamped enveloped and printed stamped enveloped are enveloped with postage [embossed] thereon offered for sale by the Postal Service.

Classification Schedule SS–20—MERCHANDISE RETURN

20.040 The following services may be purchased in conjunction with Merchandise Return Service:

	Classification schedule
a. Certificates of mailing	SS-4
b. Insured Mail	SS-9
c. Registered mail	SS-14
d. Special handling	SS-18

1000.010. The Postal Service provides the following modes of delivery:

a. Caller service. The fees for caller service are set forth in Rate Schedule [SS-3] *SS-10.*

* * * * *

6000.011 [Not before November 30, 1978, present regulations on the minimum sizes for mail matter shall be expanded to all classes of mail and types fo service, and shall be amended to prohibit (1) all items which are less than .007 inches thick, and (2) all items, other than keys and identification devices, which are .25 inch thich or less and (a) are not rectangular, and/or (b) are less than 3.5 inches in width, and/or (c) are less than 5 inches in length.] *The following minimum size standards apply to all mailable matter: (1) all items must be at least 0.007 inches thick, and (2) all items, other than keys and identification devices, which are 0.25 inch thick or less must be (a) rectangular in shape, (b) at least 3.5 inches in width, and (c) at least 5 inches in length.*

[FR Doc. 88-6702 Filed 3-25-88; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25499; File No. SR-Amex-88-5]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change

On January 26, 1988, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend its policy to allow the inclusion of stocks traded over-the-counter (through the facilities of the National Association of Securities Dealers' Automatic Quotation ["NASDAQ"] system) as components of stock index industry groups.

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1987).

The proposed rule change was noticed in Securities Exchange Act Release No. 25320 (February 5, 1988), 53 FR 4252 (February 12, 1988). No comments were received on the proposed rule change.

In 1983, the Exchange began trading options on select stock index industry groups.[3] Currently, the Exchange trades options on two such industry groups: the Computer Technology Index ("XCI") and the Oil Index ("XOI"). XCI is composed of 30 stocks of widely-held corporations involved in various phases of the computer technology industry and XOI represents 15 stocks of widely-held corporations involved in the oil industry.

When the stock index industry groups were first developed, stock options on over-the-counter ("OTC") stocks were not traded. Consequently, the component stocks of the industry indexes were limited to listed stocks. Subsequently, in 1985, the Exchange began trading options on OTC stocks.[4] Each OTC stock selected by the Exchange for option trading must be traded through the facilities of NASDAQ and designated as a national market system ("NMS") security as defined in Rule 11Aa2-1 under the Act.[5] In addition, two OTC stocks (NMS securities) recently were added to Amex's broad-based Institutional Index option.[6] The Exchange now proposes to allow the inclusion of OTC stocks (NMS Securities) as components of the stock index industry groups.

Stock index industry groups were designed to reflect the character and price movement of the underlying industry. In order for the current industry indexes (and any future indexes that may be developed) to continue to maintain the character of the underlying industry, the Exchange believes companies whose stocks are traded over-the-counter should be eligible to be included in the indexes. A number of OTC-traded stocks are major corporations that have a significant impact on various industries. Accordingly, an industry index that is designed to represent a cross-section of corporations in various phases of an industry should include all major corporations in that industry, whether the stock is exchange-traded or traded over-the-counter.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6[7] and the rules and regulations thereunder. The Commission believes that allowing the Amex to include OTC-traded stocks as components of stock index industry groups will permit the Exchange to develop and continue industry indexes that closely reflect an industry's current character. The availability of OTC stocks should enhance the Amex's ability to find adequate replacement stocks for its indexes should the need arise. Furthermore, the Amex will include in the indexes only OTC-traded stocks that are NMS Securities. Because real-time, last sale reports are available for transactions in those securities, the Commission believes that efficient and accurate calculation of the indexes' values should be possible.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[8] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Dated: March 21, 1988.

Jonathan G. Katz,

Secretary.

[3] The listing and trading of options on the Amex Computer Technology and Oil and Gas Indexes were approved by the Commission in Securities Exchange Act Release No. 20075 (August 12, 1983), 48 FR 37556.

[4] *See* Securities Exchange Act Release No. 22026 (May 8, 1985), 50 FR 20310.

[5] 17 CFR 240.11Aa2-1 (1987).

[6] In this connection, the Philadelphia Stock Exchange trades an option on the National Over-the-Counter Index, which is composed of only OTC stocks. *See* Securities Exchange Act Release No. 22044 (May 17, 1985), 50 FR 21532.

[7] 15 U.S.C. 78f (1982).

[8] 15 U.S.C. 78s(b)(2) (1982).

[9] 17 CFR 200.30-3(a)(12) (1987).

[Release No. 34-25500; File No. SR-CBOE-87-56]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

On January 4, 1988, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend certain membership requirements in the CBOE's constitution.

The proposed rule change was noticed in Securities Exchange Act Release No. 25319 (February 5, 1988), 53 FR 4253 (February 12, 1988). No comments were received on the proposed rule change.

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1987).

The proposed rule change would update the Exchange's membership rules.[3] The first change would eliminate the requirement in section 2.2 of the CBOE constitution (Eligibility for Membership; Good Standing) that Exchange member partnerships have at least two general partners. This requirement also would be deleted from Exchange Rule 3.3 (Qualifications of Member Organizations). Originally, two general partners appear to have been required for continuity of the partnership in the event of the incapacity or death of one partner. However, while a similar discontinuity can occur in connection with the incapacity or death of a sole proprietor, individuals are allowed to become Exchange members. In either case, an adjustment period is provided for in Rule 3.17 (Death, Retirement, Withdrawal and Registration), and the Exchange retains control because it can sell the membership pursuant to Rule 3.14(b) (Sale and Transfer of Membership: Sale or Cancellation by Exchange).

The second change would amend section 2.4 of the CBOE's constitution (Registration of Individual memberships for Member Organizations) to eliminate the requirement that an executive officer, director, principal shareholder or general partner of a member organization must register his membership for that organization. The word "shall" would be replaced with the word "may," since there is no reason to make such registration mandatory.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 [4] and the rules and regulations thereunder. The Commission believes that the proposed amendments will enable the CBOE to reflect more accurately current Exchange policies and procedures. In addition, the Commission believes that the amendments will allow the Exchange to eliminate outdated language from its membership rules.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

[3] The purpose of these two constitutional amendments is to complete the changes in the Exchange's membership rules that were begun in File No. SR-CBOE-87-23, approved in Securities Exchange Act Release No. 24996 (October 5, 1987).

[4] 15 U.S.C. 78f (1982).

[5] 15 U.S.C. 78s(b)(2) (1982).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Dated: March 21, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6696 Filed 3-25-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25497; File No. SR-MCC-87-5]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 21, 1987 the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Midwest Clearing Corporation (MCC) proposes to establish a service, and promulgate procedures, for an automated procedure for the order entry, confirmation, settlement and registration of mutual fund transactions, hereinafter called Fund/Serv. The proposed rule change would also create a new category of membership for the Fund/Serv Service and set standards for admisison and administration, as well as make conforming technical changes to the rules where necessary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C), below, of the most significant aspects of such statements.

[6] 17 CFR 200.30-3(a)(12) (1987).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit MCC to (i) establish a service and procedures for the Fund/Serv Service, (ii) create a new category of membership for the Fund/Serv Service ("Fund/Serv-only Participant"), (iii) set standards and guidelines for the admission and administration of the Fund/Serv Service, and (iv) establish fees for the Fund/Serv Service.

The Fund/Serv Service will enable Participants to submit purchase and redemption orders involving mutual fund transactions to MCC. The proposed rule also authorizes MCC to establish procedures and guidelines and time frames for, among other things, submission of order data. On settlement date, MCC will debit and credit the appropriate parties' account for the value of the orders.

A Participants desiring to submit mutual fund orders (purchases, redemptions and exchanges) to another Participant (Mutual Fund Processor), does so by submitting the order to MCC for processing. Assuming that the order data contains the required information as established in MCC's procedures for Fund/Serv, MCC will thereupon transmit the information to the Mutual Fund Processor or Fund/Serv-only Participant. The Mutual Fund Processor or Fund/Serv Participant may then confirm or input the mutual fund order.

The proposed rule change also provides for the processing of confirmed orders to and from Participants and the submission of acceptances and rejections of mutual fund orders. All confirmed or reconfirmed orders that have not been deleted or rejected will settle in accordance with MCC's established time frames and procedures. On settlement date, MCC will debit and credit the appropriate Participants', Mutual Fund Processors' or Fund/Serv-only Participants' account for the value of the orders and money only related charges.

MCC disclaims responsibility for the completeness or accuracy of any order data or money only related charges processed through the Fund/Serv Service. In addition, MCC is not responsible for any errors, omissions or delays occurring without gross negligence on MCC's part, in the transmission of order data, money only related charge data or registration data to or from a Participant, Mutual Fund Processor or Fund/Serv-only Participant.

An accompanying interpretation and policy statement to the proposed rule specifically provides that MCC will not guarantee settlement of orders through the Fund/Serv Service. Accordingly, to the extent that one side fails to pay for a transaction, MCC retains the right to reverse credit entries or require a contra-side Participant to return to MCC any funds received. MCC will also revise its recently adopted Trade Guarantee Policy (the guarantee of CNS trades on the day trades are reported to members, as compared) to reflect that MCC will not guarantee Fund/Serv Service settlement obligations.

MCC proposes to create a new category of Participants for mutual funds desiring to utilize the Fund/Serv Service (Fund/Serv-only Participants). Fund/Serv-only Participants are required to either be (i) a principal underwriter defined in section 2(a)(29) of the Investment Company Act of 1940, as amended, that is a broker/dealer registered under the Securities Exchange Act of 1934, or (ii) an applicant that has demonstrated to MCC's Board of Directors that its business and capabilities indicate that it will materially benefit from access to the Fund/Serv Service.

MCC will require Fund/Serv-only Participants to enter into a Fund/Serv Participants Agreement with MCC. In addition, any Fund/Serv-only Participant who is required to make a Participant's Fund deposit, in accordance with the rules, will be required to enter into an applicable Participants Fund agreement.

MCC has not yet determined the amount of deposit required for a Fund/Serv-only Participants. Until resolution of these and other matters, MCC will delay filing, until a later date, other documents related to such Fund/Serv-only Participants, including the Fund/Serv Participants Agreement, Fund/Serv Participant's Fund Agreement and the Fund/Serv Participant's Questionnaire.

In addition to those standards of qualification applicable to MCC Participants, Fund/Serv-only Participants are required to meet certain minimum standards of financial responsibility and operational capability. Fund/Serv-only Participants are also required, among other things, to have a previous business history, capable personnel and sufficient financial ability to meet its obligations to MCC. Fund/Serv-only Participants are also required to manage one or more investment companies that have in the aggregate assets under management of at least $100 million.

National Securities Clearing Corporation (NSCC) will provide certain processing services to MCC for both Intra-Participant and Inter-Participant transactions. It is expected that NSCC will charge MCC such monthly fees as will be agreed upon at a later date and incorporated in a written agreement between the parties.

MCC proposes to implement the Fund/Serv Service on a pilot basis with no more than eight Participants (excluding Fund/Serv-only Participants). MCC requests that the pilot period run for a period of six months from the date of the approval order.

The proposed rule change is consistent with the Securities Exchange Act of 1934 in that it facilitates the prompt and accurate clearance and settlement of mutual fund transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

MCC does not believe that any burdens will be placed on competition as a result of the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received. MCC will notify the Commission of any comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of MCC. All submissions should refer to SR-MCC-87-5 and should be submitted by April 18, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 21, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6697 Filed 3-25-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16329/File No. 811-2455]

Application for Deregistration; Metropolitan Life Variable Account C

DATE: March 22, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 ("1940 Act").

Applicant: Metropolitan Life Variable Account C.

Relevant 1940 Act Section: Order requested under section 89(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application was filed on December 14, 1987.

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 April 15, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by Certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 1 Madison Avenue, New York, N.Y. 10010.

FOR FURTHER INFORMATION CONTACT: Financial Analyst Cindy Rose (202) 272-2058 or Special Councel Lewis B. Reich

(202) 272–2061 (Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commerical copier (800) 231–3262 (in Maryland (301) 258–4300).

Applicant's Representations

1. On February 7, 1974, Applicant, a separate account of Metropolitan Life Insurance Company ("Metropolitan"), filed a notification of registration on Form N–8A, a Registration Statement on Form N–8B–1, and a Registration Statement on Form S–5. The 1933 Act Registration Statement was declared effective on February 28, 1975, and the initial public offering began on the same day. On April 24, 1987, pursuant to authorization of its Committee on July 22, 1986 and of persons entitled to vote in respect of Applicant on April 21, 1987, all of Applicant's assets were transferred in a reorganization to an investment division in Metropolitan Life Separate Account E (File No. 811–4001, a registered unit investment trust. Immediately after completion of this transfer, Separate Account E transferred the assets received from Applicant to the Growth Portfolio of Metropolitan Series Fund, Inc. (File No. 811–3618) in exchange for shares of the Growth Portfolio equal in value to the assets received. The purpose of the reorganization was to provide a larger, more viable investment vehicle for funding of variable annuities supported by Applicant. The economic interests of Applicant's contract owners in the new investment division were not adversely affected by the transaction.

2. Applicant has retained no assets, it has no debts or other liabilities outstanding, and it is not to its knowledge a party to any litigation or administrative proceedings. Applicant has no security holders and is not now engaged nor does it propose to engage in any business activities other than those necessary for the winding up to its affairs. On April 24, 1987, immediately preceding the transfer, Applicant had issued and outstanding 80,012,917 units of its securities and total assets of $2,632,425.00.

3. Proxy materials regarding the proposed reorganization were distributed to Applicant's Contract Owners and filed with the Commission. Applicant was granted on order of the Commission on January 20, 1987 (Investment Company Act Release No. 15549), pursuant to section 17(b) and 17(d) of the Act and Rule 17d–1 hereunder to permit the reorganization. Applicant represents that all expenses in connection with the reorganization were paid by Metropolitan.

For the Commission, by the Division of Investment Management, pursuant to delegate authority.

Jonathan Katz,

Secretary.

[FR Doc. 88–6669 Filed 3–25–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–16330; 811–2017]

Application for an Order; Metropolitan Variable Account B of Metropolitan Life Insurance Co.

March 22, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: Metropolitan Variable Account B of Metropolitan Life Insurance Company.

Relevant 1940 Act Sections: Order requested under section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application was filed on December 14, 1987.

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 April 15, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 1 Madison Avenue, New York, N.Y. 10010.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Nancy M. Rappa (202) 272–2622 or Special Counsel Lewis B. Reich (202) 272–2061 (Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3262 (in Maryland (301) 258–4300).

Applicant's Representations

1. On February 3, 1970, Applicant, a separate account of Metropolitan Life Insurance Company ("Metropolitan") filed a notice of registration on Form N–8A, a registration statement on Form N–8B–1, and a registration statement on Form S–5. The 1933 Act registration statement was declared effective on September 4, 1970, and the initial public offering began on the same day. On April 24, 1987, pursuant to authorization of its Committee on July 22, 1986 and of persons entitled to vote in respect of Applicant on April 21, 1987, all of Applicant's assets were transferred in a reorganization to an investment division in Metropolitan Life Separate Account E (File No. 811–4001) a registered unit investment trust. Immediately after completion of this transfer, Separate Account E transferred the assets received from Applicant to the Growth Portfolio of Metropolitan Series Fund, Inc. (File No. 811–3618), in exchange for shares of the Growth Portfolio equal in value to the assets received. The purpose of the reorganization was to provide a larger, more viable investment vehicle for funding of variable annuities supported by Applicant. The economic interests of Applicant's contract owners in the new investment division were not adversely affected by the transaction.

2. Applicant has retained no assets, has no debts or other liabilities outstanding, and it is not to its knowledge a party to any litigation or administrative proceedings. Applicant has no security holders and is not now engaged nor does it propose to engage in any business activities other than those necessary for the winding up of its affairs. On April 24, 1987 immediately preceding the transfer, Applicant had total assets of $61,918,085.95.

3. Proxy materials regarding the proposed reorganization were distributed to Applicant's contract owners and filed with the Commission. Applicant was granted an order of the Commission on January 20, 1987 (Investment Company Act Release No. 15549), pursuant to sections 17(b) and 17(d) of the Act and Rule 17d–1 thereunder to permit the reorganization. Applicant represents that all expenses in connection with the reorganization were paid by Metropolitan.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6670 Filed 3-25-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16333; 811-2443]

Application for an Order; Metropolitan Variable Account D of Metropolitan Life Insurance Co.

Date: March 22, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: Metropolitan Variable Account D of Metropolitan Life Insurance Company.

Relevent 1940 Act Sections: Order requested under section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application was filed on December 14, 1987.

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 April 15, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by Certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 1 Madison Avenue, New York, N.Y. 10010.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Wendell Faria (202) 272-3450 or Special Counsel Lewis B. Reich (202) 272-2061 (Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch is person or the SEC's commercial copier (800) 231-3262 (in Maryland (301) 258-4300).

Applicant's Representations

1. On February 7, 1974, Applicant, a separate account of Metropolitan Life Insurance Company ("Metropolitan") filed a notice of registration on Form N-8A, a registration statement on Form N-8B-1, and registration statement on Form S-5. The 1933 Act registration statement was declared effective on February 28, 1975, and the initial public offering began on the same day. On April 24, 1987, pursuant to authorization of its Committee on July 22, 1986 and of persons entitled to vote in respect of Applicant on April 21, 1987, all of Applicant's assets were transferred in a reorganization to an investment division in Metropolitan Life Separate Account E (File No. 811-4001), a registered unit investment trust. Immediately after completion of this transfer, Separate Account E transferred the assets received from Applicant to the Growth Portfolio of Metropolitan Series Fund, Inc. (File No. 811-3618—in exchange for shares of the Growth Portfolio equal in value to the assets received. The purpose of the reorganization was to provide a larger, more viable investment vehicle for funding of variable annuities supported by Applicant. The economic interests of Applicant's contract owners in the new investment division were not adversely affected by the transaction.

2. Applicant has retained no assets, has no debts or other liabilities outstanding, and it is not to its knowledge a party to any litigation or administrative proceedings. Applicant has no security holders and is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. On April 24, 1987, immediately preceding the transfer, Applicant had total assets of $690,466.00.

3. Proxy materials regarding the proposed reorganization were distributed to Applicant's contract owners along with a ballot and filed with the Commission. Applicant was granted an order of the Commission on January 20, 1987 (Investment Company Act Release No. 15549), pursuant to sections 17(b) and 17(d) of the Act and Rule 17d-1 thereunder to permit the reorganization. Applicant represents that all expenses in connection with the reorganization were paid by Metropolitan.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6671 Filed 3-25-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed During the Week Ending March 18, 1988

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 45489

Date Filed: March 16, 1988.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 13, 1988.

Description: Amendment No. 1 to the Application of United Air Lines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations revises and restates the extent of the Route authority being sought in its March 3, 1988 application as follows; "United hereby makes application for a new certificate of public convenience and necessity to provide roundtrip foreign air transportation of passengers, property and mail between Los Angeles, California, and Mexico City, Mexico."

Phyllis T. Kaylor,

Chief, Documentary Serivces Division.

[FR Doc. 88-6723 Filed 3-25-88; 8:45am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment; 11th Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a joint meeting of RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment and EUROCAE Working Group 14 to be held on April 26-29, 1988 in Paris, France. The address is:

EUROCAE Office, Sper Building, 11 Rue Hamelin 75783, Paris, France CEDEX 16.

The Agenda for this meeting is as follows: (1) Chairman's remarks; (2) introduction of attendees; (3) approval of SC–135's 10th meeting's minutes; (4) review status of RF susceptibility problems and proposed changes to section 20 "RF Susceptibility;" (5) review status of Section 22 "Lightning Induced Transient Susceptibility;" (6) review progress on Section 23 "Lightning Direct Effects"; (7) review section 24 "Icing;" (8) review 2nd draft of DO–160C; (9) other business; and (10) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 21, 1988.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 88–6619 Filed 3–25–88; 8:45 am]

BILLING Code 4910–13–M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 160, 406 MHz Emergency Locator Transmitters (ELT); Eighth Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given for the 8th meeting of the RTCA Special Committee 160 on 406 MHz Emergency Locator Transmitters (ELT) to be held on April 20–22, 1988, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's remarks; (2) approval of minutes of 7th meeting minutes; (3) review and discuss EUROCAE WG 29 activities; (4) report on problems of frequency interference in 406 MHz band; (5) review of task assignments from last meeting; (6) review of 4th draft of MOPS; (7) task assignments; (8) other business; and (9) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 21, 1988.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 88–6618 Filed 3–25–88; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

Global Positioning System Equipment Tests

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of GPS Block II signal testing availability.

SUMMARY: Global Positioning System (GPS) signals will be made available to test GPS equipment in a selected availability (SA) environment. The testing location will be in the general vicinity of Cape Canaveral Air Force Station (AFS) in Florida. Signals from a GPS block II satellite will be transmitted from the AFS and will be used in conjunction with existing block I satellite signals to verify operation of government GPS receiver equipment. SA will be induced on the GPS signal at unannounced times and no information will be given prior to SA being applied. Any organization or manufacturer desiring to participate in the equipment testing program is encouraged to contact RSPA for more detailed information.

Date and Place: Scheduled for early July 1988 at Cape Canaveral Air Force Station, Florida.

FOR FURTHER INFORMATION CONTACT: Larry V. Grant, Office of Budget and Programs, Research and Special Programs Administration, Department of Transportation, 400 7th Street, SW., Washington, DC, 20590, (202) 366–4354.

SUPPLEMENTARY INFORMATION: Civil participation in the test program is encouraged. There will be no formal registration conditions imposed for participation in the signal testing program. Civil participants are responsible for providing for their own logistics and equipment testing requirements. A government Civil Test Program Director will be located at the AFS to answer telephone inquiries during the test. The GPS block II satellite will radiate a low power and high power signal. The low power signal will be used to prevent interference with Block I satellites. A National Geodetic Survey benchmark has been located adjacent to the AFS where the Block II signal has adequate signal strength for testing.

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

M. Cynthia Douglass,

Administrator, RSPA.

[FR Doc. 88–6722 Filed 3–25–88; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 21, 1988.

The Department of 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 Officer listed. Comments 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.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0250.

Form Number: ATF REC 5110/5.

Type of Review: Extension.

Title: Distilled Spirits Plants (DSP) Transaction and Supporting Data.

Description: Transaction Records provide the source data for accounts of distilled spirits in all DSP operations. They are used by DSP proprietors to account for spirits and by ATF personnel to verify those accounts and consequent tax liabilities.

Respondents: Businesses or other-for profit, Small businesses or organizations.

Estimated Burden: 5,820 hours.

Clearance Officer: Robert Masarsky, (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue NW., Washington, DC 20226.

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. 88-6640 Filed 3-25-88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 23, 1988.

The Department of 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 Officer listed. Comments 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.

Internal Revenue Service

OMB Number: New.

Form Number: 8644.

Type of Review: New Collection.

Title: Election To Be a Qualified Electing Fund.

Description: Form 8644 is used by foreign corporations whose main source of income is from investments. These corporations may elect on Form 8644 to elect to be a "qualified electing fund." A qualified electing fund must submit certain information to the IRS and its U.S. shareholders. The IRS uses this information to determine if U.S. persons have reported the correct amount of income from the fund.

Respondents: Businesses or other for-profit.

Estimated Burden: 3,200 hours.

OMB Number: 1545-0668.

Form Number: Letter Form 1284, (DO/SC/CG), 1284(C) Letter Form 1671C, 1671(DO), and 1671(SC).

Type of Review: Revision.

Title: Problem Resolution Program Acknowledgement Letter (Letter 1284); Second Request for Information to Handle Problem Resolution Case (Letter 1671).

Description: Taxpayers ask Problem Resolution offices for help when normal channels fail. Letter 1284 is a selective paragraph computer generated form that notifies taxpayers that the Problem Resolution Office is working on their case. It is also used to ask for information needed to resolve their problem, or to tell them that the problem has been resolved. Letter 1671 is a follow-up request for information when there has been no reply from a taxpayer by a specified date.

Respondents: Individuals or households, State or local governments, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.

Estimated Burden: 125,500 hours.

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

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. 88-6641 Filed 3-25-88; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination; Art in the Old Country

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Art in the Old Country" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. I also determine that the temporary exhibition or display of the listed exhibit objects at The American Swedish Institute, Minneapolis, Minnesota, beginning on or about April 25, 1988 to on or about June 12, 1988, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

Date: March 24, 1988.

C. Normand Poirier,

Acting General Counsel.

[FR Doc. 88-6851 Filed 3-25-88; 8:45 am]

BILLING CODE 8230-01-M

[1] A copy of this list may be obtained by contacting Ms. Lorie Nierenberg of the Office of the General Counsel, USIA. The telephone number is (202) 485-8827, and the address is Room 700, U.S. Information Agency, 301-4th Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register
Vol. 53, No. 59
Monday, March 28, 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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 1, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6750 Filed 3–24–88; 11:47 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday, April 1, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6751 Filed 3–24–88; 11:47 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 8, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6752 Filed 3–24–88; 11:47 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday, April 8, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6753 Filed 3–24–88; 11:47 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 15, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6754 Filed 3–24–88; 11:47 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday, April 15, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6755 Filed 3–24–88; 11:48 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 22, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6756 Filed 3–24–88; 11:48 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday, April 22, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6757 Filed 3–24–88; 11:48 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 29, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6758 Filed 3–24–88; 11:48 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday, April 29, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–6759 Filed 3–24–88; 11:48 am]

BILLING CODE 6351–01–M

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The meeting is schedule to be held at the offices of the Farm Credit Administration in McLean, Virginia, on April 5, 1988 from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: David A. Hill, Secretary to the Farm Credit Administration Board, McLean, Virginia 22102–5090, (703) 883–4003, (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

Open Session

1. Implementation of the Agricultural Credit Act of 1987
   - Proposed Revisions to Regulations Governing FCA's Examination Process, 12 CFR Parts 611 and 617
   - Proposed Revisions to Civil Money Penalty Regulations, 12 CFR Part 622, Subpart B, and FCA Policy Governing Civil Money Penalties, and related technical changes
   - Proposed Revisions to Regulations Governing Regulatory Accounting Practices, 12 CFR Part 624
   - Proposed Revisions to Regulations Governing Receivers, 12 CFR Part 611
   - Proposed Revisions to Regulations Governing the Farm Credit Banks Funding Corporation, 12 CFR Part 615, Subparts A, B, C and O
   - Repeal of 12 CFR 611.1140–1142, Concerning the Farm Credit System Capital Corporation
   - Final Regulations Governing Book-Entry Procedures for the Financial Assistance Corporation Securities, 12 CFR Part 615
   - Proposed Revisions to Regulations Governing Borrower Rights, 12 CFR Parts 614, 615, and 618
   - Proposed Regulations Establishing Minimum Permanent Capital Standards for Farm Credit System Institutions, 12 CFR Part 615

[1] Closed Session

2. Examination and Enforcement Matters

David A. Hill,

Farm Credit Administration Board.

[FR Doc. 88–6829 Filed 3–24–88; 3:51 pm]

BILLING CODE 6705–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:33 p.m. on Tuesday, March 22, 1988, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,191–L
Alaska National Bank of the North
Fairbanks, Alaska

Request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

Matters relating to the possible failure of certain insured banks.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in 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 pursuant to subsections (c)(4), (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)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: March 23, 1988.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Assistant Executive Secretary (Operations).

[FR Doc. 88–6724 Filed 3–23–88; 5:07 pm]

BILLING CODE 6714–01–M

FEDERAL ENERGY REGULATORY COMMISSION

March 23, 1988.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–4109), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: March 30, 1988. Approximately 2:00 p.m. (Following Open Meeting).

PLACE: 825 North Capitol Street NE., Washington, DC 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Natural Gas Pipeline Company of America.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary, Telephone (202) 357–8400.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–6746 Filed 3–24–88; 11:46 am]

BILLING CODE 6717–01–M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, April 6, 1988.

PLACE: Board Hearing Room 8th Floor, 1425 K. Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of March, 1988.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel. (202) 523–5920.

Date of Notice: March 21, 1988.

E.B. Meredith,

Acting Executive Director, National Mediation Board.

[FR Doc. 88–6726 Filed 3–24–88; 9:22 am]

BILLING CODE 7550–01–M

POSTAL SERVICE

Vote To Close Meeting

At its meeting on March 22, 1988, the Board of Governors of the United States Postal Service voted unanimously to close to public observation a meeting scheduled for April 4, 1988, at the Northern Virginia Management Sectional Center in Merrifield, Virginia. The members will consider certain mail classification matters that were deferred in the March 22, 1988, Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Postal

[1] Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

Rate and Fee Changes [pages 12–13], Docket No. R87–1.

The meeting is expected to be attended by the following persons: Governors Griesemer, Hall, Nevin, Peters, Pace, Ryan and Setrakian; Postmaster General Frank; Deputy Postmaster General Coughlin; Secretary to the Board Harris; and General Counsel Cox.

The Board determined that pursuant to section 552b(c)(3) of Title 5, United States Code, and § 7.3(c) of Title 39, Code of Federal Regulations, discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act, (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of Title 39 (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of Title 39, United States Code. The Board has determined further that pursuant to section 552b(c)(10) of Title 5, United States Code, and § 7.3(j) of Title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of the matter be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of Title 5 and section 410(c)(4) of Title 39, United States Code; and § 7.3 (c) and (j) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 88–6792 Filed 3–24–88; 12:52 pm]

BILLING CODE 7710–12–M

POSTAL SERVICE

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:15 p.m. on Monday, April 4, 1988, at the Northern Virginia Management Sectional Center in Merrifield, Virginia, and at 8:30 a.m. on Tuesday, April 5, 1988, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. As indicated in the following paragraph, the April 4 meeting is closed to the public. The April 5 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

At its meeting on March 22, 1988, the Board voted to close to public observation its meeting scheduled for April 4, 1988, to consider certain mail classification matters that were deferred in the March 22, 1988, Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Postal Rate and Fee Changes [pages 12–13], Docket No. R87–1.

Agenda

Monday Session

April 4, 1988—1:15 p.m. (Closed)

1. Consideration of certain mail classification matters.

Tuesday Session

April 5, 1988—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, March 7–8, 1988.
2. Remarks of the Postmaster General.
3. Briefing on Field Reorganization. (Mr. Charters)
4. Briefing on Productivity Measurement. (Mr. Coppie)
5. Tentative Agenda for May 2–3, 1988, meeting in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 88–6793 Filed 3–24–88; 12:52 pm]

BILLING CODE 7710–12–M

Corrections

Federal Register
Vol. 53, No. 59
Monday, March 28, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 80334-8034]

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

Correction

In proposed rule document 88-5457 beginning on page 8234 in the issue of Monday, March 14, 1988, make the following corrections:

1. On page 8236, in the third column, the first paragraph after the first italicized heading should read: "The following allocation goal would be included in the framework FMP for the interim period and serve as introductory language to the allocation schedule:"

2. On page 8237, in the table, in the first column, the first entry should read "<300,000" and the second entry should read " >300,000".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Special Rules Applicable to Surface Coal Mining Hearings and Appeals

Correction

In rule document 88-5729 beginning on page 8752 in the issue of Thursday, March 17, 1988, make the following corrections:

1. On page 8752, in the third column, in the next to last paragraph, in the 10th line, "propose" should read "proposed".

2.In the same column, in the last paragraph, in the second line, "initiate" was misspelled.

3. On page 8753, in the first column, in the seventh line, "later" should read "latter".

4. On the same page, in the same column and paragraph, in the 13th line, after "*Pressentin*", remove the comma.

5. On the same page, in the same column, in the first complete paragraph, in the seventh line "document" should read "documents".

PART 4—[CORRECTED]

6. On page 8754, in the third column, in the center heading, in the third line, "581(f)" should read "518(f)".

S 4.1303 [Corrected]

7. On the same page, in the same column, in S 4.1303(a)(2), in the first line, "proposal" should read "proposed".

BILLING CODE 1505-01-D

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

Absence and Leave; Temporary Leave Transfer Program

Correction

In rule document 88-5118 beginning on page 7325 in the issue of Tuesday, March 8, 1988, make the following correction:

§ 630.906 [Corrected]

On page 7327, in the first column, in § 630.906(b), in the fifth line, "§ 630.909" should read "§ 630.907".

BILLING CODE 1505-01-D

DEPARTMENT OF STATE

[Public Notice CM-8/1176]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea Working Group on Radiocommunications; Meetings

Correction

In notice document 88-6186 appearing on page 9401 in the issue of Tuesday, March 22, 1988, make the following correction:

In the first column, the first paragraph should read:

"The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct open meetings at 0930 on the following dates: June 16, 1988; August 18, 1988; September 15, 1988; October 20, 1988; November 17, 1988; and December 15, 1988. These meetings will be held in room 9230 of the Department of Transportation, 400 Seventh Street, SW., Washington, DC 20950-0001."

BILLING CODE 1505-01-D

Federal Register

Monday
March 28, 1988

Part II

Federal Retirement Thrift Investment Board

5 CFR Part 1620

Thrift Savings Plan; Eligibility; Interim Rule With Request for Comments

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1620

Thrift Savings Plan; Thrift Savings Plan Eligibility

March 15, 1988

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Federal Employees' Retirement System Act of 1986 (Pub. L. 99–335, June 6, 1986) did not provide clear authority for certain employees to participate in the Thrift Savings Plan on a tax-deferred basis. Public Law 100–238 (January 8, 1988), which made technical amendments to the Federal Employees' Retirement System Act, provides that these employees will be entitled to participate in the Thrift Savings Plan under regulations issued by the Executive Director of the Federal Retirement Thrift Investment Board. The employees covered by this Pub. L. and these regulations are individuals on approved leave without pay to serve as full-time officers or employees of employee organizations, individuals assigned from a Federal agency to a State or local government under Subchapter VI of Chapter 33 of Title 5, United States Code (IPA mobility assignments), individuals appointed or otherwise assigned to one of the cooperative extension services (as defined by section 1404(5) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977), and any individual who is participating in the Civil Service Retirement System as a result of a provision of law described in 5 U.S.C. 8347(o). Section 8347(o) covers individuals who are not employed by the Federal Government, but who nevertheless are covered by the Federal Civil Service Retirement System.

DATES: Interim rules effective January 1, 1987. Comments must be received by May 15, 1988.

ADDRESS: Comments may be sent to: John J. O'Meara, Federal Retirement Thrift Investment Board, 805 Fifteenth Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: John J. O'Meara, (202) 523–6367.

SUPPLEMENTARY INFORMATION: These regulations are being given retroactive effect to January 1, 1987, in order to provide each of these affected individuals an opportunity to contribute make-up payments for the period of time that they were precluded from participation. Employer contributions on behalf of these individuals may be made solely at the discretion of the employing authority; however, each such authority must treat all of its employees who are eligible to receive employer contributions in the same manner.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only employing authorities and those Federal employees who are not receiving salaries from the Federal Government and their employing authorities.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Waiver of Notice of Proposed Rulemaking and 30-day Delay of Effective Date

Under 5 U.S.C. 553(b)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. It is necessary for these regulations to be effective as of January 1, 1987, in order for the affected individuals to be able to participate by means of make-up contributions in the Thrift Savings Plan from its commencement.

List of Subjects in 5 CFR Part 1620

Employee benefit plans, Government employees, Retirement, Pensions.

Federal Retirement Thrift Investment Board.

Francis X. Cavanaugh,

Executive Director.

Accordingly, 5 CFR Part 1620 is amended as follows:

1. The authority citation for Part 1620 is added to read as follows:

Authority: 5 U.S.C. 8474, Pub. L. 100–238, Pub. L. 99–591.

2. Part 1620 is amended by designating § 1620.1 as Subpart A, and adding a Subpart heading, and adding Subparts B, C, and D, to read as follows:

PART 1620—CONTINUATION OF ELIGIBILITY

Subpart A—House Cafeteria Employees

Sec.

1620.1 Continuation of eligibility to participate in the Thrift Savings Plan.

Subpart B—Cooperative Extension Service Employees

1620.10 Scope.
1620.11 Definitions.
1620.12 Contributions by employing authority.
1620.13 Prior employer contributions.
1620.14 Deadline for employing authority to begin employee contributions.
1620.15 Initial election period for employees.
1620.16 Computing percentage of basic pay.
1620.17 Retroactive employer and employee contributions.
1620.18 Payment to the recordkeeper; notice.
1620.19 Other regulations.

Subpart C—Union Employees and Intergovernmental Personnel Act Employees

1620.30 Scope.
1620.31 Definitions.
1620.32 Contributions by employing authority.
1620.33 Deadline for employing authority to begin employee contributions.
1620.34 Initial election period for employees.
1620.35 Computing percentage of basic pay.
1620.36 Employee make-up contributions.
1620.37 Make-up contributions by employing authority.
1620.38 Payment to the recordkeeper.
1620.39 Notices.
1620.40 Other regulations.

Subpart D—Certain Civil Service Retirement System Employees

1620.50 Scope.
1620.51 Definitions.
1620.52 Deadline for employing authority to begin employee contributions; notice to Board.
1620.53 Initial election period for employees.
1620.54 Retroactive employee contributions.
1620.55 Computing percentage of basic pay.
1620.56 Payment to the recordkeeper.
1620.57 Other regulations.

Subpart A—House Cafeteria Employees

* * * * *

Subpart B—Cooperative Extension Service Employees

§ 1620.10 Scope.

This subpart applies to any individual participating in the Civil Service Retirement System or the Federal Employees' Retirement System who has been appointed or otherwise assigned to one of the cooperative extension services, as defined by section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)).

§ 1620.11 Definitions.

(a) As used in this subpart, the term "employing authority" means that organization within a State which employs an individual covered by § 1620.10 of this part and which has authority to make personnel

compensation decisions for such employees.

(b) As used in this subpart, the term "participating" means paying contributions to the basic annuity under either the Civil Service Retirement System or the Federal Employees' Retirement System.

§ 1620.12 Contributions by employing authority.

(a) An employing authority, at its sole discretion, may choose to make employer contributions for individuals in its employ who are participating in the Federal Employees' Retirement System as if that authority were the individual's employing Federal agency under the provisions of 5 U.S.C. 8432(c).

(b) If an employing authority chooses to make employer contributions, such contributions may be made for any period of eligible service since January 1, 1984. These contributions consist of the automatic one percent contribution (5 U.S.C. 8432(c)(1)(A)) and the employer matching contribution (5 U.S.C. 8432(c)(2)), as well as contributions for periods of eligible service after April 1, 1987 and contributions for eligible service prior to April 1, 1987 (5 U.S.C. 8432(c)(1)(B) and (C), and 8432(c)(3)).

(c) An employing authority may only commence employer contributions or terminate employer contributions during a Thrift Savings Plan election period. The employing authority must provide all affected employees with a notice of this decision to commence or terminate employer contributions at least 45 days before the beginning of the applicable election period.

(d) An employing authority that has chosen to make employer contributions must treat all of its employees who are eligible to receive employer contributions in the same manner.

(e) The employing authority must not make any employer contributions on behalf of individuals who are subject to the Civil Service Retirement System.

§ 1620.13 Prior employer contributions.

Any employing authority that has made employer contributions before the publication date of this subpart will not be deemed to have chosen to make these contributions by virtue of these payments. However, if such an authority fails to choose to make employer contributions, contributions previously made on behalf of an eligible employee may not be retrieved.

§ 1620.14 Deadline for employing authority to begin employee contributions.

An employing authority must allow employees participating in the Federal Employees Retirement System or the Civil Service Retirement System to make contributions to the Thrift Savings Plan no later than the pay period following its acceptance of the employee's election form.

§ 1620.15 Initial election period for employees.

Employees who are participating in the Civil Service Retirement System or the Federal Employees' Retirement System must be permitted to file an election form with the employing authority identifying the amount, if any, of their contribution to the Thrift Savings Plan at any time within 60 days of the date of publication of this subpart. Any employee who was eligible to participate in a prior election period, but was denied the opportunity to do so, must be given the opportunity to make any election which he or she could have otherwise made in 1987 or 1988.

§ 1620.16 Computing percentage of basic pay.

When the employing authority computes a percentage of basic pay to determine the amount to be contributed to the Thrift Savings Fund, the rate of basic pay to be used must be the same as that used in computing any amount the individual is otherwise required to contribute to the Civil Service Retirement and Disability Fund as a condition for participating in the Civil Service Retirement System or the Federal Employees' Retirement System, as the case may be.

§ 1620.17 Retroactive employer and employee contributions.

(a) *Retroactive employer contributions.* An employing authority that has chosen to make employer contributions may make the employer contributions described in § 1620.12(b) on behalf of employees participating in the Federal Employees' Retirement System to the extent that neither the employing authority nor the Federal Government has already made these contributions. The employing authority must make these retroactive employer contributions in accordance with the procedure described in § 1620.37 of this part.

(b) *Retroactive employee contributions.* Employees participating in the Civil Service Retirement System or the Federal Employees' Retirement System shall be allowed to make, on a retroactive basis, all employee contributions for eligible periods of service with the employing authority unless these employees have already had the opportunity to make contributions for these periods of service. Retroactive employee contributions shall be made in accordance with the procedures described in § 1620.36 of this part.

§ 1620.18 Payment to the recordkeeper; notice.

(a) *Payment.* Employing authorities will make applicable employer contributions, if any, and employee contributions (deducted from the employee's actual pay) to the Board's Recordkeeper. At this time, the Recordkeeper is the National Finance Center, Department of Agriculture, New Orleans, Louisiana.

(b) *Notice.* Within 30 days from the date of the publication of this part, the Department of Agriculture must notify each employing authority concerning the applicability of these regulations to employees covered by § 1620.10 of this part.

§ 1620.19 Other regulations.

Employing authorities and individuals covered by § 1620.10 of this part are governed by the regulations in Chapter VI, title 5, Code of Federal Regulations to the extent that those regulations are not inconsistent with this subpart.

Subpart C—Union Employees and Intergovernmental Personnel Act Employees

§ 1620.30 Scope

This subpart applies to any individual participating in the Civil Service Retirement System or the Federal Employees' Retirement System who—

(a) Has entered on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees as defined by section 8331(1) or 8401(11) of Title 5, United States Code; or

(b) Has been assigned, on an approved leave without pay basis, from a Federal agency to a State or local government under subchapter VI of Chapter 33, title 5, United States Code.

§ 1620.31 Definitions.

As used in this subpart, the terms—

(a) "Employing authority" means any entity that employs an individual covered by § 1620.30 of this part and which has authority to make personnel compensation decisions for such employees; and

(b) "Participating" means that the employee (or employing authority on behalf of the employee) is paying contributions to the basic annuity under either the Civil Service Retirement System or the Federal Employees' Retirement System.

§ 1620.32 Contributions by employing authority.

(a) An employing authority, at its sole discretion, may choose to make employer contributions for individuals in its employ who are participating in the Federal Employees' Retirement System as if that authority were the individual's employing Federal agency under the provisions of 5 U.S.C. 8432(c).

(b) If an employing authority chooses to make employer contributions, such contributions may be made for any period of eligible service since January 1, 1984. These contributions consist of the automatic one percent contribution (5 U.S.C. 8432(c)(1)(A)) and the employer matching contribution (5 U.S.C. 8432(c)(2)) as well as contributions for periods of eligible service dating from April 1, 1987 and contributions for eligible service prior to April 1, 1987 (5 U.S.C. 8432(c)(1) (B) and (C), and 8432(c)(3)).

(c) An employing authority may only commence employer contributions or terminate employer contributions during a Thrift Savings Plan election period. The employing authority must provide all affected employees with a notice of this decision to commence or terminate employer contributions at least 45 days before the beginning of the applicable election period.

(d) An employing authority that has chosen to make employer contributions must treat all of its employees who are eligible to receive employer contributions in the same manner. If an employing authority chooses to provide employer make-up contributions, it must provide those contributions on behalf of an employee who has returned to his or her agency of record or transferred to another Federal agency without a break in service to the extent that they relate to his or her past service with such authority.

§ 1620.33 Deadline for employing authority to begin employee contributions.

An employing authority must allow an employee participating in the Civil Service Retirement System or the Federal Employees' Retirement System to begin making contributions no later than the pay period following its acceptance of the employee's election form.

§ 1620.34 Initial election period for employees.

Employees who are participating in the Civil Service Retirement System or the Federal Employees' Retirement System must be permitted to file an election form with the employing authority identifying the amount, if any, of their contribution to the Thrift Savings Plan at any time within 60 days of the date of publication of this subpart. Any employee who was eligible to participate in a prior election period, but was denied the opportunity to do so, must be given the opportunity to make any election which he or she could have otherwise made in 1987 or 1988.

§ 1620.35 Computing percentage of basic pay.

When the employing authority computes a percentage of basic pay to determine the amount to be contributed to the Thrift Savings Fund, the rate of basic pay to be used must be the same as that used in computing any amount that the individual involved is otherwise required to contribute to the Civil Service Retirement and Disability Fund as a condition for participating in the Civil Service Retirement System or the Federal Employees' Retirement System, as the case may be.

§ 1620.36 Employee make-up contributions.

(a) If the employee chooses, the employing authority must compute the amount of employee contributions for which the employee would have been eligible to make after April 1, 1987, from the employee's net payable salary according to a schedule of equal payments that the employee has agreed to. The employee must make this election within 30 days of the date that he or she is notified by the employing authority of the opportunity to schedule make-up payments, or forfeit the opportunity to do so. The employing authority may set a ceiling on the number of pay periods over which the make-up payments may be made; however, this ceiling may not be less than two times the number of pay periods in which the payments could have been made. The payment schedule must begin no later than the pay period following the date of the agreed-upon schedule and it may not contain more than four times the number of pay periods in which the payments could have been made.

(b) If the agreed-upon payment schedule cannot be met because the employee has insufficient net pay or because the employee has reached an annual ceiling for tax-deferred contributions under 26 U.S.C. 402(g) or 415, the payment schedule will be suspended until the employee is again able to make full payments through payroll deductions. Pay periods that are prescribed in the payment schedule, and for which an employee is unable to make payments because of insufficient net pay or a ceiling on tax-deferred contributions, will not be counted against the maximum number of pay periods applicable to the schedule and the maximum number of applicable pay periods must be extended accordingly. Employees may not make partial payments under a payment schedule.

(c) If an employee chooses to contribute the make-up amount, he or she may terminate that decision and that termination shall be irrevocable. If an employee separates from employment in such a way as to become ineligible to participate in the Thrift Savings Plan, the employee may terminate the retroactive contribution or accelerate the contribution by lump sum payment from the final salary payment (not including any lump sum annual leave payment). If the employee dies, the retroactive contribution of the deceased employee will be terminated as of the final salary payment.

(d) The retroactive payment amount is not subject to the maximum pay period contribution limitations; however, these amounts must be included when determining amounts subject to annual ceilings on contributions under 26 U.S.C. 402(g) or 415.

(e) In the event an employee does not have sufficient net pay to make all of the Thrift Savings Plan deductions, the employee's regular Thrift Savings Plan deduction shall take precedence over the employee's payment schedule contribution.

§ 1620.37 Make-up contributions by employing authority.

Make-up contributions by the employing authority are not subject to the limitations on maximum pay period contributions; however, these amounts must be included when determining amounts subject to any applicable annual ceiling described in 26 U.S.C. 415.

§ 1620.38 Payment to the recordkeeper.

The employing authority is responsible for transmitting employer and employee contributions to the employee's Federal agency of record. Employee contributions will be deducted from the employee's actual pay. The employee's agency of record is responsible for transmitting the employer and employee contributions to the Board's Recordkeeper. The employee's election form (TSP–1) will be filed in the employee's official personnel folder.

§ 1620.39 Notices.

(a) Federal agencies who are employers of record of any individuals covered by § 1620.30 of this part must notify employing authorities and

affected employees of the application of these regulations no later than 30 days from their publication date.

(b) Each employing authority must notify the Board no later than 60 days from the publication date of these regulations that it employs individuals covered by § 1620.30 of this part. Entities which become employing authorities after the publication date of these regulations must provide the Board with this notice within 60 days of employing an individual covered by § 1620.30 of this part.

§ 1620.40 Other regulations.

Employing authorities and individuals covered by § 1620.30 of this part are governed by the regulations in Chapter VI, title 5, Code of Federal Regulations, to the extent that those regulations are not inconsistent with this subpart.

Subpart D—Certain Civil Service Retirement System Employees

§ 1620.50 Scope.

This subpart applies to any individual who is participating in the Civil Service Retirement System as a result of a provision of law described in section 8347(o) of Title 5, United States Code.

§ 1620.51 Definitions.

As used in this subpart the terms—

(a) "Employing authority" means that organization that employs an individual covered by § 1620.50 of this part and which has authority to make personnel compensation decisions for such employees; and

(b) "Participating" means paying contributions to the basic annuity under the Civil Service Retirement System.

§ 1620.52 Deadline for employing authority to begin employee contributions; notice to Board.

An employing authority must begin making contributions from an employee covered by § 1620.50 of this part no later than the pay period following its acceptance of the employee's election form. These contributions must be made to the Board's Recordkeeper. The employing authority must notify the Board no later than 60 days from the publication date of these regulations that it employs individuals covered by § 1620.50 of this part.

§ 1620.53 Initial election period for employees.

Employees who are covered by § 1620.50 of this part must be permitted to file an election form with the employing authority identifying the amount, if any, of their contribution to the Thrift Savings Plan at any time before the expiration of 60 days after the publication date of this subpart. Any employee who was eligible to participate in a prior election period, but was denied the opportunity to do so, must be given the opportunity to make any election which he or she could have otherwise made in 1987 or 1988.

§ 1620.54 Retroactive employee contributions.

Employees participating in the Civil Service Retirement System shall be allowed to make, on a retroactive basis, all employee contributions for eligible periods of service with the employing authority unless these employees have already had the opportunity to make contributions to the Thrift Savings Plan for these periods of service. Retroactive employee contributions shall be made in accordance with the procedures described in § 1620.36 of this part.

§ 1620.55 Computing percentage of basic pay.

When the employing authority computes a percentage of basic pay to determine the amount to be contributed to the Thrift Savings Fund, the rate of basic pay to be used must be the same as that used in computing any amount that the individual involved is otherwise required to contribute to the Civil Service Retirement and Disability Fund as a condition for participating in the Civil Service Retirement System.

§ 1620.56 Payment to the recordkeeper.

Employing authorities will make applicable employee contributions (deducted from the employee's actual pay) to the Board's Recordkeeper. At this time, the Recordkeeper is the National Finance Center, Department of Agriculture, New Orleans, Louisiana.

§ 1620.57 Other regulations.

Employing authorities and individuals covered by § 1620.50 of this part are governed by the regulations in Chapter VI, Title 5, Code of Federal Regulations, to the extent that those regulations are not inconsistent with this subpart.

[FR Doc. 88-6615 Filed 3-25-88; 8:45 am]
BILLING CODE 6760-01-M

Federal Register

Monday
March 28, 1988

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

Availability of Financial Assistance for Research and Development Projects To Strengthen and Develop the U.S. Fishing Industry; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 80229-8029]

Availability of Financial Assistance for Research and Development Projects To Strengthen and Develop the U.S. Fishing Industry

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

ACTION: Notice of availability of financial assistance.

SUMMARY: For FY 88, Saltonstall-Kennedy (S–K) funds are available to assist persons in carrying out research and development projects which address aspects of U.S. fisheries involving the U.S. fishing industry (commercial or recreational) including, but not limited to, harvesting, processing, and associated infrastructures. NMFS issues this notice describing the conditions under which applications will be accepted and how NMFS will determine which applications it will fund.

DATE: Applications must be received by May 27, 1988.

ADDRESSES: Applications should be sent to the applicable regional or Washington Office of the National Marine Fisheries Service. (For addresses, see Section III. E.2.)

FOR FURTHER INFORMATION CONTACT: Phyllis S. Bentz, S–K Program Manager, National Marine Fisheries Service, Washington, DC 20235, Telephone: 202–673–5371.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Saltonstall-Kennedy (S–K) Act (15 U.S.C. 713c–2–713c–3) makes available to the Secretary of Commerce up to 30 percent of the gross receipts collected under the customs laws from duties on fishery products. The Secretary must use a portion of these funds each year to make available grants to assist persons in carrying out research and development projects which address aspects of United States fisheries, including, but not limited to, harvesting, processing, and associated infrastructures. U.S. fisheries [1] include any fishery that is or may be engaged in by U.S. citizens or nationals or citizens of the Northern Mariana Islands. The phrase "fishing industry" includes both the commercial and recreational sectors of U.S. fisheries.

B. Funding

There is no guarantee that sufficient funds will be available to make awards for all approved projects. For FY 88 about $9.3 million was appropriated for the S–K program. Approximately $1.4 million has been committed to fund the second and third years of previously approved multi-year projects. Therefore, about $7.9 million may be used to fund new fisheries research and development projects, subject to availability.

II. FY 88 Funding Priorities

Consistent with authorizing legislation, NOAA will emphasize the use of current and future S–K funds appropriated by Congress for industry grants in the following manner. Priority areas and associated research and development activities that will be designated for funding will be those that are beyond the scope of any single entity within the fishing industry to undertake without Government assistance because of one or more of the following: (1) There is a high degree of risk in achieving positive results; (2) the potential benefits are too widely dispersed; and (3) the time frame for resolution of the problem or issue is long or unknown. While multi-year approaches to address priority research areas are encouraged, the funding of short term proposals is not precluded.

Fisheries research, development, and utilization proposals should relate to one or more of the priority areas in the Regional and National sections. Primary consideration for funding will be given to proposals addressing the specific priorities. However, NMFS will also consider proposals that address other significant industry problems or opportunities (note exceptions which follow).

Except for the Western Pacific, Puerto Rico, and the U.S Virgin Islands, funding will not be provided for projects primarily involving the following activities: (1) Infrastructure planning and construction; (2) port and harbor development; (3) resource enhancement; (4) research evaluating the ability or extent to which fish are attracted to fish aggregating devices; (5) extension activities such as newsletters; and (6) aquaculture research and development.

Rather than the S–K program, programs administered by NMFS authorized by the Fish and Seafood Promotion Act of 1986 (FSPA), will be the mechanism to conduct promotional and consumer education activities related to fish and seafood. The National Fish and Seafood Promotional Council established in December 1987, will conduct generic seafood promotion. This Council is authorized to conduct both domestic and export marketing. The product-specific councils, authorized by the FSPA, will market specific species or groups of species. However, for species or products which are not widely available commercially, S–K funds may be used for end use research, i.e., non-proprietary product concept testing, technical development, and consumer acceptance evaluation where these activities are a logical component of a comprehensive research or development project.

The NMFS has identified fisheries and funding priorities in consultation with a wide cross section of the U.S. fishing industry. The priorities are identified on a regional basis according to specific fisheries. Some priorities were found to relate to several, and in a few instances, all fisheries or regions and are listed as national priorities. In these cases, the application should state the extent to which multiple fisheries resources would be addressed.

Priorities for FY 88 funding within specific fisheries are listed below, along with a summary of activities funded in FY 87. Proposals addressing the priorities should build upon or take into account any past and current work in the area. Lists of ongoing and past studies, and more detail where necessary, are available from the applicable regional or Washington office. (For addresses, see Section III. E.2.)

A. Northeast Region

1. *Squid, Mackerel and Butterfish.* Projects funded in FY 87 focused on developing and demonstrating fishing gear which conserves juveniles and non-target species; continued support of a towed underwater gear observation system; and developing degradable materials for fishing pots and traps.

For FY 88, projects are solicited which will complement these activities or address other developmental impediments. Priority for funding will be given to projects that:

a. Conduct technical and economic feasibility studies on harvesting and processing of non-traditional species. High priority will be placed on situations where a shift in effort results in reduced fishing pressure on over-harvested stocks.

[1] For purposes of this notice, a fishery is defined as one or more stocks of fish, including tuna, and shellfish which are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, Gulf of Mexico groundfish, etc.

b. Demonstrate the use of high fat fish, such as mackerel, in surimi and minced fish products.

c. Design, test, and/or demonstrate various types of fishing gear which will enhance conservation measures by reducing by-catch of juveniles and non-target species and expand existing conservation engineering efforts.

2. *Atlantic Demersal Finfish.* Projects funded in FY 87 focused on developing equipment for processing spiny dogfish offshore and analyzing the feasibility for developing a new product from sea urchins.

In FY 88, priority will be given to projects which:

a. Evaluate the technical and economic feasibility of shifting fishing efforts to other species, such as the hakes and mackerel, and resolving associated problems.

b. Develop gear and/or techniques which will contribute to the conservation and management of fish stocks. Develop/demonstrate gear to replace other gear types deemed to be inconsistent with conservation and management goals. This may include analyses of the costs to the industry associated with changing to new gear.

3. *Coastal, Estuarine and Great Lakes Fisheries.* Projects funded in FY 87 focused on evaluation of Omega-3 fatty acids from 12 Lake Superior fishes; continued investigations in characteristics and utilization of wastes from ocean quahog and surf clam processing plants; developing the carp fishery; and developing a program to redirect recreational effort to underutilized species.

Priorities for FY 88 funding will focus on projects which:

a. Develop and/or demonstrate fishing gear which increases survival of fish taken in catch-and-release marine recreational fisheries; this effort may include possible educational materials.

4. *General.* Projects funded in FY 87 include development of a fishing vessel training center; developing a grade A specification for extending the shelf-life of selected Mid-Atlantic species; and improving the safety and quality of raw bivalve shellfish. In addition, continued support was given for research involving fish waste resource recovery.

The following FY 88 priorities pertain to all Northeast fisheries:

a. Conduct analyses to evaluate foreign trade barriers which effectively impede U.S. companies from penetrating the export market for fishery products, particularly underutilized species. Trade analyses should also address demand for underutilized species, such as the hakes, ocean pout, skate and mackerel.

b. Develop uniform testing and reporting standards for contaminants in fish and shellfish in the Northeast Region.

c. Develop Grade A standards for important seafood products where these standards are currently lacking.

d. Continue development of vessel safety education courses for fishermen, including accident prevention as well as what to do when an emergency occurs. Provisions for bringing the training to the fishing ports should be included to assure maximum educational opportunities.

B. Southeast Region

Both commercial and recreational projects should be concentrated on shifting current harvesting activity from fully or over utilized fisheries to alternate fisheries, or should contribute to solutions for the specific problem areas identified in the following sections. Proposals should contain appropriate economic analysis where the output's applicability and priority depend upon the product, process, or concept being economically viable.

1. *Latent/Underutilized Southeast Resources.* Projects funded in FY 87 focused on gear education and safety; handling techniques for stone crabs; evaluation of catfish lipid content and properties; resolving user conflicts between recreational and commercial users; evaluation of processing technology; development of the butterfish fishery; analysis of tariff and non-tariff trade barriers; evaluation of foreign shrimp aquaculture impacts; development of product quality guidelines; evaluation of the international competitiveness of the fish meal and oil industry with respect to foreign trade barriers; development of a program to increase demand for underutilized species; analysis of commercial/recreational user conflicts in Puerto Rico and the U.S. Virgin Islands; and evaluation of pelagic fishing practices in the U.S. Virgin Islands.

For FY 88, the priority areas of consideration include the following. (Priorities b. and c. may include menhaden to the extent projects address the use of menhaden for human consumption.)

a. Proposals which lead to the development of the coastal herrings complex or other underutilized demersal or pelagic species. Emphasis can be on production, processing, distribution or some combination of these.

b. On-board care of seafood. Studies in this area can address improved handling, sorting and storage of seafood. The studies can address quality, cost-savings, overall efficiency, methods for live release of unwanted sizes or species or other worthy objectives.

c. Develop and/or adapt processing technology to improve product value or reduce processing costs.

d. Program to identify or encourage the development of underutilized recreational species. This work should expand and build upon existing and ongoing research.

2. *Shrimp.* A project was funded in FY 87 to address the problems associated with adoption of trawl efficiency devices by shrimp vessels.

In FY 88 funding priority will be given to proposals designed to provide for the testing and evaluation of alternative trawl efficiency devices (TED's) or to accelerate their rate of adoption. Proposals should complement and not duplicate current efforts in this area, (e.g. those of the Gulf and South Atlantic Fisheries Development Foundation, NMFS and Sea Grant).

3. *Molluscan Shellfish.* Funded in FY 87 were projects to evaluate shellfish sanitation indicators; develop a shellfish sanitation program, evaluate systems for removal (depuration) of Hepatitis A virus in shellfish; and develop a system to classify Louisiana shellfish growing areas.

In FY 88 priority will be given to proposals which address quality and safety issues in molluscan shellfish. All proposals in this area must demonstrate knowledge of relevant past and current research. Specifically, proposals should:

a. Provide for more uniformity in regulations and practices among States.

b. Improve sampling protocols.

c. Identify critical control points during handling and/or address problems related to the recreational harvesting of shellfish and crustaceans.

d. Improve handling of shellstock by examining current practices (e.g., depuration) and the extent of shell breakage/contamination.

e. Study application of nucleic acid probes and various immunological techniques to measure and detect pathogenic viruses.

f. Study improved microbiological standards by defining the relationship between *Escherichia coli* concentrations in shellfish and their growing waters and which would also evaluate the conditions for and rate of growth of *E. coli* in shellfish and their harvest waters.

4. *General.* The following priorities pertain to all Southeast fisheries:

a. Gear selectivity. Proposals will be entertained for gear development and/or fishing strategies to eliminate unwanted by-catch, including unwanted

sizes or species. The proposals can be for any fishing gear including various trawls, nets, pelagic or bottom or longlines and traps.

b. Studies to resolve user conflicts. A current barrier to orderly development of commercial and recreational fisheries is a growing set of user conflicts, technological, biological and ecological, involving access to and use of the fishery resources of the Gulf and South Atlantic. Proposals are encouraged which provide innovative approaches to the resolution of such conflicts. Proposals must demonstrate knowledge of past and ongoing research in this area.

c. Trade barrier identification. Proposals should either identify existing tariff and non-tariff trade barriers to the export of fisheries products or provide for methodologies to discover such barriers affecting commercial and recreational fisheries. Proposals can also include an analysis of the impact of trade barriers.

C. Southwest Region

The Southwest Region is comprised of two distinct geographic areas—the U.S. Pacific Islands and three mainland states (California, Nevada, and Arizona). The island fisheries differ significantly in many instances from the mainland fisheries. Accordingly, we have established a list of proposed funding priorities for each of these geographic areas.

1. Pacific Islands

Projects funded in FY 87 provide for development of infrastructure in Kosrae State, investigation of the causes and detection of fish poisons in the Federated States of Micronesia (FSM), experimental fishing for tuna in the FSM and the Commonwealth of the Northern Marianas Islands, development of an educational program for reseeding of giant clams in Guam and the FSM, feasibility of developing sport-fishing in Guam and the FSM, development of an alternative product from out-graded tuna in Hawaii, and development of the sea cucumber fishery in the FSM.

In the Pacific Islands, priority consideration will be given in FY 88 to projects which contribute to the fishery development goals of Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau. High priority will be given to proposals with regional benefits. All proposals should be consistent with the cultural and social values of Pacific island communities.

Proposals which address problems in the following areas will be given priority for funding in FY 88.

a. *Tuna.* Investigate techniques for improving the yield of sashimi-quality tuna in Pacific Island areas. Particular attention should be given to product quality control and trade requirements and opportunities.

b. *Other Pelagic Species.* Projects related to other oceanic pelagic species (e.g., mahimahi, wahoo, billfish, shark) should focus on trade opportunities and requirements in local and foreign markets. Proposals that will investigate product quality, improved handling, processing and storage methods will be given consideration.

c. *Recreational Fisheries.* Proposals designed to inventory key resources, assess the feasibility, opportunities and identify strategies for the development of sport fishing in the Western Pacific will be given strong consideration. Such development should be consistent with local economic development priorities.

d. *Vessel Support Services and Facilities.* Proposals for feasibility studies and for the design, engineering and construction of needed fishing vessel support services and facilities (e.g., launch ramps) will be considered. Proposals should demonstrate a need by local fishermen.

e. *Bottomfish.* Proposals to analyze trade patterns of local and domestic markets and to expand trade opportunities will be given high priority. In addition, further work on the detection, prevention, characterization and understanding of fish toxicity, such as ciguatoxin and scombratoxins will be given strong consideration. Proposals that involve the assessment of the economic and production feasibility of deep water shrimp fisheries will also be given consideration.

f. *Fishing Vessel Safety.* The use of small-scale fishing vessels in the Island areas involves several unique fishing vessel and crew safety considerations. Proposals that analyze, assess and seek to find ways to improve fishing vessel and crew safety will be given consideration.

g. *Fish Aggregation Devices (FADs).* New information and data on FADs indicate that improvements in cost effectiveness can be made over earlier mooring design and deployment strategies. Therefore, proposals related to FAD's will be considered, particularly those that will investigate FAD material, design and productivity.

2. Mainland (California, Nevada, and Arizona)

a. *General.* In FY 87 in this category the NMFS funded a proposal to investigate improved fishing vessel safety and productivity through remote sensing.

In 1988, general emphasis will be given to research and development activities which will support the continued growth and or maintenance of the region's industry. Priority will be given to proposals that:

(1) Analyze and assess the projected and real effects of the implementation of the Safe Drinking Water and Toxics Enforcement Act of 1986 (otherwise known as Proposition 65), and develop methods to comply and ameliorate any impacts on the West Coast seafood industry;

(2) Determine the economic impact of trade barriers and foreign subsidies on the competitiveness of specific regional seafood products in U.S. domestic and world markets;

(3) Investigate methods and technology to utilize or dispose of the byproducts of seafood processing;

(4) Develop strategies to improve the safety of fishing vessel and crew safety, as well as shoreside processing workers;

(5) Investigate improved processing technology for species of commercial importance;

(6) Investigate methods to improve product quality assurance and control technologies from the net to the table;

(7) Analyze the design, placement, habitat value and productivity of artificial reefs.

b. *West Coast Groundfish.* In FY 87 the NMFS funded proposals to complete an economic assessment of commercial fisheries; and investigate alternative fishing gears and strategies to reduce the incidental mortality of marine mammals, endangered species and seabirds.

In FY 88 priority consideration will be given to projects which:

(1) Evaluate trade opportunities for key species and identify impediments to trade expansion;

(2) Investigate technologies for using underutilized West Coast species commercially, such as Pacific whiting and short belly rockfish;

(3) Develop, demonstrate and evaluate innovative fishing techniques that minimize conflict between fisheries, reduce mortality of fully utilized species and reduce incidental mortality of seabirds and marine mammals;

(4) Examine methods and techniques to improve product quality.

c. *Tuna.* Priority in FY 88 will be given to proposals that:

(1) Demonstrate factors (seasonality, quality, regulations, trade barriers, etc.) that influence or impede the flow of

fresh (including sashimi-quality) tuna in export and domestic trade;

(2) Investigate and identify cost-effective technology for producing alternatives to canned tuna;

(3) Develop effective utilization of sport-caught tuna.

d. *West Coast Pelagics.* In FY 87 the NMFS funded proposals to improve the use of sport-caught marine fishes and to conduct an economic assessment of recreational fisheries.

Priority in FY 88 will be given to projects that:

(1) Develop technology for new or improved product forms, such as surimi, for species such as sardines and mackerel.

(2) Develop or expand recreational fisheries for underutilized pelagic species.

D. Northwest Region

The Northwest fishing industry requires a research and development program which focuses on fully utilizing groundfish found in the Exclusive Economic Zone (EEZ) off Oregon, Washington and Alaska. The Region's industry is heavily dependent on the resources found in the EEZ off Alaska, and therefore will also invest in projects of high quality which support this segment of the industry.

1. *West Coast Groundfish (Oregon, Washington and Alaska).* The NMFS funded projects in FY 87 that were to: Evaluate the feasibility of surimi production from whiting; analyze Pacific whiting parasite problems; demonstrate processing technology of North Pacific flatfish; evaluate the international competitiveness of the Northwest fishing industry; analyze the options for controlling fishing effort in the Northeast Pacific; evaluate the effectiveness of a voluntary safety program; and conduct vessel and plant safety training for a factory trawler.

The FY 88 priorities outlined below will focus on research and development activities which will support the continued growth of the Region's industry. Groundfish species in need of further development include the following: pollock, whiting, shortbelly rockfish, and assorted flatfish found in the EEZ.

a. Develop new or improved processing and harvesting technologies which increase efficiency, productivity, and competitiveness of the Region's industry. Specific projects may:

(1) Develop improved technology to more efficiently process flatfish.

(2) Develop and evaluate new gear technology and selectivity strategies which reduce the bycatch of prohibited and incidental species and improve gear efficiency.

(3) Continue development of technology to detect and remove bone and parasites found in groundfish.

(4) Research the incidence, location, and transmission of various parasites found in groundfish and develop fishing strategies to avoid heavily infested stocks.

(5) Develop and adapt harvesting, processing, and packaging technologies to improve quality of fresh and frozen seafood.

(6) Demonstrate and refine technologies required to develop surimi from Pacific whiting.

(7) Continue collection and analysis of data describing the current progress in achieving full utilization of groundfish resources in the North Pacific EEZ for the purpose of assisting capital investment decisions by American harvesters, processors, and marketers.

b. Develop and evaluate waste utilization technologies which process fish waste into marketable products for both shoreside and at-sea operations. Taking into account the work that has been done to date under the S–K program, specific proposals may:

(1) Review present waste utilization operations to determine potential research and development needs.

(2) Demonstrate technologies or systems which have practical application for individual plants or at-sea operations.

(3) Investigate the potential uses of groundfish as a hydrolyzate or aquaculture feed. (Proposals must build on past and on-going work in this area.)

c. Continue data collection and analysis which assists industry in overcoming trade barriers and provides useful information in formulating trade strategies. Specific proposals may:

(1) Determine the volume and impact of foreign processed EEZ species on the competitiveness of the Northwest industry in domestic and world markets;

(2) Determine the economic impact of trade barriers and foreign subsidies on U.S. competitiveness in domestic and world markets.

d. Continue development of a safety training program for fishing vessels and processing plants that assists in reducing accidents, injuries, and insurance costs.

2. *Marine Recreational Fisheries.* In FY 87 the NMFS funded a project to inventory the marine recreational fishing industry in the Northwest.

The following priorities for FY 88 apply to the range of fisheries utilized by the marine recreational fisheries community. Specific projects may:

a. Examine the levels of mortality related to hook design and release practices.

b. Develop and analyze primary data on demand for marine recreational fishing services, facilities, and resources to further develop the MRF industry.

E. Alaska Region

1. *Alaska Groundfish.* Projects funded in FY 87 address surimi processing efficiency and product quality; efficiency of processing with respect to by-products and alternative uses of processing by-products; development of flatfish harvesting and processing technology; expansion of marine safety training for the Alaska groundfish small boat fleet; and methods to minimize incidental catch of cod trawls.

Proposals which address impediments to full use of Alaska groundfish in the following areas will be given priority for funding in FY 88.

a. By-catch utilization and/or avoidance is an area of extensive and growing importance as the fisheries off Alaska become more domestic. Specific requirements in this area include:

(1) Development of new or application of existing technology for the avoidance of taking unwanted or prohibited species.

(2) Development of handling and processing technology for improved utilization of by-catch.

(3) Establishment of quality guidelines for products evolving from by-catch.

(4) Conduct of education and technology transfer activities for by-catch information.

b. Projects that continue the education and training of vessel operators and crew members in on-board safety.

c. Product quality and processing line efficiency projects designed to reduce operating costs and improve product quality. Examples of specific problem areas for which proposals are solicited include:

(1) The application of existing, or development of new technology for the detection and removal of parasites in finished products.

(2) Refinements to inplant handling of flatfish, including sorting and grading of mixed species deliveries.

(3) Improvement in the number and quality of products evolving from the waste streams of floating and shoreside processing plants.

(4) Understanding seasonal variations in the flesh characteristics and quality of various groundfish species.

d. Projects that develop resource profile information and analyze the commercial potential of underutilized species. Non-target species, such as

capelin or arrowtooth flounder, are the focus of this priority.

e. Studies that identify and analyze barriers to the expansion of trade within specific markets for domestically produced fisheries products.

F. National

In FY 87, the NMFS funded national projects which address issues cross-cutting a number of fisheries and regions. Specifically, NMFS funded projects which address strategies to reduce fishing vessel insurance costs and improve vessel safety; conduct feasibility studies for marketing councils for: (1) Clams, oysters and mussels, (2) Atlantic mackerel, and (3) West-Coast species; estimate and forecast economic activity associated with commercial fishing; assess the chemical, physical and magnetic techniques available for marking fishing gear; evaluate a waterjet system for efficiency in removing fish flesh from the fish frame; evaluate the use of potassium sorbate and lactic acid bacteria to reduce the sodium chloride requirements for inhibition of botulism toxin production in smoked fish; analyze the worldwide effect of salmon farming on U.S. domestic and export markets; describe the movement of fresh and frozen seafood products from domestic harvesting through processing, identifying critical control points as a part of a continuing program to establish a comprehensive seafood surveillance system for the U.S. industry; conduct investigations to determine the nutritional equivalency of surimi with natural seafood products; survey the current and potential use of recreational and commercial fishing vessels for wildlife and habitat observations.

In FY 88 consideration will be given to proposals which address the following areas:

1. Develop cost effective methods to comply with prohibition of at-sea disposal of plastics and other wastes.

2. The safety of shellfish has been identified by industry as a primary consumer concern. Shellfish products pose a special health risk because the harvest areas are subject to contamination from viruses, pathogenic microorganisms, chemical and other toxic materials; and many are eaten raw. To address this problem, there is a need for research in the following areas:

a. Determine acceptable irradiation levels to ensure safe production and use of shellfish products. Research should include development of necessary data required by FDA to establish new irradiation standards.

b. Determine the operating parameters for the depuration of shellfish focusing on viruses, but not excluding chemicals.

c. Develop rapid methods to identify the presence of rotovirus contamination of shellfish.

d. Conduct a survey to determine the incidence and/or levels of *Listeria monocytogenes* contamination in shellfish.

3. In the interest of maintaining product safety and integrity, the means need to be established by which to identify geographic origin of fishery products and maintain their identity from point of harvest through the distribution chain to the consumer. To address this problem, an evaluation of existing of and potential techniques to identify the origin of fish and shellfish in the U.S. market is required. Proposals should include an analysis of the techniques and economic feasibility of each system.

4. Coordinate the development of regional vessel safety and insurance programs. Efforts should focus on expanding existing safety programs to Atlantic and Gulf coast fisheries. The collection of casualty data should be incorporated in all proposals.

5. The development of a model seafood surveillance program based on Hazard Analysis Critical Control Points (HACCP) was initiated in 1987 and focused on the processing of seafood products. To complete this program, research is needed in the following areas:

a. Identify critical control points and recommend methods and tolerances to ensure the production and distribution of safe, wholesome, and properly labeled fishery products with primary focus on harvesting, importing, distribution, and retail operations. Technical research needed to develop associated methods and tolerances should reflect recommendations identified in HACCP industry workshops. Information on ongoing efforts and quality and safety issues identified at HACCP workshops on processing operations to date will be provided by NMFS to interested parties.

b. Design, conduct, and document a total economic analysis of the results of a model seafood surveillance program as developed and supplied by the National Marine Fisheries Service that is based throughout on the HACCP concept. The analysis is to address those controllable processes, from harvesting to retailing, in which seafoods may be subjected to hazards that compromise their safeness, quality, and wholesomeness, or that may be associated with economic malpractices.

6. Undertake an evaluation of the available methodologies and literature on the valuation of sport and commercial fisheries. If needed, develop a concensus, and prepare guidelines for adoption by NMFS of the applicable methodologies to allocate fishery resources between user groups. Prepare a demonstration project using the agreed upon method.

7. Identify marine recreational fishing industry concerns in international trade negotiations, in particular for the Uruguay round of GATT negotiations; and to specifically identify products and services that are sensitive to import competition. Information on recent efforts will be provided by NMFS to interested parties.

8. Considering that the U.S. is becoming the world's leading exporter, evaluate the suitability of using the recommended Codex standards for seafood commodities as a basis for settling trade issues related to standards at the Uruguay round of GATT negotiations. Statistically sample domestically produced and imported products marketed in the U.S. and test such products for conformance with the Codex standards; develop a technical data base that may be used to support positions to adopt, modify or reject such standards for purposes of trade.

III. How To Apply

A. Eligible Applicants

Applications for grants or cooperative agreements for fisheries development projects may be made, in accordance with the procedures set forth in this notice by:

1. Any individual who is a citizen or national of the United States;

2. Any individual who is a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under Section 8 of the Schedule on Transitional Matters attached to the Constitution of the NMI;

3. Any corporation, partnership, association, or other entity, non-profit or otherwise, if such entity is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 as amended (46 U.S.C. 802).[2]

[2] To qualify as a citizen of the United States within the meaning of this statute, citizens or nationals of the United States or citizens of the NMI must own not less than 75 percent of the interest in the entity or, in the case of a non-profit entity, exercise control of the entity that is determined by the Secretary to be equivalent to such ownership; and in the case of a corporation, the president or other chief executive officer and the chairman of the board of directors must be citizens of the United States, no more of its board of directors than a minority of the number necessary to constitute a quorum may be non-citizens; and the corporation itself must be organized under the laws of the United States, or of a State, including the District of Columbia, Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States.

Continued

No individual or organization that is in arrears on any outstanding debt to the U.S. Department of Commerce will be considered for funding. Successful applicants for S–K funding, at the discretion of the NOAA Grants Officer, may be required to have their financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. Any first time applicant for Federal grant funds may be subject to a preaward accounting survey by the Department of Commerce prior to execution of the award. The NMFS encourages women and minority individuals and groups to submit applications. NOAA employees including full, part-time, and intermittent personnel, (or their immediate families) and NOAA offices or centers are not eligible to submit an application under this solicitation, or aid in the preparation of an application, except to provide necessary information or guidance about the fisheries development and utilization program and the priorities and procedures included in this solicitation.

B. Amount and Duration of Funding

For FY 88, the NMFS may have an estimated $7.9 million available to fund new fishery research and development projects. Grants or cooperative agreements will be awarded for a period of one to three years.

To qualify as a multi-year award, a project must, in addition to the criteria elaborated under "Administrative Requirements" and other applicable sections, meet the following criteria: (1) The technology to be developed must require more than a single year to research, develop and demonstrate; (2) The products or services to be developed require more than a single year to research, design and demonstrate and/or market; (3) Single year funding would otherwise result in *significant* discontinuity in project implementation; (4) Projects must indicate complete objectives, tasks, or products for the end of each funding cycle. The burden of proof for meeting these criteria rests with the applicant. No projects will be funded beyond three consecutive years. Once approved, multi-year projects will not compete for funding in subsequent years. For multi-year projects, funding beyond the first year will be contingent on the availability of new fiscal year program funds and the extent to which project objectives were met during the prior year.

Publication of this announcement does not obligate NMFS to award any specific grant or to obligate any part or the entire amount of funds available. Funding for successful applications generally will be approved by September 30, 1988.

C. Cost-Sharing Requirements

The NMFS must provide at least 50 percent, but will provide no more than 80 percent of total project costs. Total project costs are defined as those approved by NMFS in the project award. The non-Federal share may include funds received from private sources or from State or local governments or the value of in-kind contributions. Federal funds may not be used to meet the non-Federal share of matching funds. In-kind contributions are noncash contributions provided by the applicant or non-Federal third parties. In-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project.

The percentage of the total project costs provided from non-Federal sources, not to exceed 50 percent of the costs of the project, will be an important factor in the selection of projects to be funded. Exemption from cost-sharing requirements may be granted in unusual circumstances only to a non-profit, public interest organization which demonstrates in its application that it lacks financial ability to meet cost-sharing requirements, and to government institutions in American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, Puerto Rico and the U.S. Virgin Islands. In the case of American Samoa, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, under the provisions of 48 U.S.C. 1469a.(d), any requirement for local matching funds under $200,000 (including in-kind contributions) shall be waived. The total project costs and the percentage of cost-sharing required will be determined as described below.

1. Determining Total Project Costs

The total costs of a project consist of all costs incurred in the performance of project tasks, including the value of the in-kind contributions, to accomplish the objectives of the project during the period the project is conducted. A project begins on the effective date of a grant, cooperative agreement, or contract award between the applicant and an authorized representative of the United States Government and ends on the date specified in the award. Accordingly, the time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to award, are neither reimbursable nor recognizable as part of the recipient's cost share.

The NMFS will determine the appropriateness of all cost-sharing proposals, including the valuation of in-kind contributions, on the basis of guidance provided in Office of Management and Budget (OMB) Circulars. In general, the value of in-kind services or property used to fulfill the cost-sharing requirements will be the fair market value of the services or property. Thus, the value is equivalent to the costs of obtaining such services or property if they had not been donated. Appropriate documentation must exist to support in-kind services or property used to fulfill cost-sharing requirements.

2. Determining the Level of Cost Sharing Required

The percentage of the total project costs that must be provided from non-Federal sources follows.

a. *20 percent:* For projects that would benefit the general public as well as the fishing industry but offer no unique advantage to specific industry sectors, the non-Federal cost share will be no less than 20 percent of the total project cost. These projects would ordinarily involve research on the safety of fishery products or other activities for which members of the fishing industry would not necessarily receive direct benefits.

b. *30 percent:* For projects that contain economic risks which prevent an individual or group within the fishing industry from undertaking them without assistance, the non-Federal cost share will be no less than 30 percent of the

---

Guam, the NMI or any other Commonwealth, territory, or possession of the United States. Seventy-five percent of the interest in a corporation shall not be deemed to be owned by citizens or nationals of the United States or citizens of the NMI, if: (i) The title of 75 percent of its stock is not vested in such citizens or nationals of the United States or citizens of the NMI free from any trust or fiduciary obligation in favor of any person not a citizen or national of the United States or citizen of the NMI; (ii) 75 percent of the voting power in such corporation is not vested in citizens or nationals of the United States or citizens of the NMI; (iii) through any contract or understanding it is arranged that more than 25 percent of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen or national of the United States or a citizen of the NMI; or (iv) by any means whatsoever, control of any interest in the corporation is conferred upon or permitted to be exercised by any person who is not a citizen or national of the United States.

total project cost. Most applications will be in this category.

c. *40 percent:* For projects which involve significant fishing industry participation, entail a limited risk, and in which the prospects for immediate future gain for the project are significant, the non-Federal cost share will be no less than 40 percent of the total project cost.

D. Format

Applications for project funding must be complete. They must identify the principal participants and include copies of any agreements between the participants and the applicant describing the specific tasks to be performed. Applications must identify the specific priorities to which they are responding. If an application is not in response to a priority, it should be so stated. Applicants should not assume prior knowledge on the part of the NMFS as to the relative merits of the project described in the application. Applications must be clearly and completely submitted in the following format:

1. *Cover Sheet.* An applicant must use OMB Standard Form 424 as the cover sheet for each project within an application. Applicants may obtain copies of the form from the NMFS Regional Offices, NMFS Washington Office or Department of Commerce Regional Administrative Support Centers (RASC); addresses are listed under the "Application Submission and Deadline" section which follows.

2. *Project Summary.* Each project within the application must contain a summary of not more than one page which provides the following information:

a. Project title.

b. Project status: (new or continuing)

c. Project duration: (proposed beginning and ending dates)

d. Name, address, and telephone number of applicant.

e. Principal Investigator(s).

f. Specific priority(ies) to which project responds.

g. Project objective.

h. Summary of work to be performed. For continuing projects the applicant will briefly describe progress to date in addition to work proposed with the additional funds.

i. Total Federal funds requested (initial and total amount and percentage of total project costs).

j. Project costs to be provided from non-Federal Government sources (initial and total amount and percentage of total project costs).

k. Total project costs.

3. *Project Description.* Each project within the application must be completely and accurately described. Each project description may be up to fifteen pages in length. The NMFS will make all portions of the project description available to the public and members of the fishing industry for review and comment; therefore, NMFS will *not* guarantee the confidentiality of any information submitted as part of any project nor will NMFS accept for consideration any project requesting confidentiality of any part of the project. Each project must be described as follows:

a. *Identification of Problem(s).* For new projects, identify and completely describe the problem(s) the project addresses. In this description, include: (1) The fisheries involved, (2) the specific problem(s) that the fishing industry has encountered, (3) the sectors of the fishing industry that are affected, (4) the specific priorities to which the proposal responds, and, (5) how the problem(s) prevent the fishing industry from developing a fishery or using existing fishery resources. If the application is for the continuation of an existing S–K funded project, describe progress to date and explain why continued funding is necessary.

b. *Project Goals and Objectives.* State what the proposed project will accomplish and describe how this will eliminate or reduce the problem(s) described above. For multi-year projects, describe the ultimate objective of the project and how the individual tasks contribute to reaching the objective. Describe the time frame in which tasks would be conducted.

c. *Need for Government Financial Assistance.* Explain why members of the fishing industry cannot fund all the proposed work. List all other sources of funding which are or have been sought for the project.

d. *Participation by Persons or Groups Other Than the Applicant.* Describe (1) the level of participation by NMFS, Sea Grant, or other Government and non-Government entities, particularly members of the fishing industry, required in the project(s); and (2) the nature of such participation. In addition, list names and addresses of the members of the fishing industry consulted during the preparation of the project description.

e. *Federal, State, and Local Government Activities.* List any existing Federal, State, or local Government programs or activities, including State Coastal Zone Management Plans, this project would affect and describe the relationship between the project and these plans or activities. List names and addresses of persons providing this information.

f. *Project Outline.* This section requires the applicant to prepare a general narrative fully describing the work to be performed which will achieve the previously articulated goals and objectives. A chart which outlines major goals, supporting work activities, timeframe, and individuals responsible for various work activities must be included.

The narrative should include information which responds to the following questions:

(1) How will the project be structured?

(2) What major products, (e.g., research, services, or activities) will be produced and what is the specific nature of these products?

(3) What supporting work activities (be as specific as possible) will be undertaken to produce major products, services?

(4) Who will be responsible for carrying out various work activities? (Highlight work which will be subcontracted and provisions for competitive subcontracting).

(5) What methodology will be used to evaluate final products or services, and how will it be integrated into the project?

The milestone chart should:

(1) Graphically illustrate the major products, research, services and/or activities,

(2) Supporting work activities and associated timeline; and

(3) The individual responsible for various work activities.

Because this information is critical to understanding and reviewing the application, NMFS encourages applicants to provide as much detail as possible. Applications lacking sufficient detail may be eliminated from further consideration.

g. *Project Management.* Describe how the project will be organized and managed. List all persons, directly employed by the applicant, who will be involved in the project, their qualifications, experience, and level of involvement in the project. If any tasks will be conducted through subcontracts, applicants must follow procurement standards guidance in OMB Circular A–102 for State and Local Governments, Indian Tribes, and Attachment O to OMB Circular A–110 for Institutions of Higher Education, Hospitals, and other Non-profit Organizations. If a subcontractor is chosen prior to application submission, the process used must be documented.

h. *Project Impacts.* Describe the impact of the project in terms of

anticipated increased landings, production, sales, exports, product quality, safety, or any other measurable factors. Describe the specific products or services that will be produced by this project. Describe how these products, services and results of the project will be made available to the fishing industry.

i. *Evaluation of Project Impacts.* The procedures for evaluating the relative success or failure of a project in achieving its goals should be clearly delineated within each proposal. It is the responsibility of applicants to identify the best methodology for evaluating project effectiveness.

Evaluation procedures in each proposal should at a minimum contain the following:

(1) The project objectives should be stated in a substantive, measurable way.

(2) Specific methods should be defined that will be used to (a) monitor the progress of the project according to dated milestones, and (b) evaluate the accomplishments of the project in terms of its original goals and objectives.

(3) The benefits of the project should be clearly defined. Depending on the nature of the benefits, the evaluation methodology should be able to accurately assess the benefits. For example, if statistical procedures are to be used, their specific application and use in the project evaluation should be described.

(4) Where benefits might be termed "intangible," methods should be defined to measure results. For example, in the case of safety programs will follow-up surveys be conducted to correlate potential reductions in accident rates?

j. *Project costs.* The applicants must submit cost estimates showing total project costs as well as the Federal and non-Federal shares. No cost sharing can come from another Federal source. Applicant's matching costs are to be divided into cash and in-kind contributions. A separate budget must be submitted for each project within an application. For multi-year projects, funds will be provided as specified tasks are completed. Therefore, an applicant submitting a multi-year project must submit two budgets—one covering total project costs (including individual outyear costs) and one covering the initial funding request for the project. The initial funding request should cover funds required during the first 12-month period. To support its budget the applicant must describe briefly the basis for estimating the value of the matching funds derived from in-kind contributions. Estimates of direct costs must be specified in the categories listed below. The budget may also include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal Government. Estimated indirect costs may be included pending approval of a negotiated Federal indirect cost rate. The applicable Grants Officer listed in Section E will assist prospective applicants in obtaining a negotiated Federal indirect cost rate, if appropriate.

(1) *Personnel.* (a) Salaries (by position title) of recipient employees and amount for the project. Also, identify percent of person's time spent on the project.

(b) Fringe Benefits (amount only). This entry should be the proportionate cost of fringe benefits paid for amount of time spent on the project. For example, if an employee spends 20 percent of his/her time on the project, 20 percent of his/her fringe benefits should be charged to the project.

(2) *Consultants.* Identify specific tasks and work to be performed by consultants.

(3) *Contracts.* Identify all work to be completed by contract. If a commitment has been made prior to application for funding to contract with a particular vendor, explain how the vendor was selected, type of contract, deliverables expected, time frame, and cost. All contracts must meet the standards established in OMB Circulars.

(4) *Travel and Per Diem.* Identify number of trips to be taken, purpose, and number of people to travel. Itemize estimated costs to include approximate cost of transportation, per diem, and miscellaneous expenses. Registration fees should be included.

(5) *Equipment and Furniture.* Identify items of equipment/furniture purchases or rental costs with the intended use.

(6) *Supplies.* Identify specific supplies necessary for the accomplishment of the project. Consumable office supplies may be included under Indirect Costs unless purchased in a large quantity to be specifically used for the project.

(7) *Indirect Costs.* This entry should be based on the applicant's established indirect cost rate with the Federal Government. Estimates may be included pending approval of a negotiated Federal indirect cost rate.

(8) *Other Costs.* Identify any specific costs that are only applicable to the project.

4. *Project Consolidation.* Applicants may submit two or more projects under one proposal but must identify estimated project costs and budgets separately for each individual project. As a result, the amount of administrative funds provided will be based on the actual number of projects funded.

5. *Supporting Documentation.* This section should include any required documents and any additional information necessary or useful to the description of the project. The amount of information given in this section will depend on the type of project proposed. The applicant should present any information which would emphasize the value of the project in terms of the significance of the problems addressed. Without such information, the merits of the project may not be fully understood, or the value of the project to fisheries development may be underestimated. The absence of adequate supporting documentation may cause reviewers to question assertions made in describing the project and may result in a lower ranking of the project. Reviewers will not necessarily examine all material provided as supporting documentation except where sufficient detail is lacking in the project description to properly evaluate the project. Therefore, information presented in this section should be clearly referenced in the project description, where appropriate.

E. Application Submission and Deadline

1. *Deadline.* The NMFS will accept applications for funding under this program between March 28, 1988 and May 27, 1988. An application will be accepted if the application is received by any of the offices listed below on or before May 27, 1988.

2. *Submission of Applications to NMFS Reviewing Offices.* Applicants must submit one signed original and two (2) copies of the complete application. *Applications are not to be bound in any manner.*

a. Applications relating to a specific fishery or a particular region should be submitted to the appropriate NMFS Regional Office as specified below:

Northeast Region (Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota):

Regional Director, National Marine Fisheries Service, P.O. Box 1109, Gloucester, MA 01930, Telephone No: (617) 281-3600.

Southeast Region (North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, New Mexico, Oklahoma, Arkansas, Tennessee, Kentucky, Missouri, Kansas, Nebraska, Iowa, Puerto Rico, Virgin Islands):

Regional Director, National Marine Fisheries Service, Duval Bldg., 9450

Koger Blvd., St. Petersburg, Florida 33702, Telephone No: (813) 893–3142.

Southwest Region (California, Hawaii, Nevada, Arizona, American Samoa, Guam, Trust Territory of Pacific Islands, Northern Mariana Islands):
Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Telephone No: (213) 548–2575.

Northwest Region (Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota):
Regional Director, National Marine Fisheries Service, Bin C15700, 7600 Sand Point Way, NE., Seattle, Washington 98115, Telephone No: (206) 527–6150.

Alaska Region (Alaska):
Regional Director, National Marine Fisheries Service, P.O. Box 1668, 709 West Ninth Street, Juneau, AK 99802, Telephone No: (907) 586–7221.

b. Applications addressing national priorities should be sent to:
Director, Office of Trade and Industry Services, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 814, Washington, DC 20235, Telephone: (202) 673–5371.

c. Questions of an administrative nature should be referred to the NOAA Grants Offices listed below.

Northeast:
Eastern Administrative Support Center (EC32), 253 Monticello Avenue, Norfolk, Virginia 23510, Telephone: (804) 441–6646.

Southeast:
Central Administrative Support Center (CC31), Federal Bldg. Room 1758, 601 East 12th Street, Kansas City, Missouri 64106, Telephone: (816) 426–7267.

Northwest/Southwest/Alaska:
Western Administrative Support Center (WC33), BIN C15700, 7600 Sandpoint Way, NE, Seattle, Washington 98115, Telephone: (206) 526–6036.

Washington:
National Capital Administrative Support Center (DC33), NBOC1 Room 106, 11420 Rockville Pike, Rockville, Maryland 20852, Telephone: (301) 443–8574.

IV. Review Process and Criteria

A. Evaluation and Ranking of Proposed Projects

For applications meeting the requirements of this solicitation, NMFS will determine which office should evaluate the proposed work. This will normally be the office where the application is filed.

1. *Consultation with Interested Parties.* The NMFS will evaluate the project(s) contained in the application in consultation with representatives from other Federal Government agencies with programs affecting the U.S. fishing industry, members of the fishing industry, and other fisheries interests, as necessary. The regional and Washington Offices of NMFS will make project descriptions available in the following manner:

a. *Public review and comment.* Regional applications may be inspected at the office to which they are submitted. All applications will be available for inspection at the NMFS Office of Trade and Industry Services, 1825 Connecticut Avenue NW., Room 814, Washington, DC from June 3, 1988 to June 17, 1988. Written comments will be accepted at a regional or the Washington office until June 17, 1988.

b. *Consultation with members of the fishing industry.* The NMFS shall, at its discretion, request comments from members of the fishing industry who have knowledge in the subject matter of a project or who would be affected by a project.

c. *Consultation with Government agencies.* Applications will be reviewed in consultation with NMFS Research Centers and Utilization Laboratories, NOAA Grants/Contracts Offices and, as appropriate, Department of Commerce and other Federal agencies. The Regional Fishery Management Councils will be asked to review proposals which could impact a managed fishery, the by-catch of a managed fishery, or a fishery management issue.

2. *Technical Evaluation.* The NMFS, in consultation with appropriate private and public sector authorities, will conduct a technical evaluation of each project. If an application contains two or more projects, the NMFS will evaluate the projects separately. All comments submitted to the NMFS will be taken into consideration in the technical evaluation of projects. The NMFS will give projects point scores based on the following evaluation criteria:

a. *Problem Description and Project Conceptual Approach Toward Resolution.* Both the applicant's comprehension of the problem(s) and the overall concept proposed to resolve the problem(s) will be evaluated. (20 points).

b. *Soundness of Project Design/Technical Approach.* Evaluated will be whether or not the applicant provided sufficient information to technically evaluate the project and, if so, the strengths and/or weaknesses of the technical design proposed for problem resolution. (25 points).

c. *Project Management and Experience and Qualifications of Personnel.* Evaluated will be the organization and management of the project, the project's personnel in terms of related experience, qualifications, and extent of cooperation with the fishing industry and government throughout the various phases of the project. (15 points).

d. *Project Monitoring and Evaluation.* Evaluated will be the effectiveness of the applicant's proposed methods to track project progress and evaluate the final accomplishments of the project in terms of its original goals and objectives and contribution to fisheries development. (20 points).

e. *Project Costs.* Evaluated will be the justification and allocation of the budget in terms of the work to be performed. Taken into account will be unreasonably high or low project costs, as well as funds requested from S–K which should more appropriately be provided by the applicant. (20 points).

3. *Formal Industry Review.* After the technical evaluation, each reviewing office will solicit comments from the fishing industry, consumer representatives, and others, as appropriate, to rank the projects filed with the office. This review may be carried out by correspondence or involve formal meetings of industry representatives.

Considered in the review, along with the technical evaluation, will be the significance of the problem addressed in the project. The reviewers will rank each project in terms of importance or need for funding, and provide recommendations on the level of funding NMFS should award to each project and the merits and benefits of funding each project.

B. Funding Awards

After projects have been evaluated, the reviewing offices will develop recommendations for project funding. They will submit the recommendations to the Assistant Administrator for Fisheries, who will determine the number of projects to be funded based on the recommendations provided, consistency of projects with the identified fisheries objectives, and the amount of funds available for the program.

The exact amount of funds awarded to a project will be determined in pre-award negotiations between the applicant and NOAA/NMFS program and grants management representatives. The Department of Commerce (DOC) will review all recommended projects and funding before final authority is given to proceed on the project. The funding instrument will be determined

by NOAA Grants Officers. Projects may not be initiated in expectation of Federal funding until a notice of award document is received.

V. Administrative Requirements

A. Obligations of the Applicant

An Applicant must:

1. Meet all application requirements and provide all information necessary for the evaluation of the project.

2. Be available, upon request, in person or by designated representative, to respond to questions during the review and evaluation of the project(s).

3. If a project is awarded, manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

4. If a project is awarded, keep records sufficient to document any costs incurred under the award, and allow access to records for audit and examination by the Secretary, the Comptroller General of the United States, or their authorized representatives.

5. If a project is awarded, submit quarterly project status reports on the use of funds and progress of the project to NMFS within 30 days after the end of each calendar quarter. These reports will be submitted to the individual specified as the Program Officer in the funding agreement. The content of these reports will include, at a minimum, a summary of progress and expenditures to date, including:

a. Description of tasks scheduled and accomplished;

b. Description of actual and scheduled expenditures;

c. Explanation of any differences between actual and scheduled work or expenditures; and

d. Any proposed changes in plans or redirection of resources or activities and the reason therefor.

6. If a project is awarded, submit an orginal and two copies of a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work performed and the results and benefits in sufficient detail to enable NMFS to assess the success of the completed project. The content of the evaluation should include, at a minimum:

a. Description of the original project goals and objectives, and the context in which the project was to benefit the fishing industry. This description should address the following questions:

(1) What were the original project goals and objectives?

(2) To what extent were goals measurable or quantifiable?

(3) Were modifications made to project goals and objectives and, if so, what was the cause for the modifications?

(4) Were the goals and objectives attained? How? If not, why?

b. Description of the specific accomplishments (information, products, or services) of the project and the relationship of these to the project's goals and objectives.

(1) List the specific information, products, or services produced by the project.

(2) Describe the relationship of the products and services to the original project goals and objectives.

(3) Describe the extent to which the products or services meet the needs of the fishing industry.

(4) Describe the value of the products or services by themselves or in concert with other activities.

c. Description of how the project benefited the fishing industry. This description should address the following questions:

(1) To what extent did the industry have access to the products or services produced by the project?

(2) To what extent have the fishing industry and associated infrastructure (universities, financial institutions, etc.) used the project's products or services to satisfy a need or lessen business or other risks?

(3) To what extent are the project's results likely to be used by the industry in the future?

(4) To what extent are project results likely to be used by others in the future to provide benefits to the fishing industry?

d. Description of the specific economic or other benefits the fishing industry received as a result of its use of the products or services of the project or as a result of others using the products or services. This description should address the following questions:

(1) Are clear economic benefits demonstrable?

(a) If economic benefits are demonstrable, how? (e.g. increased landings, production, sale and/or value of fishery products, increased exports, greater vessel or gear efficiency, etc.)

(b) If not, why? (Were the results too intangible? A function of greater elapsed time interval? Other?)

(2) Nature of benefits:

(a) What were the benefits of the project?

(b) Are benefits one-time or continuing?

(c) To what extent are benefits measurable vs. intangible?

(d) Are benefits direct or indirect?

(e) Are the benefits the result of a "negative" finding?

e. Description of the actual need for Federal assistance in the project.

7. If a project is funded by grant or cooperative agreement, an applicant must comply with applicable Office of Management and Budget (OMB) Circulars, and Treasury Circulars. Copies are available from the NOAA Grants Offices listed above.

8. In order for NMFS to assist the grantee in disseminating information, the grantee is requested to submit three copies of all publications (in addition to the Final Report in 6. above) printed with grant funds to the Office of Trade and Industry Services, NMFS, Washington, DC 20235.

9. Any state agency submitting an application for funding is required to complete item 22 on Standard Form 424 regarding clearance by the State Point Of Contact (SPOC) established as a result of Executive Order 12372.

B. Obligations of the National Marine Fisheries Service

The NMFS will:

1. Provide all forms and explanatory information necessary for the proper submission of applications for fisheries development and utilization projects.

2. Provide advice, through the NMFS Office servicing the applicant's area, to inform applicants of NMFS fisheries development policies and goals. Interested applicants are encouraged to contact the NMFS Washington or Regional Offices for clarification or explanation of any information appearing in this notice.

3. Monitor all projects after award to ascertain their effectiveness in achieving objectives and in producing measurable results. Actual accomplishments of a project will be compared with stated objectives.

4. Maintain a mailing list for the annual S–K solicitations. Upon request, interested persons will be placed on the mailing list to receive the FY 88 solicitation at the time it is published in the **Federal Register**.

C. Responsibility of the Grants Officer

The Grants Officer is responsible for the administrative processing of NOAA Federal assistance awards. Questions from the recipient of an administrative nature will be referred to the Grants Officer. The official grant file will be maintained by the Grants Officer who will ensure that OMB, DOC, and NOAA policies are met.

D. Legal Requirements

The applicant will be required to satisfy the requirements of applicable Federal, State and local laws.

VI. Classification

NOAA reviewed this notice in accordance with Executive Order 12291. This notice is not "major" 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 on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

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

Information collection requirements contained in this notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act and have been assigned OMB #0648–0135.

This notice of availability of financial assistance for fisheries research and development projects will also appear in the *Commerce Business Daily*.

(Federal Domestic Assistance Catalogue No. 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements)

Dated: March 23, 1988.

Carmen J. Blondin,

Director, Office of Trade and Industry Services.

[FR Doc. 88–6637 Filed 3–25–88; 8:45 am]

BILLING CODE 3510-22-M

Reader Aids

Federal Register

Vol. 53, No. 59

Monday, March 28, 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, MARCH

6115-6552.....1
6553-6782.....2
6783-6964.....3
6965-7176.....4
7177-7324.....7
7325-7488.....8
7489-7722.....9
7723-7874.....10
7875-8140.....11
8141-8420.....14
8421-8610.....15
8611-8744.....16
8745-8858.....17
8859-9098.....18
9099-9280.....21
9281-9422.....22
9423-9594.....23
9595-9758.....24
9759-9852.....25
9853-10054.....28

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5774.....7323
5775.....7723
5776.....8863
5777.....9420
5778.....9425
5779.....9850

Executive Orders:
12171 (Amended by EO 12632).....9852
12559 (*See* EO 12632).....9852
12587 (Superseded by EO 12629).....7875
12607 (Amended by EO 12627).....6553
12627.....6553
12628.....7725
12629.....7875
12630.....8859
12631.....9421
12632.....9852

Administrative Orders:
Presidential Determinations:
No. 88-11 of Mar. 7, 1988.....9423

5 CFR

595.....8141
630.....7325, 8301, 10036
831.....6555
1620.....10038
1650.....8421

Proposed Rules:
339.....9121
890.....7763

7 CFR

1.....7177
2.....6783, 7877
272.....6556
273.....6556
301.....6783, 6965, 7877
354.....7489
401.....6559, 6561, 6965, 7878, 9099, 9100
413.....9102
420.....9103
421.....6563
422.....6115
424.....6564
428.....6565
438.....6565
440.....9104
448.....6566
452.....6567
455.....6115, 6568
719.....6119
907.....6968, 7328, 7879, 8865
908.....7328
910.....6969, 7490, 7879, 8422, 8866, 9759
917.....6128
925.....6572
927.....7880
946.....8142
948.....8145
959.....7329
982.....8423
984.....9595
985.....6129
989.....9427
1106.....9853
1139.....6916
1240.....8147
1260.....9854
1421.....6131, 8745
1610.....6969
1823.....7330
1900.....7330
1924.....8738
1940.....7330
1941.....8738
1942.....6784
1944.....7178, 7491
1951.....7330
1955.....7330
1962.....7330, 8738
1965.....7330, 7491, 8738
1980.....7330, 8148
2054.....9597
3015.....8034
3016.....8034

Proposed Rules:
28.....9774
51.....7531
52.....7532
58.....9948
252.....7188
401.....6652-6654
449.....6655
800.....8921
917.....8460, 9634
925.....9450
933.....7194
944.....9450
946.....7369
1007.....9635
1030.....8205
1032.....7210
1065.....9636
1106.....6158
1126.....7942
1210.....9637
1425.....7370
1772.....8219
1822.....9318
1823.....9318
1910.....9318
1924.....7532
1941.....9318
1942.....9318
1943.....9318

1944.....9318
1945.....9318
1951.....9318
1955.....9318
1965.....9318

8 CFR

212.....9281
241.....9281
242.....9281
245a.....9274, 9862
274a.....8611
287.....9281
292.....7727

9 CFR

51.....7881
97.....7492
317.....7493
318.....7493
319.....8425
381.....7493

Proposed Rules:

92.....6656, 6791, 8301
307.....8922
350.....8922
351.....8922
352.....8922
354.....8922
355.....8922
362.....8922
381.....8922

10 CFR

2.....9429
4.....6137
15.....6137
19.....6137
20.....6137
21.....6137
50.....6137, 8845, 9430
53.....6137
55.....6137
73.....6137
75.....6137
81.....6137
140.....6137
150.....6137
170.....6137
430.....8304
600.....8034

Proposed Rules:

Ch. 1.....7534
2.....6666
34.....8460
50.....6159, 7534, 8924
73.....7534
430.....7110

11 CFR

Proposed Rules:

102.....6916
106.....6916

12 CFR

4.....6573
21.....7881
29.....7885
30.....7885
34.....7885
310.....7339
545.....6792
561.....6792
563.....6792
563c.....6792
564.....8167
570.....6792
620.....7340
621.....7340
701.....9610
1101.....7340

Proposed Rules:

3.....8550
225.....8500
308.....9406
325.....8500

13 CFR

120.....7343
133.....9611
143.....8034

14 CFR

21.....6793, 7728, 8866
25.....8866
36.....6793, 7728
39.....6793, 6794, 7074, 7346–7348, 7729–7732, 8614, 8615, 8730, 8868–8870, 9284, 9431, 9432, 9864–9866
71.....6140–6142, 6219, 6795, 6796, 6918, 7349–7352, 8172, 8173, 8301, 8616, 9285, 9867, 9868
73.....6796, 7352, 7353, 8173, 8175
75.....9868
95.....6573
97.....6592, 8872
121.....8726
150.....8722, 9726
1216.....9559

Proposed Rules:

Ch. 1.....6830
25.....8742
27.....7479, 9190
29.....7479, 9190
39.....7371–7373, 7764, 7765, 8220, 8633, 8634, 8926–8928, 9322
61.....8368
63.....8368
65.....8368
71.....6160–36162, 6666, 6830, 6832, 7374–7377, 7468, 8635, 8929, 9124, 9323, 9758, 9948, 9949
73.....7377, 7378, 9124
91.....7096, 8930, 9758
107.....9094
121.....8368
133.....9190
135.....7096, 8368, 8930
241.....9653

15 CFR

4.....6972
18.....6797
24.....8034
370.....6143
372.....6143
399.....7733

Proposed Rules:

379.....8221

16 CFR

13.....9104, 9108
1016.....6593

Proposed Rules:

Ch. II.....6833
13.....6667, 9666

17 CFR

1.....7178, 7179
3.....8428
5.....7179
31.....7179
145.....8428
200.....9763
211.....7892
229.....9767
230.....7866, 9767
239.....9767
240.....9767
270.....9767

Proposed Rules:

31.....8932
230.....7870
400.....8598
402.....8598
403.....8598
404.....8598
450.....8598

18 CFR

154.....7495
157.....7503, 8176
284.....7893, 8439
380.....8176
389.....7354

Proposed Rules:

35.....9324
38.....9327
292.....9331
293.....9324
382.....9327

19 CFR

4.....6143, 9285, 9315
6.....9285
10.....9285
18.....9285
24.....9110, 9285
101.....8746
122.....9285
123.....9285
162.....9285

Proposed Rules:

6.....7766
146.....6996

21 CFR

5.....8617
60.....7298
81.....6983
172.....6595
176.....8618
178.....8440
193.....8873, 9433
349.....7076
369.....7076
524.....7504
561.....8873, 9433

Proposed Rules:

182.....8301
201.....8845
349.....6997
356.....8845
357.....7073
369.....8845

22 CFR

40.....9110, 9172
41.....9110, 9172
42.....9110, 9172
135.....8034
303.....8178
601.....9614

23 CFR

655.....8620

Proposed Rules:

659.....7943

24 CFR

44.....8034
85.....8034
111.....8034, 9868
115.....6964
200.....6600, 9869
201.....6922, 8874, 9869
203.....6922, 8626, 8874, 9869
204.....8874, 9869
205.....8874
207.....8874
213.....8874, 9869
215.....6600
220.....8874, 9869
221.....6600, 8874, 9869
222.....9869
226.....9869
227.....9869
231.....8874
232.....8874
234.....6922, 8874, 9869
235.....6600, 9869
236.....6600
237.....9869
240.....8874, 9869
241.....8874
242.....8874
244.....8874
247.....6600
250.....8874
251.....8874
255.....8874
300.....6601
511.....8034
570.....8034
571.....8034
575.....8034
590.....8034
812.....6600
850.....8034
880.....6600
881.....6600
882.....6600, 7734, 8034
883.....6600
884.....6600
885.....8874
886.....6600
888.....8888
904.....6600
905.....6600, 8034
912.....6600
941.....8034
960.....6600
968.....8034
970.....8034
990.....8034
3280.....6600

Proposed Rules:

888.....9950

25 CFR

176.....6145

26 CFR

1.....6602, 6603, 6614, 6670, 6800, 7504, 8302, 8747, 9726, 9870
5h.....6146

26 ... 8441
26a ... 8441
41 ... 6625
48 ... 6518, 8302
51 ... 6626
55 ... 6146
602 ... 6146, 6518, 6603, 6614, 6770, 6800, 7504, 8441, 9870

Proposed Rules:
1 ... 6670, 6681, 8773, 9951
26 ... 8469
26a ... 8469
48 ... 6524
602 ... 8469

27 CFR
9 ... 9768
25 ... 8626

Proposed Rules:
4 ... 9775

28 CFR
0 ... 9435
9 ... 9614
16 ... 7734
32 ... 8451
50 ... 8452
66 ... 8034
701 ... 8895

Proposed Rules:
16 ... 9452

29 CFR
97 ... 8034
452 ... 8750
1470 ... 8034
1910 ... 6628, 8322
2619 ... 8454, 9024
2676 ... 8455

30 CFR
57 ... 9615
202 ... 8181
203 ... 8181
206 ... 8181
207 ... 8181
210 ... 8181
241 ... 8181
904 ... 9881
914 ... 9316
917 ... 7735
935 ... 7737
944 ... 9885
946 ... 7180

Proposed Rules:
75 ... 6162, 6512
702 ... 9777
785 ... 9453
823 ... 9453
906 ... 7211
914 ... 8469
916 ... 9669
917 ... 7212
918 ... 8222
934 ... 8933

31 CFR
25 ... 9728
316 ... 9615
342 ... 9615
351 ... 9615
500 ... 7354
535 ... 7355
540 ... 7355
545 ... 7355
550 ... 7355

Proposed Rules:
10 ... 9952
103 ... 7948

32 CFR
40a ... 9317
278 ... 8034
291 ... 9435
295 ... 7353, 8629
518 ... 8901

Proposed Rules:
838 ... 9455

33 CFR
117 ... 6984, 8751, 8848, 9627, 9887
161 ... 7738
334 ... 6942

Proposed Rules:
110 ... 7949, 8773, 8774
117 ... 8850, 9670
165 ... 7949
334 ... 9671

34 CFR
74 ... 8034
80 ... 8034
304 ... 6944
333 ... 6952

Proposed Rules:
300 ... 8390
330 ... 8608
331 ... 8608
350 ... 6958
357 ... 6958
612 ... 7312
653 ... 8397
696 ... 7953
700 ... 9088
706 ... 9408
707 ... 9408
708 ... 9408
779 ... 9246

35 CFR
60 ... 7894

36 CFR
1207 ... 8034
1256 ... 6821

Proposed Rules:
7 ... 7466

37 CFR
203 ... 8456

Proposed Rules:
201 ... 7073

38 CFR
1 ... 9442
2 ... 7183
3 ... 7902
17 ... 7185, 9627
21 ... 7183
43 ... 8034

Proposed Rules:
1 ... 8934, 9848
2 ... 8471
3 ... 8471
14 ... 8471
17 ... 9778
21 ... 9125

39 CFR
111 ... 6985, 9888
946 ... 6986

Proposed Rules:
111 ... 6837, 9334

40 CFR
30 ... 8034
31 ... 8034
33 ... 8034, 9443
35 ... 9736
60 ... 7514, 8182
61 ... 8182
81 ... 8182, 9112
180 ... 7739, 8845, 9024, 9443
228 ... 6987, 8183, 9444
261 ... 6822, 7903
264 ... 7740
265 ... 7740, 9944
266 ... 7516
270 ... 7740
425 ... 9176

Proposed Rules:
Ch. I ... 9753
52 ... 6842, 6845, 9334–9336
81 ... 6845, 7113
86 ... 7676
116 ... 6762
117 ... 6762
122 ... 7642
123 ... 7642
124 ... 7642
180 ... 6671, 7539–7543
300 ... 8223
302 ... 6762, 7073
501 ... 7642
763 ... 8636
795 ... 8638
799 ... 8638

41 CFR
50–201 ... 7741

Proposed Rules:
51–7 ... 8225

42 CFR
57 ... 9114
405 ... 6525, 6629
406 ... 6629
409 ... 6629
410 ... 6629
413 ... 6525, 6629, 9172
416 ... 6629
421 ... 6629
424 ... 6629
441 ... 6525
482 ... 6525
485 ... 6525, 9172
489 ... 6629
498 ... 6525, 6629

Proposed Rules:
405 ... 8654, 9337
412 ... 9337
413 ... 6672, 9337
431 ... 8654
433 ... 8654
434 ... 8654
456 ... 8654
462 ... 8654
466 ... 8654
473 ... 8654
476 ... 8654
489 ... 8654, 9337
1003 ... 9260

43 CFR
4 ... 8752, 10036
11 ... 9769
12 ... 8034
20 ... 8186

Public Land Orders:
6664 ... 7186
6665 ... 7187
6666 ... 7520
6667 ... 9628
6668 ... 9628
6669 ... 9628

Proposed Rules:
3000 ... 9214
3100 ... 9214
3110 ... 9214
3120 ... 9214
3130 ... 9214
3160 ... 9214
3180 ... 9214
3200 ... 9214
3280 ... 9214

44 CFR
13 ... 8034, 9317
64 ... 6148, 6150, 8457
67 ... 7915

Proposed Rules:
67 ... 6676

45 CFR
12 ... 7744
16 ... 7832
74 ... 8034
92 ... 8034
96 ... 6824
402 ... 7832
602 ... 8034
1157 ... 8034
1174 ... 8034
1183 ... 8034
1234 ... 8034
1602 ... 6151, 9726
2015 ... 8034

Proposed Rules:
60 ... 9264

46 CFR
2 ... 7745
31 ... 7745
34 ... 7745
58 ... 7745
71 ... 7745
76 ... 7745
91 ... 7745
95 ... 7745
107 ... 7745
108 ... 7745
109 ... 7745
146 ... 7745
147 ... 7745
167 ... 7745
176 ... 7745
181 ... 7745
189 ... 7745
193 ... 7745
308 ... 8186
550 ... 9629
572 ... 7520
580 ... 9629
586 ... 7361

Proposed Rules:
581 ... 8775
588 ... 7379

47 CFR

0.....6916
2.....8459
22.....8459
25.....8459
64.....7753, 8629, 8630
73.....6828, 7754, 8189, 8190, 8902-8904
80.....8904
87.....8904
90.....9447

Proposed Rules:

2.....8225, 8667
22.....8472
68.....9952
69.....7214, 9459
73.....6163-6165, 6677, 7216-7218, 8225-8228, 8472, 8473, 8667, 8935-8937, 9459
74.....6677, 8667
78.....8667

48 CFR

26.....6219
52.....6219
215.....8906
222.....6155
225.....9118
242.....8906
252.....8906, 9118
501.....7365
525.....9629
532.....7365
552.....7365, 9629
701.....6828
750.....6828
752.....6828
810.....7755
836.....7755, 9630
852.....7755
2401.....7187
2402.....7187

Proposed Rules:

14.....8734
32.....8734
215.....9726
970.....7318

49 CFR

18.....8034
172.....8846
571.....7931, 8190, 8202, 8755, 9944
572.....8755
1001.....6155
1320.....6990

Proposed Rules:

395.....8228
531.....8668
571.....6998, 7074, 8782
572.....8783
1039.....9672
1056.....9460

50 CFR

10.....6649
14.....8765
23.....9631, 9945
216.....8910
285.....8631
301.....7528
380.....8766
611.....7756
652.....8632
653.....7368
655.....6991
672.....6649, 7756, 7938, 9772
675.....7756, 7941

Proposed Rules:

17.....9460, 9672
18.....8473
20.....6853, 7702
21.....9781
91.....6938
228.....8473
301.....8938
380.....8784
402.....8473
661.....8234, 10036
672.....8789

LIST OF PUBLIC LAWS

Last List March 17, 1988

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

S. 557/Pub. L. 100-259

Civil Rights Restoration Act of 1987. (Mar. 22, 1988; 102 Stat. 28; 5 pages) Price: $1.00

S.J. Res. 126/Pub. L. 100-260

To designate March 16, 1988, as "Freedom of Information Day." (Mar. 23, 1988; 102 Stat. 33; 1 page) Price: $1.00

S.J. Res. 252/Pub. L. 100-261

Designating June 5-11, 1988, as "National NHS—NeighborWorks Week." (Mar. 23, 1988; 102 Stat. 34; 2 pages) Price: $1.00

S.J. Res. 265/Pub. L. 100-262

To designate March 20, 1988, as "National Agriculture Day." (Mar. 23, 1988; 102 Stat. 36; 1 page) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, CHOICE, or GPO Deposit Account) 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).

Title	Price	Revision Date
1, 2 (2 Reserved)	$10.00	Jan. 1, 1988
3 (1986 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1987
4	14.00	Jan. 1, 1988
5 Parts:		
1-1199	25.00	Jan. 1, 1987
*700-1199	15.00	Jan. 1, 1988
1200-End, 6 (6 Reserved)	9.50	Jan. 1, 1987
7 Parts:		
0-45	25.00	Jan. 1, 1987
27-45	11.00	Jan. 1, 1988
46-51	16.00	Jan. 1, 1987
*52	23.00	Jan. 1, 1988
53-209	18.00	Jan. 1, 1987
210-299	22.00	Jan. 1, 1987
300-399	10.00	Jan. 1, 1987
400-699	15.00	Jan. 1, 1987
700-899	22.00	Jan. 1, 1987
900-999	26.00	Jan. 1, 1987
1000-1059	15.00	Jan. 1, 1987
1060-1119	12.00	Jan. 1, 1988
1120-1199	11.00	Jan. 1, 1988
1200-1499	18.00	Jan. 1, 1987
1500-1899	9.50	Jan. 1, 1988
1900-1944	25.00	Jan. 1, 1987
1945-End	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 Parts:		
1-199	18.00	Jan. 1, 1987
200-End	16.00	Jan. 1, 1987
10 Parts:		
0-199	29.00	Jan. 1, 1987
200-399	13.00	[2] Jan. 1, 1987
400-499	14.00	Jan. 1, 1987
500-End	24.00	Jan. 1, 1987
11	11.00	July 1, 1987
12 Parts:		
1-199	11.00	Jan. 1, 1988
200-299	27.00	Jan. 1, 1987
300-499	13.00	Jan. 1, 1987
500-End	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 Parts:		
1-59	21.00	Jan. 1, 1987
60-139	19.00	Jan. 1, 1987
140-199	9.50	Jan. 1, 1988
*200-1199	20.00	Jan. 1, 1988
1200-End	11.00	Jan. 1, 1987
15 Parts:		
0-299	10.00	Jan. 1, 1988
300-399	20.00	Jan. 1, 1987
400-End	14.00	Jan. 1, 1988
16 Parts:		
0-149	12.00	Jan. 1, 1987
150-999	13.00	Jan. 1, 1987
1000-End	19.00	Jan. 1, 1987
17 Parts:		
1-199	14.00	Apr. 1, 1987
200-239	14.00	Apr. 1, 1987
240-End	19.00	Apr. 1, 1987
18 Parts:		
1-149	15.00	Apr. 1, 1987
150-279	14.00	Apr. 1, 1987
280-399	13.00	Apr. 1, 1987
400-End	8.50	Apr. 1, 1987
19 Parts:		
1-199	27.00	Apr. 1, 1987
200-End	5.50	Apr. 1, 1987
20 Parts:		
1-399	12.00	Apr. 1, 1987
400-499	23.00	Apr. 1, 1987
500-End	24.00	Apr. 1, 1987
21 Parts:		
1-99	12.00	Apr. 1, 1987
100-169	14.00	Apr. 1, 1987
170-199	16.00	Apr. 1, 1987
200-299	5.50	Apr. 1, 1987
300-499	26.00	Apr. 1, 1987
500-599	21.00	Apr. 1, 1987
600-799	7.00	Apr. 1, 1987
800-1299	13.00	Apr. 1, 1987
1300-End	6.00	Apr. 1, 1987
22 Parts:		
1-299	19.00	Apr. 1, 1987
300-End	13.00	Apr. 1, 1987
23	16.00	Apr. 1, 1987
24 Parts:		
0-199	14.00	Apr. 1, 1987
200-499	26.00	Apr. 1, 1987
500-699	9.00	Apr. 1, 1987
700-1699	18.00	Apr. 1, 1987
1700-End	12.00	Apr. 1, 1987
25	24.00	Apr. 1, 1987
26 Parts:		
§§ 1.0-1.60	12.00	Apr. 1, 1987
§§ 1.61-1.169	22.00	Apr. 1, 1987
§§ 1.170-1.300	17.00	Apr. 1, 1987
§§ 1.301-1.400	14.00	Apr. 1, 1987
§§ 1.401-1.500	21.00	Apr. 1, 1987
§§ 1.501-1.640	15.00	Apr. 1, 1987
§§ 1.641-1.850	17.00	Apr. 1, 1987
§§ 1.851-1.1000	27.00	Apr. 1, 1987
§§ 1.1001-1.1400	16.00	Apr. 1, 1987
§§ 1.1401-End	20.00	Apr. 1, 1987
2-29	20.00	Apr. 1, 1987
30-39	13.00	Apr. 1, 1987
40-49	12.00	Apr. 1, 1987
50-299	14.00	Apr. 1, 1987
300-499	15.00	Apr. 1, 1987
500-599	8.00	[3] Apr. 1, 1980
600-End	6.00	Apr. 1, 1987
27 Parts:		
1-199	21.00	Apr. 1, 1987
200-End	13.00	Apr. 1, 1987
28	23.00	July 1, 1987
29 Parts:		
0-99	16.00	July 1, 1987
100-499	7.00	July 1, 1987
500-899	24.00	July 1, 1987
900-1899	10.00	July 1, 1987

Title	Price	Revision Date
1900–1910	28.00	July 1, 1987
1911–1925	6.50	July 1, 1987
1926	10.00	July 1, 1987
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	20.00	July 1, 1987
200–699	8.50	July 1, 1987
700–End	18.00	July 1, 1987
31 Parts:		
0–199	12.00	July 1, 1987
200–End	16.00	July 1, 1987
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	20.00	July 1, 1987
190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1987
630–699	13.00	[5] July 1, 1986
700–799	15.00	July 1, 1987
800–End	16.00	July 1, 1987
33 Parts:		
1–199	27.00	July 1, 1987
200–End	19.00	July 1, 1987
34 Parts:		
1–299	20.00	July 1, 1987
300–399	11.00	July 1, 1987
400–End	23.00	July 1, 1987
35	9.00	July 1, 1987
36 Parts:		
1–199	12.00	July 1, 1987
200–End	19.00	July 1, 1987
37	13.00	July 1, 1987
38 Parts:		
0–17	21.00	July 1, 1987
18–End	16.00	July 1, 1987
39	13.00	July 1, 1987
40 Parts:		
1–51	21.00	July 1, 1987
52	26.00	July 1, 1987
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1987
81–99	25.00	July 1, 1987
100–149	23.00	July 1, 1987
150–189	18.00	July 1, 1987
190–399	29.00	July 1, 1987
400–424	22.00	July 1, 1987
425–699	21.00	July 1, 1987
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[6] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[6] July 1, 1984
3–6	14.00	[6] July 1, 1984
7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
10–17	9.50	[6] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[6] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[6] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[6] July 1, 1984
19–100	13.00	[6] July 1, 1984
1–100	10.00	July 1, 1987
101	23.00	July 1, 1987
102–200	11.00	July 1, 1987
201–End	8.50	July 1, 1987
42 Parts:		
1–60	15.00	Oct. 1, 1987
61–399	5.50	Oct. 1, 1987
400–429	21.00	Oct. 1, 1987
430–End	14.00	Oct. 1, 1987
43 Parts:		
1–999	15.00	Oct. 1, 1987
1000–3999	24.00	Oct. 1, 1987
4000–End	11.00	Oct. 1, 1987
44	18.00	Oct. 1, 1987
45 Parts:		
1–199	14.00	Oct. 1, 1987
200–499	9.00	Oct. 1, 1987
500–1199	18.00	Oct. 1, 1987
1200–End	14.00	Oct. 1, 1987
46 Parts:		
1–40	13.00	Oct. 1, 1987
41–69	13.00	Oct. 1, 1987
70–89	7.00	Oct. 1, 1987
90–139	12.00	Oct. 1, 1987
140–155	12.00	Oct. 1, 1987
156–165	14.00	Oct. 1, 1987
166–199	13.00	Oct. 1, 1987
200–499	19.00	Oct. 1, 1987
500–End	10.00	Oct. 1, 1987
47 Parts:		
0–19	17.00	Oct. 1, 1987
20–39	21.00	Oct. 1, 1987
40–69	10.00	Oct. 1, 1987
70–79	17.00	Oct. 1, 1987
80–End	20.00	Oct. 1, 1987
48 Chapters:		
1 (Parts 1–51)	26.00	Oct. 1, 1987
1 (Parts 52–99)	16.00	Oct. 1, 1987
2 (Parts 201–251)	17.00	Oct. 1, 1987
2 (Parts 252–299)	15.00	Oct. 1, 1987
3–6	17.00	Oct. 1, 1987
7–14	24.00	Oct. 1, 1987
15–End	23.00	Oct. 1, 1987
49 Parts:		
1–99	10.00	Oct. 1, 1987
100–177	25.00	Oct. 1, 1987
178–199	19.00	Oct. 1, 1987
200–399	17.00	Oct. 1, 1987
400–999	22.00	Oct. 1, 1987
1000–1199	17.00	Oct. 1, 1987
1200–End	18.00	Oct. 1, 1987
50 Parts:		
1–199	16.00	Oct. 1, 1987
200–599	12.00	Oct. 1, 1987
600–End	14.00	Oct. 1, 1987
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1988 CFR set	595.00	1988
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1987
Subscription (mailed as issued)	185.00	1988
Individual copies	3.75	1988

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1987. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1987. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.